



NEOLA of MICHIGAN
INTERMEDIATE SCHOOL DISTRICTS
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OVERVIEW AND COMMENTS

All production related materials and questions should be directed to the Coshocton Office at 632 Main Street, Coshocton, Ohio 43812 (phone 800-407-5815, fax 740-622-2557). Billing questions should be directed to the Stow Office at 3914 Clock Pointe Trail, Suite 103, Stow, Ohio 44224 (phone 330-926-0514, fax 330-926-0525).

Please do not retype Neola materials before returning them for processing. We prefer to have the original materials returned after you have marked them indicating which changes and additions you choose to have/not have for your District.

If a District chooses not to adopt a policy or administrative guideline, the District is still obligated to follow applicable Federal and State laws relating to that topic.

The proposed new, revised, and replacement policies, administrative guidelines and forms included in this update have been thoughtfully prepared and reviewed by Neola's legal counsel for statutory compliance. If you make changes, or substitute in its entirety policies or other materials of your own drafting, those materials should be reviewed by your legal counsel to verify compliance. Neola does not review district-specific edits to update materials or District-specific policies for statutory compliance.

If a policy or guideline is marked as a revision, the changes have been marked in bold (to add material) and crossed out (to delete material). As you review a revised policy or guideline, you may choose to accept one, many or all of the changes provided. If a policy or guideline is marked as a replacement, that means there have been enough changes made that justify a complete, clean replacement copy. As you review a replacement policy or guideline, you should also check the materials you have in your current policy or guideline to see if there is some specific wording you want included in the replacement policy. If so, any wording from the current policy should be added using "Track Changes" or the editing tools in the Board Docs platform in the replacement policy or guideline before returning it electronically to the Coshocton office for processing.



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If the District authors language and adds it to a policy template or deletes content that is not marked as a choice in the policy template, then these actions will constitute District-specific edits.

Policies that are to be deleted from the policy manual require Board action to rescind the policy.

Your Neola Associate will contact you in the near future to schedule an appointment to review this update and ensure you are current on this and previous updates.

If you are not an administrative guidelines client, you did not receive those materials in this packet. Contact your Associate for more information about becoming an administrative guidelines client.

Processing Update Materials

If you will be making changes to these Update documents electronically, use Microsoft Word's "Track Changes" or the editing tools in the BoardDocs platform to mark the Neola materials indicating which of the proposed revisions and additions you choose to include or not include for your District, or to make additional edits, before returning them electronically for processing. Be sure to leave the "track changes" and marked up version as the one you submit to the production office in Coshocton, Ohio.

District-Specific Material

If the District chooses, during any step of the Update process, to incorporate District-specific material into a new policy or guideline that has been proposed or to insert District-specific material into a current policy or guideline for which revisions have been proposed in an update issued by Neola, then the District agrees to hold Neola harmless for those District-specific edits and acknowledges that Neola's warranty for legal challenges to that District-specific language in that policy or guideline will not be in effect. In addition, Neola retains ownership of the text from the original policy template that remains in a policy to which District-specific material has been added. District-specific materials include the following:

- A. Materials from the District's existing materials that the District requests be incorporated during the drafting process;
- B. New materials that the District develops in their entirety and exclusive of Neola; and
- C. Revisions or deletions that substantively depart from Neola's templates.



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Further, Neola does not recommend the use or incorporation of District-specific materials. Neola will, at the request of the District, incorporate District-specific materials into the licensed materials, with the implicit understanding that the District bears all risks associated with the District's decision to request that such District-specific materials be incorporated. Neola reserves the right to, but is not obligated to, advise the District to seek its own legal review of District-specific materials.

Notice Regarding Legal Accuracy

Neola is vigilant in providing policy language to clients that has been vetted for legal accuracy by Michigan legal counsel. Should any question arise as to the legal compliance or accuracy of Neola materials, it is our expectation that Neola's counsel will have the opportunity to assist in the resolution of such a claim. Please notify the Neola corporate office if an issue arises in which such a review or assistance is necessary.

Policies in this update have been reviewed by Varnum, LLP (Grand Rapids, MI) for consistency with Federal and State law.

Legal Alert

Included with this update are legal alerts printed on green paper. These legal alerts include:

- A. Recent Legislative Changes
- B. FAQs Posted by the Family Policy Compliance Office (FPCO)
- C. Michigan Supreme Court Upholds Schools' Ability to Ban Firearms



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BYLAWS AND POLICIES

Bylaw 0100 – Definitions (Revised)

Several definitions have been added and/or modified to provide greater clarity of meaning.

Bylaw 0122 – Board Powers (Revised)

This bylaw has been revised to specifically reference prohibited subjects of bargaining found in the Public Employment Relations Act.

Bylaw 0131.1 – Bylaws and Policies (Revised)

Language has been added to this bylaw adding the expectation that Board members are covered by the Board's policies.

These revisions are recommended but not required.

Bylaw 0143.1 – Public Expression of Board Members (Revised)

This revision clarifies language regarding public comments and statements by board members.

Bylaw 0165.6 – Cancellation (NEW)

Bylaw 0166 – Agenda (Revised)

Bylaw 0167.1 – Voting (Revised)

Bylaw 0167.2 – Closed Session (Revised)

These bylaw revisions are offered to provide specific statutory language to clarify procedures utilized in planning and conducting meetings of the board.



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Bylaw 0167.3 – Public Participation at Board Meetings (Revised)

This Bylaw has been revised to reflect current case law on public participation and a drafting note has been provided for one of the options to explain how the option operates in practice. An addition was made to the presiding officer's rights to run the meeting without disruption.

This revision is recommended for adoption.

Bylaw 0167.6 – Use of Social Media (NEW)

This new bylaw provides definition for social media and prohibits its use to conduct Board business.

These bylaw revisions are based on questions and issues raised by Michigan client school districts. The suggestions have been drafted and vetted for compliance by Neola's legal counsel and by MASB's legal counsel.

These revisions are recommended for consideration and adoption.

Policy 1422/3122/4122 – Nondiscrimination and Equal Employment Opportunity (Revised)

Policy 1662/3362/4362 - Anti-Harassment (Revised)

Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity (Revised)

Policy 5517 - Anti-Harassment (Revised)

Policy 5517.02 - Sexual Violence (Revised)

Revisions to these policies include a section addressing the District's responsibility to maintain investigatory records acquired or created during processes of investigation and review of complaints and/or allegations of discrimination or harassment. Such records have routinely been required by the U.S. Department of Education's Office for Civil Rights (OCR) during their review of such cases.

These revisions are strongly recommended for adoption.



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Policy 2112 - Parent and Family Engagement (Revised)

Policy 2261 - Title I Services (Revised)

Policy 2261.01 - Parent and Family Member Participation in Title I Programs (Replacement)

Policy 2261.03 - District and School Report Card (Local Only) (New)

Revisions to these policies reflect requirements of the Every Student Succeeds Act (ESSA) amendments to the Elementary and Secondary Education Act and components of the State's plan for implementing these provisions. Revisions include definitions and focus on parent and family engagement (including MDE's definition of family engagement and family engagement principles), attention to "supplement v supplant" requirements, and data collection and reporting requirements.

These revisions are strongly recommended for adoption.

Policy 3120 - Employment of Professional Staff (Revised)

Policy 3120.04 - Employment of Substitutes (Revised)

Policy 3130 - Assignment and Transfer (Revised)

Revisions to these policies are based on P.A. 233-2018 revisions to MCL 380.1233b, permitting the Superintendent to employ non-certificated instructors and/or substitutes who meet specific qualifications in certain industrial technology or career and technical education programs. These provisions are effective on September 25, 2018.

These policies reflect the current state of the law and should be adopted to maintain accurate policies.

Policy 4162 - Controlled Substance and Alcohol Policy for Commercial Motor Vehicle (CMV) Drivers and Other Employees Who Perform Safety Sensitive Functions (Revised)

This policy has been revised to reflect the latest rule changes by the U.S. Department of Transportation (DOT). These revisions have been cited in recent DOT audits of districts in several regions.

This revision reflects the current state of Federal regulations and should be adopted to maintain accurate policies.



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Policy 5330 – Use of Medications (Revised)

A legislative change in HB 5379 modifies MCL 380.1179 which allows student to possess and self-apply sunscreen. Policy 5530 has been updated to include the change. Districts need not regulate nonprescription sunscreen as a medication, and may not prevent students from possessing and applying it at school or school-sponsored events upon written authorization of the parent/guardian. Administrative Guideline 5330 also has been updated to reflect the change.

This revised policy reflects the current state of the law and should be adopted to maintain accurate policies.

Policy 5460 – Graduation Requirements (Local Only) (Revised)

Revisions to this policy are a result of statutory changes. HB 4106 requires credit be awarded for successful completion of approved internships and work experiences. SB 344 provides the option of granting a STEM endorsement for qualifying students.

These revisions reflect the current state of the law and should be adopted to maintain accurate policies.

Policy 5540 – Interrogation of Students (Revised)

This revision clarifies procedures for law enforcement/Children's Protective Services (CPS) interrogation of students, while maintaining "in loco parentis" responsibilities.

This revision is recommended for adoption.



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Policy 5610 – Emergency Removal, Suspension, and Expulsion of Students (Replacement)

Policy 5610.01 – Expulsions/Suspensions - Required by Statute (Rescind)

Policy 5611 - Due Process Rights (Revised)

Revisions to this policy are a result of HB 5531 (P.A. 145-2018) regarding additional statutory bases for suspension or expulsion of a student from school. All factors listed must be considered before discipline (suspension or expulsion) is imposed under the new language. The content from Policy 5610.01 has been included in Policy 5610 so Policy 5610.01 should be rescinded. Policy 5611 has been revised to delete references to Policy 5610.01 (incorporated into Policy 5610).

These revised policies reflect the current state of the law and should be adopted to maintain accurate policies.

Policy 5630.01 – Student Seclusion and Restraint (Revised)

Revisions to this policy are based on the provisions of P.A. 260-2018 which added the definition of “Law Enforcement Personnel” and added to the definition of “School Personnel”.

These revisions reflect the current state of the law and should be adopted to maintain accurate policies.

Policy 6325 - Procurement – Federal Grants/Funds (Revised)

These revisions are in response to the issuance of Memorandum M-18-18 by the U.S. Office of Management and Budget raising the financial thresholds in several categories of procurement utilizing Federal funds. Be sure that established thresholds are consistent with those established in Policy 6320 and State law.

This revised policy is strongly recommended for adoption.

Policy 6350 – Prevailing Wage Coordinator (Rescind)

This policy should be rescinded since the Michigan Legislature approved the legislative initiative as petitioned by the Protect Michigan Taxpayers group thus repealing Michigan’s prevailing wage.



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Policy 8210 – School Calendar (Revised)

This revision includes required hours of student instruction and days of instruction in accordance with MCL 388.1701 and deletes phase-in language which is no longer needed.

This revision reflects the current state of the law and should be adopted to maintain accurate policies.

ADMINISTRATIVE GUIDELINES

AG 2271 - Postsecondary (Dual) Enrollment Option Program (Local Only) (Revised)

See note on Policy 2271.

AG 3120A – Selection of Professional Personnel (Revised)

See note on Policy 3120.

AG 5330 – Use of Medications (Revised)

See note on Policy 5330.

AG 5460 – Graduation Requirements (Local Only) (Revised)

See note on Policy 5460.

AG 5460.01 – Graduation Requirements Career and Technical Education (CTE) (Local Only) (Revised)

SB 343 requires that districts provide specific information published by the Department of Technology, Management and Budget.

AG 5540A – Relationship with Governmental Agencies (Revised)

See note on Policy 5540.

AG 5540B – Student Disorder (Renumbered) (Renumbered to 5520)

This AG is to be renumbered (with no revision) as AG 5520.



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**AG 5610 - Emergency Removal, Suspension, and Expulsion of Students
(Replacement)**

See note on Policy 5610.

FORMS

**Form 5330 F1a - Authorization for Nonprescribed Medication and Treatment
(Secondary) (Revised)**

**Form 5330 F1b - Authorization for Nonprescribed Medication and Treatment
(Elementary) (Revised)**

See note on Policy 5330.

COMMENTS

Electronic Access to Management Documents

If you are interested in finding out more about Neola's system for producing the District's policies, guidelines, and forms as well as other documents such as handbooks and negotiated agreements on the Internet, ask your Neola representative for a demonstration in your office. All that is required is that you have a computer and access to the Internet.

Reviewing Board Minutes

A feature of your subscription to the Update Service is the review of your District's Board minutes to identify action that results in new policy or revision to existing policy. If such action has been taken and copies of the related materials have not been submitted to the Coshocton Office, the District will be contacted and additional information regarding the action will be requested. Please take advantage of this valuable service by sending copies of your Board minutes to the Coshocton Office for review.