



CHELSEA
SCHOOL DISTRICT

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| Book | Policy Manual |
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POLICY UPDATE SERVICE
PROVIDED BY NEOLA, INC.

Local Policy Update

VOLUME 36 NUMBER 1

SEPTEMBER 2021

MASB Policy Services Provided by Neola

Effective policies are at the core of successful school district governance. Maintaining policies that reflect both local oversight and ever-changing state and federal laws is an enormous task. School board members can rely on the MASB-Neola Partnership to keep their policy manuals up-to-date. Under this partnership, Neola provides comprehensive policy services for MASB members on behalf of MASB. Working together, MASB and Neola produce uniform school policies and guidelines to better serve all Michigan school districts.

Policy Development and Updating

Neola, with assistance from MASB if and when needed, will work with the board, administrators and committee(s) to develop a comprehensive policy manual that suits your district's needs. Each manual is based on templates that have been thoughtfully prepared, then vetted by Neola's outside counsel and MASB's legal counsel. These templates are customized to the district's unique circumstances through choices made by the board and administrative team. The bylaws, policies and administrative rules/regulations are a unique collection assembled by educators and attorneys. The end result will be a policy manual that's in line with law and court decisions containing legal citations, footnoted reference material, and will be searchable by keyword or phrase.

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 an administrative guideline, the District is still obligated to follow applicable Federal and State laws relating to that section.

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 BoardDocs platform in the replacement policy or guideline before returning it electronically to the Coshocton office for processing.

If the District alters 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.

As the Update "season" gets underway, Neola offers some suggestions for accessing the comprehensive policy services through your Neola Associate. While "in-person" consultation sessions are the preferred method for Neola Update "visits", the means by which you and your Neola associate accomplish this review should be mutually determined based on availability and level of comfort with the consultation process. Overall, health and safety are the primary concerns. Your Neola associate will be in contact with you soon to discuss these options with you and to schedule an appointment to review this update and ensure you are current on this and previous updates. Please consider the following options:

1. Schedule an appointment date/time to review the update materials during an in-person conference,
2. Schedule/reschedule update or drafting visits for a later time,
3. Schedule an appointment date/time to review the update materials via virtual meeting, such as Google Meeting or other electronic options, or
4. Schedule an appointment date/time to review the update materials in a telephone conference.

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 "Track Changes" or editing tool 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.

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 outside legal counsel. Should questions arise as to the legal compliance or accuracy of Neola materials, it is our expectation that Neola's counsel would 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.

Emergency Resolutions 2020-2021

In April 2020 Neola provided sample resolutions to allow Boards to delegate powers and discretion to Superintendents to comply with existing Executive Orders and state and local health and safety mandates related to COVID 19. Currently there are no Executive Orders relating to COVID 19 in effect and health issues are generally being handled on a local level. For that reason the prior sample resolutions are not appropriate to address any district specific local issues, existing or prospective, and Neola recommends that districts do not reutilize the sample resolutions provided for 2020-2021 for the 2021-2022 school year.

LEGAL ALERTS

Included with this update are several legal alerts and other resource materials. These include:

- 3 - Legal Alert: Diversity, Equity, and Inclusion in Public Schools
- 4 - Legal Alert: Update on Title IX Implementation and Enforcement Under the Biden Administration
- 5 - Legal Alert: [Federal court vacates Title IX provision that prohibits a decision-maker from relying on statements that are not subject to cross-examination during a hearing](#)
- 6 - Legal Alert Regarding School Goals Requirements
- 7 - Legal Alert: U.S. Supreme Court Addresses Student Off-Campus Speech
- 8 - Legal Alert: Sixth Circuit Addresses Public Participation at Board Meetings

Bylaw 0100 - Definitions (Revised)

The definition of "Voting" has been revised to reflect the change in statute regarding allowable exceptions to "in person" voting at meetings of the Board. After December 31, 2021 only the military duty exception remains. The Board chair should only approve a request that complies with the law.

This revision should be adopted to maintain accurate policies.

Bylaw 0167.3 - Public Participation at Board Meetings (Revised)

Revisions to this bylaw are in line with the recent decision of the U.S. District Court for the 6th Circuit. Some of the optional language has been deleted, so as to remove the authority of the presiding officer at board meetings where public participation is permitted to regulate speakers on the basis of comments that are "abusive," "frivolous," and/or "harassing." These measures are intended to prevent districts from engaging in viewpoint discrimination for remarks that are oppositional in nature, perceived as hostile to the direction of the board and/or merely offensive. In addition, options (which were deemed acceptable regulations by the Court) have been added for preregistration, including prohibiting individuals from signing up to speak for others. Finally, there are options for districts who livestream meetings to determine whether or not they will facilitate public participation remotely.

These revisions and options should be considered for adoption.

Policy 3120 - Employment of Professional Staff (Revised)

This policy has been revised to reflect recent changes in certification/licensure statutes and regulations. Outdated "highly qualified" language has been deleted.

Revisions to this policy should be adopted in order to maintain accurate policies.

Policy 5722 - School-Sponsored Publications and Productions (Replacement)

This replacement policy is proposed because of the wide variety of school-sponsored student media that are present in schools today and due to the many technological advances that have occurred.

The policy, as before, provides several options available to the Board regarding the type of forum that will be provided and what level of review and regulation will occur. The language in the policy has been modified to encompass the newer online electronic forms of school-sponsored student media. The policy provides four options to consider for the classification and regulation of such publications and production.

A toolkit has been provided to assist district staff in their review of the replacement policy and revisions to the administrative guideline.

The recommendations made in this policy should be carefully considered when addressing the evolving student media environment and language should be adopted that best fits the district's needs.

Policy 6114 - Cost Principles - Spending Federal Funds (Revised)

This policy has been revised to provide greater detail in allowability guidance for districts regarding expenditure of federal funds. There has been a significant increase in funding through for school districts through the third pandemic stimulus bill dubbed the American Rescue Plan, providing \$122 billion in Elementary and Secondary School Emergency Relief (or ESSER III) funds. While the policy has accurately referenced definitions and restrictions cited in various sections of 2 C.F.R. 200, greater specificity has been requested by program reviewers and auditors.

Revisions to this policy should be adopted in order to maintain accurate policies.

Policy 6152 - Student Fees, Fines, and Supplies

This policy has been revised to provide the authorization to allow for online payment of fees, fines, and charges.

This revision is recommended for adoption if online payment is allowed.

Policy 7450 - Property Inventory (Revised)

A drafting note has been added to this policy noting the federal threshold of \$5,000 for differentiating between supplies/materials and a capital expenditure for equipment purchase. See the note on Policy 6114 - Cost Principles - Spending Federal Funds.

This policy may need to be revised if the district's current policy uses an equipment/inventory threshold higher than \$5,000.

Policy 8310 - Public Records (Revised)

Policy 8320 Personnel Files (Revised)

These policies have been revised to comply with the obligation not to disclose the address of a student or an employee who provides the District with notice that they have received a participation card issued by the attorney general under the address confidentiality program act.

These revisions should be adopted in order to remain compliant with Michigan law.

Policy 8330 - Student Records (Revised)

This policy has been revised to reflect the change in federal rule (2021 Solomon Amendment: Subtitle C—General Service Authorities and Correction of Military Records SEC. 521). If the district issues student email addresses, it must release such email addresses to military recruiters as part of directory information, as requested, unless prohibited by student or parent request in writing.

This revision should be adopted in order to maintain accurate policies.

ADMINISTRATIVE GUIDELINES

AG 1630.01/3430.01/4430.01 - FMLA Leave (Revised)

These AGs have been revised to include additional language from the federal regulation regarding optional benefit coverages during periods of unpaid leave, costs associated with medical certification, and periodic status reports. While there has been no change in the Family Medical Leave Act (FMLA), the U.S. Department of Labor (DOL) has issued new forms for use in administering the Act. Those forms can be accessed at: [FMLA: Forms | U.S. Department of Labor \(dol.gov\)](#).

AG 3131 - Staff Reductions/Recalls (NEW)

This new guideline provides details, procedures, and definitions related to the Teachers' Tenure Act, specifically regarding staff reduction and recall.

AG 5460 - Graduation Requirements (Revised)

The guideline was revised to delete phase-in language and to include graduation requirement options.

AG 5722 – School-Sponsored Publications and Productions (Revised)

See note on Policy 5722.

AG 6423 - Use of Credit/Debit Cards (Revised)

AG 6424 - Purchasing Cards (NEW)

AG 7450 - Inventory Procedure (Revised)

See note on Policy 7450 and Policy 6114.

AG 8310A - Public Records (Revised)

AG 8310D - Transmission of Records and Other Communications (Revised)

AG 8320- Personnel Records (Revised)

See note on Policy 8310/8320.

AG 8330 - Student Records (Revised)

See note on Policy 8330.

AG 8330 - Student Records (Revised)

See note on Policy 8330.

COMMENTS

Reviewing Board Minutes

A feature of your subscription to the Update Service is the review of your District's Board minutes to identify actions that result 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.