



# East Lansing Board of Education

509 Burcham Drive, East Lansing, MI 48823

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Regular Meeting  
October 23, 2023 - 7:00 PM  
Board Room  
509 Burcham Drive  
East Lansing, Michigan 48823



## Agenda

### **I. Opening of Meeting**

A. *Call to Order*

B. *Roll Call*

C. *Mission Statement: Nurturing Each Child, Educating All Students, Building World Citizens*

D. **Oath of Office**

1. Estrella Torrez

E. *Approval of Agenda*

*Motion: The Board of Education approves the agenda of the October 23, 2023, regular meeting, as presented.*

F. **Approval of Minutes**

**Motion: The Board of Education approves the October 9, 2023, regular meeting and October 9, 2023, closed session minutes.**

1. October 9, 2023, regular meeting

2. October 9, 2023, closed session minutes

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### **II. Recognition**

### **III. Student Representative Report**

### **IV. Superintendent's Report**

V. **Public Comment:** This is the opportunity to address the Board. Speakers are to confine their remarks to five minutes. If a speaker requires more than five minutes, after all other persons who have requested to speak during this part of the meeting have spoken, that speaker will be allowed additional time. The Superintendent or other district staff may comment to clear up or avoid significant misunderstandings.

### **VI. Presentation**

A. ELHS 2023 Goals and Updates, Ashley Schwarzbek, East Lansing High School Principal

### **VII. Action Items**

**A. Revised Policies** **12**

*Motion: The Board of Education approves the revisions to the following Board Policies, as presented.*

- *Policy 2303 - Violation of Board Code of Ethics*
- *Policy 2306 - Board Member Compensation*
- *Policy 2405 - Board Officers*
- *Policy 2501 - Meetings*
- *Policy 2501A - Electronic Board of Education Meetings*
- *Policy 2506 - Organizational Meetings*
- *Policy 3118 - Title IX Sexual Harassment*
- *Policy 3301A - Purchasing and Procurement with Federal Funds*
- *Policy 3303 - Gifts and Donations*
- *Policy 3308 - Distribution of Printed Material and Advertising in School*
- *Policy 3405 - Bloodborne Pathogens*
- *Policy 3407 - Asbestos Management*
- *Policy 3408 - Firearms and Weapons*
- *Policy 4101 - Non-Discrimination*
- *Policy 4103 - Whistleblowers' Protection*
- *Policy 4104 - Employment Complaint Procedure*
- *Policy 4105 - Workplace Accommodations for Employees and Applicants Under State and Federal Law*
- *Policy 4220 - Use or Disposal of District Property*
- *Policy 4404 - Performance Based Compensation for Teachers*
- *Policy 4504 - Performance Based Compensation (Administrators/Supervisors)*
- *Policy 5205B - Student Discipline - Students with Disabilities*
- *Policy 5411 - Student Promotion, Retention, and Placement*
- *Policy 5419 - Reading Assessments, Instruction, Intervention, and Retention*
- *Policy 5707 - School Wellness Policy*

**B. 2024 Summer Tax Levy Resolution** **79**

*Motion: The Board of Education adopt the resolution, as presented, to impose a 100% summer tax levy to collect all school property taxes.*

**C. 2023-24 Tuition Rates** **81**

*Motion: The Board of Education approve the 2023-24 tuition rates as presented.*

**D. Safety, Security and Accessibility Bond for Secondary Buildings** **83**

*Motion: The Board of Education approve the exploration of a Safety, Security and Accessibility Bond Proposal for improvements at East Lansing High School and MacDonald Middle School.*

VIII. **Committee Reports**

- A. Academic and Technology Committee
- B. Facilities Committee
- C. Finance Committee
- D. Intergovernmental Relations
- E. Personnel Committee
- F. Policy Committee

IX. **Announcements**

X. **Adjournment**

*Respectfully Submitted,*

*Dori Leyko  
Superintendent*

East Lansing Public Schools  
Regular Meeting  
Monday, October 9, 2023, 7:00 PM Eastern

Board Room  
509 Burcham Drive  
East Lansing, Michigan 48823

## I. Opening of Meeting

### I.A. Call to Order

Board President Terah Chambers called the meeting to order at 7:01 p.m.

### I.B. Roll Call

Dr. Terah Chambers:	Present
Dr. Kath Edsall:	Present
Ms. Tali Faris-Hylen:	Present
Mr. Gary Holbrook:	Present
Dr. Elizabeth Lyons:	Present
Mr. Chris Martin:	Present
Ms. Dori Leyko, Superintendent	Present

#### **Student Representatives**

Jennifer Rairigh	Absent
Holyn Walsh	Absent

Present: 7. Absent: 2.

### I.C. Mission Statement: *Nurturing Each Child, Educating All Students, Building World Citizens*

Ms. Tali Faris-Hylen read the mission statement.

### I.D. Approval of Agenda

Motion 23-24/030: *The Board of Education approves the October 9, 2023, regular meeting agenda, as presented.*

This motion, made by Dr. Elizabeth Lyons and seconded by Mr. Chris Martin.

A friendly amendment to the agenda was made by Dr. Kath Edsall to add Board Discussion after Public Comment and renumber the agenda accordingly.

Motion: 23-24/031: *The Board of Education amends the agenda to add Board Discussion as Item VIII after Public Comment and renumber the agenda accordingly.*

This motion, made by Dr. Kath Edsall and seconded by Mr. Chris Martin, Passed.

Dr. Terah Chambers: Aye, Dr. Kath Edsall: Aye, Ms. Tali Faris-Hylen: Aye, Mr. Gary Holbrook: Aye, Dr. Elizabeth Lyons: Aye, Mr. Chris Martin: Aye

Aye: 6, Nay: 0

**I.E. Approval of Minutes**

*Motion 23-24/032: The Board of Education approves the minutes of the September 11, 2023, regular meeting and September 29, 2023, special meeting, as presented.*

I.E.1. September 11, 2023 regular meeting

I.E.2. September 29, 2023 special meeting

This motion, made by Dr. Elizabeth Lyons and seconded by Dr. Kath Edsall, Passed.

Dr. Terah Chambers: Aye, Dr. Kath Edsall: Aye, Ms. Tali Faris-Hylen: Aye, Mr. Gary Holbrook: Aye, Dr. Elizabeth Lyons: Aye, Mr. Chris Martin: Aye

Aye: 6, Nay: 0

**II. Recognition**

- Red Cedar earned the MTSS Data Utilization award for collecting and using MTSS data during the 2022-2023 school year.
- Congratulations to the elementary schools for very successful Fun Runs. Recognition to all of the staff and community volunteers for their hard work.

**III. Student Representative Report**

No report.

**IV. [Superintendent's Report](#)****No Classes this Friday, October 13 for Staff Professional Learning**

This Friday is the first of five Professional Learning Fridays for staff and no school for students. Please mark your calendars for the following days of no classes:

- Friday, October 13
- Friday, November 10
- Friday, February 16
- Friday, March 8
- Friday, April 26

**October is National Principals Month**

October marks the celebration of a special group of leaders in our community – our school principals! Please help recognize these dedicated individuals who play a pivotal role in shaping the future of our students. Our principals work tirelessly to cultivate an environment where all students and staff can grow and thrive. We thank you for your service to ELPS.

**Flu Shot & COVID Booster Clinic Held for ELPS Staff**

In partnership with Rite Aid Pharmacy, ELPS held a flu shot and COVID booster shot clinic last Tuesday, October 3. We had over 80 staff members receive one or both of the vaccines.

### City of EL Youth Commission

The East Lansing City Council recently passed Ordinance 1524 to create the Youth Commission, a governing body that will be made up of East Lansing teens who have an interest in shaping the future of the City.

The Youth Commission is now seeking applications from among the residents and students of East Lansing who are between the ages of 14 and 18 to serve on the new commission. The Youth Commission will consist of nine voting members, each of whom will serve a one-year term. The new commission, once established, will meet monthly.

To apply for a seat on the new commission, local teens must either be a resident of the City of East Lansing or attend an East Lansing school, be between the ages of 14 and 18 years old and have the consent of their parent(s) or guardians. Visit [www.cityofeastlansing.com/youthcommission](http://www.cityofeastlansing.com/youthcommission) to access the application.

### Next Board of Education Meeting is October 23, 2023

The next meeting of the Board of Education is Monday, October 23, 2023.

### V. Consent Agenda

Motion 23-24/033: The Board of Education approves the Consent Agenda to include the following items:

#### V.A. New Hire

V.A.1. Hiring of **Emma Ayers-Lewis** as a conditional hire pending obtainment of certification - 1.0 FTE Guidance Counselor at MacDonald Middle School at BA Step 3 effective October 10, 2023.

This motion, made by Mr. Gary Holbrook and seconded by Dr. Kath Edsall, Passed.

Dr. Terah Chambers: Aye, Dr. Kath Edsall: Aye, Ms. Tali Faris-Hylen: Aye, Mr. Gary Holbrook: Aye, Dr. Elizabeth Lyons: Aye, Mr. Chris Martin: Aye

Aye: 6, Nay: 0

### VI. Presentations

VI.A. GLP Financial Group Presentation of \$5,000 District Scholarship - Alex Kocoves, CEO & Chairman of GLP, Nicole Liboy, Marketing Coordinator, and Charlie Otlewski, Registered Representative



Discussion followed.

VI.B. Audited Financial Statements for Year Ended June 30, 2023 - Brad Pung, Maner Costerisan

Discussion followed.

VI.C. [ELPS 2023-24 Professional Learning Program](#) - Assistant Superintendent Glenn Mitcham and Director of Student Support Services Nick Hamilton

Discussion followed.

**VII. Public Comment:** This is the opportunity to address the Board. Speakers are to confine their remarks to five minutes. If a speaker requires more than five minutes, after all other persons who have requested to speak during this part of the meeting have spoken, that speaker will be allowed additional time. The Superintendent or other district staff may comment to clear up or avoid significant misunderstandings.

- Brad Lutz - Equity
- Mark Pontoni - Union Update
- Brandi Branson/ELPAT - School Dashboard
- Brandi Branson - District Presentation - PD Learning - Equity lens
- Brandi Branson - Mr. Petrowitz

Ms. Leyko clarified information regarding handicapped doors; we are well aware of the ADA door not working properly. The company was here all day on Friday working on it. An audit was done and Billy Hastings is working on getting the doors accessible.

#### **VIII. Board Discussion**

No Board Discussion

#### **IX. Board Vacancy Interviews**

IX.A. Robert I. Cukier

IX.B. Rebecca Dean

IX.C. Scott D. Farver

IX.D. Michael R. Feldpausch

IX.E. Tiffany Matthews

IX.F. J. Estrella Torrez

Discussion followed.

Ms. Tali Faris-Hylen- Hylen - very refreshing round of interviews and saw everyone's authentic self-tonight. Very moving. Thank you for coming out.

Dr. Kath Edsall – The candidate pool was phenomenal and it is going to be very hard. Thank

you to everyone who came out. Please consider running if you are not selected. This will be a hard decision.

Dr. Terah Chambers – This is a very hard part of being on the school board. The community is supposed to elect the school board. This was an excellent selection of candidates tonight.

The Board took a five-minute recess at 9:33 p.m. The Board reconvened at 9:41 p.m.

Dr. Kath Edsall – two candidates are Ms. Matthews and Dr. Torres – amazing strength in both candidates.

Mr. Gary Holbrook – Dr. Torres and Ms. Matthews top two candidates. Ms. Matthews represents a variety of different experiences: Schools of Choice, Graduation Alliance, and a high school student. Dr. Torres similar experience although outward-facing.

Mr. Chris Martin – Dr. Cukier is a very intelligent, thoughtful person. Dr. Dean brings so much useful experience to the district and community. Dr. Farver works with his wife and she has the kindest things to say about the work he has done. Ms. Matthews brings so many things to the district, plus the audit/financial issues. Dr. Torres is his first choice. Experience and approach are something we can all learn.

Dr. Terah Chambers - Elected citizen rooted in love is what she wrote down is what she wrote down from Dr. Farver and she appreciated the statement. This is awkward speaking about the candidates but we need to be transparent. Things that have been on her mind are the comments about Ms. Fink leaving the Board and that we are losing the community connection. Dr. Torres' comments are what take her to authentic community connections.

Dr. Elizabeth Lyons – Appreciates everyone coming out, taking time, and showing interest. Reiterates what everyone has already said.

Motion 23-24/034: The Board of Education nominate Dr. Estrella Torres to fill Trustee Monica Fink's seat on the Board of Education.

This motion made by Mr. Tali Faris-Hylen and seconded by Mr. Chris Martin, Passed.

Roll Call Vote:

Dr. Terah Chambers: Aye, Dr. Kath Edsall: Aye, Ms. Tali Faris-Hylen: Aye, Mr. Gary Holbrook: Aye, Dr. Elizabeth Lyons: Aye, Mr. Chris Martin: Aye

Aye: 6, Nay: 0

**IX. Closed Session**

Motion 23-24/035: The Board of Education meet in closed session pursuant to Section 8(a) of the Open Meetings Act related to personnel matter.

This motion, made by Ms. Tali Faris-Hylen and seconded by Dr. Kath Edsall, Passed.

**IX.A. Roll Call Vote**

Dr. Terah Chambers: Aye, Dr. Kath Edsall: Aye, Ms. Tali Faris-Hylen: Aye, Mr. Gary Holbrook: Aye, Dr. Elizabeth Lyons: Aye, Mr. Chris Martin: Aye

Aye: 6, Nay: 0

The Board went into Closed Session at 10:00 p.m.

The Board reconvened into an Open Session at 10:27 p.m.

**X. Action Items**

**X.A. Audited Financial Statements for the Year Ended June 20, 2023**

Motion 23-24/036: The Board of Education accepts the audited financial statements for the year ended June 30, 2023, as presented.

This motion, made by Dr. Kath Edsall and seconded by Mr. Chris Martin, Passed.

Dr. Terah Chambers: Aye, Dr. Kath Edsall: Aye, Ms. Tali Faris-Hylen: Aye, Mr. Gary Holbrook: Aye, Dr. Elizabeth Lyons: Aye, Mr. Chris Martin: Aye

Aye: 6, Nay: 0

**X.B. PA 152 Resolution (80/20 vs Hard Cap) Resolution**

Motion 23-24/037: The Board of Education adopts the Resolution to Comply with PA 152 of 2011 as presented.

This motion, made by Ms. Tali Faris-Hylen and seconded by Dr. Kath Edsall, Passed.

Discussion followed

Dr. Terah Chambers: Aye, Dr. Kath Edsall: Aye, Ms. Tali Faris-Hylen: Aye, Mr. Gary Holbrook: Aye, Dr. Elizabeth Lyons: Aye, Mr. Chris Martin: Aye

Aye: 6, Nay: 0

**X.C. Boiler Bids**

Motion 23-24/038: The Board of Education awards the following boiler bids:

1. Boiler #1 heating tubes replacement to Myers Plumbing & Heating, Inc. in the amount of \$49,441.

2. Pool boiler replacement to Myers Plumbing & Heating, Inc. in the amount of \$36,700.

This motion, made by Mr. Chris Martin and seconded by Dr. Elizabeth Lyons, Passed.

Dr. Terah Chambers: Aye, Dr. Kath Edsall: Aye, Ms. Tali Faris-Hylen: Aye, Mr. Gary Holbrook: Aye, Dr. Elizabeth Lyons: Aye, Mr. Chris Martin: Aye

Aye: 6, Nay: 0

**X.D. Revised Religious and Cultural Calendar**

*Motion 23-24/039: The Board of Education adopts the revised Religious and Cultural Calendar, as presented.*

This motion, made by Dr. Elizabeth Lyons and seconded by Dr. Kath Edsall, Passed.

Discussion followed.

Dr. Terah Chambers: Aye, Dr. Kath Edsall: Aye, Ms. Tali Faris-Hylen: Aye, Mr. Gary Holbrook: Aye, Dr. Elizabeth Lyons: Aye, Mr. Chris Martin: Aye

Aye: 6, Nay: 0

**X.E. Separation Agreement**

*Motion 23-24/040: The Board of Education approves the separation agreement between Dennis Petrowitz, the School District of the City of East Lansing and the East Lansing Education Association, as presented.*

This motion, made by Dr. Kath Edsall and seconded by Mr. Chris Martin, Passed.

Dr. Terah Chambers: Aye, Dr. Kath Edsall: Aye, Ms. Tali Faris-Hylen: Aye, Mr. Gary Holbrook: Aye, Dr. Elizabeth Lyons: Aye, Mr. Chris Martin: Aye

Aye: 6, Nay: 0

**XI. Committee Reports**

**XI.A. Academic and Technology Committee**

- The last meeting was held on September 29.
- Discussed the five candidates for student representative to the Committee. Three students were selected.
- Mr. Mitcham will be contacting the student to attend the next meeting on October 27 at 2:00 p.m.

**XI.B. Facilities Committee**

- Last meeting was September 22.
- Safe Routes to School.
- Billy is working with elementary principals on where to put gardens.
- Track hours are 7:00 – 1:00 and tennis courts remain open.
- Will be rescheduling the November 3 meeting.

XI.C. Finance Committee

- Meeting was on September 27.
- Discussed Boiler Bid and Audited Financial Statement.
- Next meeting is October 25.

XI.D. Intergovernmental Relations

- No report.

XI.E. Personnel Committee

- No report.

XI.F. Policy Committee

- Items of Information has revised policies that are mostly edits from Thrun to clean up language and grammar. There are four policies left to discuss.
- Onboarding of new Board members.
- Parent information request form.
- Equity policy.
- Sudden cardiac arrest – AED
- Next meeting is October 11.

**XII. Announcements**

Mr. Chris Martin - acknowledged the death of Ted Lawson to gun violence. He worked tirelessly knocking on doors and getting people to vote; such a great loss for our community; reminds us that we need to continue the important work.

Ms. Leyko – She will be attending a gun violence symposium at the Graduate with Mr. Mitcham and Mr. Morales.

Thank you to Mr. Pugh for your diligent work in the district; consistently receiving clean audits; greatly appreciated.

Happy Indigenous Peoples Day.

**XIII. Adjournment**

The meeting adjourned at 10:42 p.m.

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President

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Secretary

## Series 2000 Bylaws

### 2300 Board Member Conduct

#### 2303 *Violation of Board Code of Ethics*

The Board is responsible for enforcing the Code of Ethics (Policy 2302) for its members.

- A. If it is suspected or alleged that a Board member has violated the Code of Ethics, the following may occur:
  1. The President (or Vice President, if the President is the focus of the inquiry) may confer with that Board member to determine whether the suspected or alleged violation is disputed.
    - a. If the suspected or alleged violation is not disputed, the President/Board may propose how the member may remedy the violation; or
    - b. If the suspected or alleged violation is disputed, the Board may initiate an investigation by an affirmative vote of a majority of the members elected or appointed to and serving on the Board].
  2. The Board may discuss the alleged violation as an agenda item at a Board meeting. At the affected Board member's request, the Board may convene in a closed session under the Open Meetings Act to consider complaint(s) or charge(s) brought against the Board member.
- B. If the violation is admitted or the Board determines that a disputed violation has been established by at least a preponderance of the evidence, the Board may consider:
  1. whether to publicly censure the Board member through a formal Board resolution reprimanding the Board member;
  2. whether to remove the Board member from committee assignments;
  3. whether to remove the Board member from any Board office or position (e.g., Vice President, Secretary);
  4. whether the violation rises to the level of gross neglect of duty or corrupt conduct in office, or other misfeasance or malfeasance, warranting referral to the Governor pursuant to Michigan Constitution, Article V, §10 for possible suspension or removal from public office;
  5. whether the violation may constitute a criminal violation of the Revised School Code, the Michigan Penal Code, or other applicable Michigan law, warranting referral to local law enforcement; and
  6. any other act authorized by law.

Legal Authority: Const 1963, art 5, §10, Const 1963, art 11, §1; MCL 380.619, 380.1107, 380.1804, 380.1815, 380.1816, 380.1230, 380.1230a, 380.1230b

Date adopted: December 13, 2021

Date revised:

## Series 2000 Bylaws

### 2300 Board Member Conduct

#### ***2306 Board Member Compensation***

Board members will not receive compensation to attend Board meetings, committee/ subcommittee meetings, or for the performance of an authorized duty as a Board member.

Legal Authority: MCL 380.11a

Date adopted: December 13, 2021

Date revised:

## Series 2000 Bylaws

### 2400 Board Membership and Duties

#### 2405 Board Officers

Board officers will consist of a President, Vice President, Treasurer, and Secretary. Board officers must be Board members.

##### A. Election of Board Officers

1. The Board must elect a President and Vice President. The Board may also elect a Treasurer and Secretary.
2. Board officer elections will take place at an organizational meeting of the Board.
3. A candidate for a Board officer position must receive a majority vote of the Board members then serving on the Board.
  - a. If no person receives a majority vote in an initial vote, the candidates for a second vote will consist of:
    - i. the 2 persons who received the most votes; or
    - ii. if more than 2 persons are tied for the most votes received, all persons tied for most votes received; or
    - iii. if 1 person received the most votes and there is a tie for second place, the person who received the most votes and the persons tied for the second place.
  - b. The process for narrowing candidates will be repeated in subsequent voting rounds.
4. Elected Board officers will serve in that capacity until the following year's organizational meeting at which board officers are elected unless a Board member resigns from the officer position or a Board majority votes to remove that Board member from the officer position.

B. If the Board does not elect a Secretary, the President must appoint a Board member to the vacant office. If the Board does not elect a Treasurer, the President must appoint a Board member to the vacant office.

##### C. Removal of Board Officers

The Board, by a majority vote of the members then serving, may remove a Board officer from the officer position, with or without cause.

**D. Board Officer Vacancies**

1. If the office of President becomes vacant, the Vice President will succeed to the office of President for the balance of that office's term.
2. If the office of Vice President, Secretary, or Treasurer becomes vacant, the Board must promptly elect a Board member to fill that vacancy.
3. If the office of Secretary or Treasurer becomes vacant, the Board may elect a Board member to fill that vacancy or the President may appoint a Board member to fill that vacancy. The person elected or appointed to a vacant Board office will serve in that office for the balance of that office's term.

**E. Assistants to the Secretary and Treasurer**

1. The Board may appoint an assistant to the Secretary and an assistant to the Treasurer who are not required to be Board members.
2. The Board may remove an assistant to the Secretary or an assistant to the Treasurer by majority vote. After a removal, the Board may appoint a person to fill the vacant position.

Legal authority: MCL 380.11a

Date adopted: December 13, 2021

Date revised: December 12, 2022

## Series 2000 Bylaws

### 2500 Board Meetings and Open Meetings Act Compliance

#### 2501 Meetings

Board meetings must be conducted in accordance with the Open Meetings Act.

##### A. Notice

1. The Board must publicly post its regular meeting schedule within 10 calendar days after the Board's first meeting in each calendar or fiscal year. The notice must include the dates, times, and places of the regular meetings. If the regular meeting schedule is changed, the Board must publicly post the revised regular meeting schedule within 3 calendar days after the Board meeting at which the change was made.
2. Special meeting and rescheduled regular meeting notices must be posted at least 18 hours in advance of a special meeting or rescheduled regular meeting.
3. Regular, rescheduled regular and special meeting notices must be posted at the Board's principal offices. The notice, or a prominent and conspicuous link to the notice, also must be posted on the District website's homepage as required by the Open Meetings Act, if the District's website is updated at least monthly with meeting agendas or minutes.
4. Meeting notices must contain:
  - a. the name, address, and telephone number of the Board;
  - b. the time, date, and place of the meeting;
  - c. a statement where official minutes are stored and available for inspection; and
  - d. a disability accessibility notice.
5. Emergency meetings may be held without complying with the above-described notice requirements if there is a severe and imminent threat to the health, safety, or welfare of the public exists, and two-thirds of the Board members elected or appointed to and serving on the Board determine that delay would be detrimental to efforts to lessen or respond to the threat. The Board will provide notice of an emergency meeting in compliance with the Open Meetings Act.
6. Public hearing notices must contain a description of the purpose(s) for which the public hearing will be conducted to the extent required by law.
7. The notice for an electronic Board meeting must comply with Policy 2501A.

**B. Quorum**

1. A quorum of the Board means a majority of the Board members elected or appointed to and serving on the Board, unless other quorum and voting rules are otherwise provided by law.
2. All deliberations of a quorum of the Board must take place at a meeting that is open to the public, unless closed session deliberations are permitted by law.
3. All decisions made by the Board constituting a quorum of its members must take place at a meeting that is open to the public, except as otherwise provided by the Open Meetings Act.

**C. Meeting Types**

1. The Board will hold its regular meetings at the dates, times, and locations specified in the District's annual notice published pursuant to the Open Meetings Act. If the notice is amended, then meetings will be held according to the amended notice.
2. Special, rescheduled regular, or emergency meetings may be called by the President, the Superintendent, or two Board members. Notice of such meetings will be provided in accordance with the Open Meetings Act.
3. The Board may hold, in compliance with the Open Meetings Act, work sessions and retreats to provide Board members and administrators with the opportunity to plan, research, and engage in discussion.

**D. Closed Session**

1. The Board may meet and deliberate in closed session only for 1 or more purposes authorized in the Open Meetings Act.
2. Depending on the closed session purpose(s), the Open Meetings Act may require a two-thirds roll call vote for the Board to meet in closed session. A vote to enter closed session must be made in open session.
3. Closed session meeting minutes must be kept confidential. Board members must keep matters discussed and documents received confidential unless otherwise authorized by the Board or law. See Section G below.
4. All discussions in closed session are limited to the purpose(s) identified in the motion calling the closed session.

5. The Board determines the non-member attendees for a closed session, unless attendance is required by Policy or law.
6. No decisions will be made during a closed session.

**E. Meeting Cancellation**

The Board is legally required to hold at least 1 public meeting each month. The President or designee may cancel a Board meeting if the President or designee determines that a quorum of the Board will not be present for the meeting, there is no business for the Board to conduct at the meeting, or it would be unreasonable or dangerous for Board members or the public to attend the meeting (e.g., inclement weather). The President or designee will ensure that a District staff member posts notice of the cancellation on the District's website on the same day as the cancellation. If necessary, a cancelled meeting will be rescheduled.

**F. Electronic Board Meetings and Remote Participation**

Electronic Board meetings may be held, and a Board member may participate in a Board meeting remotely, as authorized by Policy 2501A.

**G. Minutes**

The Board will keep minutes of each Board meeting in accordance with the following:

1. The Secretary will record and maintain meeting minutes.
2. The Secretary, or an acting Secretary in the absence of the Secretary, will sign meeting minutes.
3. Meeting minutes will comply with the Open Meetings Act.
  - a. Open session meeting minutes.
    - i. Minutes for a meeting open to the public will include at least the following information:
      - A) the meeting date, time, and location;
      - B) the Board members present for or otherwise participating in the meeting;
      - C) the Board members absent from the meeting;
      - D) board decisions;

- E) the purpose(s) for which any closed session meeting was held and the specific provision(s) of the Open Meetings Act that permitted the closed session;
  - F) any roll call votes conducted by the Board; and
  - G) corrections, if any.
- ii. The Board must make proposed open session meeting minutes available for public inspection within 8 business days after the applicable Board meeting.
  - iii. The Board must make approved open session meeting minutes available for public inspection within 5 business days after the meeting at which the Board approved the minutes.
- b. Closed session meeting minutes.
- i. Closed session meeting minutes must be prepared and maintained separately from open session meeting minutes.
  - ii. Closed session meeting minutes will not be made available to, or be disclosed to, the public, except as required by court order.
  - iii. Closed session meeting minutes may be destroyed by the District 1 year and 1 calendar day after the approval of the minutes of the regular meeting at which the closed session minutes were approved, or any time thereafter.
  - iv. Closed session meeting minutes must include at least the following information:
    - A) the meeting date, time, and, location;
    - B) the Board members present for or otherwise participating in the meeting;
    - C) the Board members absent from the meeting; and
    - D) the purpose(s) for which the closed session meeting was held and the specific Open Meetings Act provision(s) that permitted the closed session.
- c. Open session Board meeting minutes may be published on the District's website.

H. Accommodating Board Members and Other Individuals with Disabilities

Any Board member or other individual with a disability who requires reasonable accommodations to participate in, or attend, a Board meeting must contact the Superintendent's office in advance of the meeting to request an accommodation.

I. Parliamentary Procedure

Board meetings will be conducted consistent with the parliamentary authority provided in Robert's Rules of Order provided the procedure is consistent with Board Policy and the law.

Legal authority: MCL 15.263, 15.263a, 15.265, 15.267, 15.269; MCL 380.1201

Date adopted: December 13, 2021

Date revised: December 12, 2022

Date revised:

## Series 2000 Bylaws

### 2500 Board Meetings and Open Meetings Act Compliance

#### 2501A *Electronic Board of Education Meetings*

The Board may hold electronic meetings, and Board members and the public may participate remotely, only as permitted by this Policy, the Open Meetings Act, and other applicable law.

##### A. Definition

The definition in this section applies only to this Policy. All other words found in this Policy, unless specifically defined, are given their plain meaning.

- “Two-Way Communication” means telephone, video, or other means of conferencing that allows Board members to hear and be heard by both the public and other Board members, and allows the public to hear and be heard by other members of the public and the Board members during public comment. Real-time typed public comments that may be read to or shared with Board members and the public is a sufficient form of two-way communication for purposes of public participation during an electronic Board meeting.

##### B. Permissible Reasons for Wholly Electronic Board Meetings

The Board may hold a meeting wholly electronically, with every Board member and the public participating remotely, if every Board member simultaneously satisfies one or more of the conditions identified in Section C of this Policy.

##### C. Permissible Reasons for Individual Board Member Remote Participation

A Board member who is not physically present at an in-person Board meeting due to military duty, a “disability” within the meaning of the ADA, or other reason permitted by Michigan law may be counted toward a quorum, deliberate, and vote. To qualify, members absent due to military duty must follow the procedures listed in Section D, below. Unless otherwise provided, any Board member who is not absent due to a qualifying exception must be physically present at the meeting to participate.

##### D. Procedures to Accommodate Board Member Remote Participation

The Board institutes the following procedures to ensure that a Board member who is not physically present at an in-person Board meeting may be counted toward a quorum, deliberate, and vote at a Board meeting.

1. The Board and the remote Board member will ensure there is Two-Way Communication during the meeting;
2. The remote Board member must provide notice to Board President at least two hours before the meeting unless an emergency; and The Superintendent or designee will ensure that public notice of the remote Board member’s physical

absence and information on how to contact the remote Board member is provided sufficiently in advance of the Board meeting so that a member of the public may provide input on or ask questions about any business that will come before the Board at the meeting.

E. Procedures to Ensure Public Participation at Electronic Meetings

If the Board convenes a wholly electronic meeting or any Board member participates remotely, the public will also be provided the opportunity to attend the public meeting remotely.

The Board will not require the public to register or otherwise provide their names or other information as a condition of attending a Board meeting, whether in-person or remotely. The Board may require the public to submit information, consistent with public participation rules, to participate in the public comment portion of a meeting.

F. Electronic Board Meeting Notice Requirements

The Superintendent or designee will post notice of an electronic Board meeting at least 18 hours before the meeting. If the Board will be convening in a physical location with one or more Board members attending remotely pursuant to Section C, the notice must include both the physical and virtual locations of the meeting.

If the District has an internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, the notice must be included on a portion of the District's website that is fully accessible to the public, either on the District's homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic meetings that is accessible through a prominent and conspicuous link on the District website's homepage. The link must clearly describe its purpose for public notice of non-regularly scheduled or electronic meetings.

The notice must clearly explain:

1. Why the Board is holding an electronic meeting;
2. How the public may participate remotely. If a telephone number, internet address, virtual meeting address, or other information is needed to participate, that information must be specifically provided;
3. How the public may contact Board members to provide input on or ask questions about business that will come before the Board at the meeting;
4. Which Board members will be participating remotely and information about how the public may contact those Board members in advance of the meeting to provide input on or ask questions about any business that will come before the Board at the meeting; and

5. How persons with disabilities may participate in the meeting.

G. Electronic Board Meeting Agenda Requirements

The Superintendent or designee must post the electronic meeting's agenda to the District's website, if an agenda exists. The agenda must be posted at least two hours before the electronic meeting begins. The Board may amend the agenda at the meeting.

Legal authority: MCL 15.263, 15.263a.

Date adopted: December 13, 2021

Date revised: December 12, 2022

## Series 2000 Bylaws

### 2500 Board Meetings and Open Meetings Act Compliance

#### ***2506 Organizational Meetings***

The Board's first regular meeting each calendar year will be an organizational meeting. During that meeting, the Board will:

- A. elect Board officers in compliance with Policy 2405. The Superintendent or designee will preside over the organizational meeting until a President is elected;
- B. set the schedule for regular Board meeting dates, normally the second and fourth Monday of the month.

The Board may perform any other act and conduct any other business it deems appropriate during an organizational meeting. The Board may conduct additional organizational meetings during the calendar or fiscal year.

Legal authority: MCL 380.11(a)(3)

Date adopted: December 13, 2021

Date revised:

## Series 3000: Operation, Finance, and Property

### 3100 General Operations

#### 3118 Title IX Sexual Harassment

Consistent with Policy 3115, the District prohibits unlawful sex discrimination, including harassment and retaliation, in any of its education programs or activities in accordance with Title IX of the Education Amendments of 1972 and its implementing regulations.

This Policy addresses allegations of Title IX sexual harassment that occurred on or after August 14, 2020. Allegations of discrimination, harassment, or retaliation not covered by this Policy should be addressed under the District's applicable non-discrimination or anti-harassment policies. Allegations alleging both Title IX sexual harassment and other forms of unlawful discrimination and harassment (e.g., race, age, disability) that cannot be reasonably separated into two distinct complaints should be investigated under this Policy. Investigating other forms of discrimination, including harassment and retaliation, through this Policy will fulfill the District's investigation requirements under Policies 4104 or 5202, but nothing in this paragraph limits the District's right to determine at any time that a non-Title IX allegation should be addressed under Policies 4104 or 5202 or any other applicable Policy.

The Board directs the Superintendent or designee to designate one or more employees who meet the training requirements in Section M of this Policy to serve as the District's Title IX Coordinator(s). The Title IX Coordinator will designate an Investigator, Decision-Maker, and Appeals Officer, if applicable, for each Formal Complaint made under this Policy. If a Formal Complaint is made under this Policy against the Title IX Coordinator, the Board President will designate the persons who will serve as the Investigator, Decision-Maker, and Appeals Officer and will work with District administrators to ensure that all other requirements of this Policy are met.

The Investigator, Decision-Maker, Appeals Officer, and any person designated to facilitate an informal resolution process cannot be the same person on a specific matter, and the persons designated to serve in those roles may or may not be District employees. Any person serving as the Investigator, Decision-Maker, Appeals Officer, or person designated to facilitate an informal resolution process must meet the training requirements in Section M of this Policy.

Inquiries about Title IX's application to a particular situation may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

#### A. Definitions

For purposes of this Policy, the below terms are defined as follows:

1. "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

- a. A District employee conditioning the provision of a District aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- b. Unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- c. "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8), or "stalking" as defined in 34 USC 12291(a)(30).
  - i. "Sexual assault" is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. It includes unlawful sexual intercourse (including incest and statutory rape) and any sexual act, including rape, sodomy, sexual assault with an object, or fondling, directed against another person without the consent of that person, including when that person is incapable of giving consent."
    - A) Rape: (Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
    - B) Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
    - C) Sexual Assault With An Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
    - D) Fondling: The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
    - E) Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- F) Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.
- ii. “Dating violence” means violence committed by a person who is or has been in a romantic or intimate relationship with the Complainant. The existence of such a relationship is based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - iii. “Domestic violence” means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, person with whom the Complainant shares a child, person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Michigan; or any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of Michigan.
  - iv. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person’s safety or the safety of others; or (2) suffer substantial emotional distress.
2. “Actual Knowledge” means notice of sexual harassment or allegations of sexual harassment to the District’s Title IX Coordinator or any District employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only District employee with actual knowledge is the Respondent.
  3. “Appeals Officer” is the person designated by the District to handle appeals of a dismissal or determination of responsibility for matters investigated under this Policy. The Appeals Officer may not be the same person as the Investigator, Title IX Coordinator, Decision-Maker, or person designated to facilitate an informal resolution process on a specific matter.
  4. “Complainant” is a person who is alleged to be the victim of conduct that could constitute Title IX sexual harassment.
  5. “Consent” means a voluntary agreement to engage in sexual activity by a person legally capable of consenting. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent. Sexual conduct or relationships between District employees, volunteers, or contractors and students, regardless of age or consent, are prohibited.

6. “Day,” unless otherwise indicated, means a day that the District’s central office is open for business.
7. “Decision-Maker” is the person designated by the District to review the investigation report and provide a written determination of responsibility that provides the evidentiary basis for the Decision-Maker’s conclusions. The Decision-Maker may not be the same person as the Investigator, Title IX Coordinator, Appeals Officer, or person designated to facilitate an informal resolution process on a specific matter.
8. “Education Program or Activity” means any location, event, or circumstance over which the District exercised substantial control over both the Respondent and the context in which the harassment occurred.
9. “Formal Complaint” means a written document or electronic submission signed and filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the sexual harassment allegation.
10. “Grievance Process” is the process by which the District handles Formal Complaints.
11. “Investigator” is the person designated by the District to investigate a Title IX Formal Complaint. The Investigator cannot be the same person as the Decision-Maker, Appeals Officer, or person designated to facilitate an informal resolution process on a specific matter. The Title IX Coordinator may serve as the Investigator on a particular investigation, unless the Title IX Coordinator has a conflict of interest or bias.
12. “Report” means an account of alleged Title IX sexual harassment made by any person (regardless of whether the reporting party is the alleged victim).
13. “Respondent” is a person who has been reported to be the perpetrator of conduct that could constitute Title IX sexual harassment.
14. “Supportive Measures” are non-disciplinary, non-punitive, individualized services offered and implemented by the Title IX Coordinator as appropriate, as reasonably available, and at no-cost to the Complainant and the Respondent before or after the filing of a Formal Complaint or when no Formal Complaint has been filed. Supportive measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment.
15. “Title IX Coordinator” is the person(s) designated by the District to coordinate the District’s Title IX compliance. The Title IX Coordinator may not be the same person as the Appeals Officer or Decision-Maker on any matter. A person not serving as a Title IX Coordinator in a particular matter is not disqualified from

serving in another role in that matter. The Title IX Coordinator may also serve as the Investigator or person designated to facilitate an informal resolution process on a particular investigation, unless the Title IX Coordinator signed the Formal Complaint.

#### B. Posting Requirement

The Title IX Coordinator's contact information (name or title, office address, electronic mail address, and telephone number), along with the District's Title IX nondiscrimination statement, must be prominently posted on the District's website and in any catalogs or handbooks provided to applicants for admission or employment, students, parents/guardians, and unions or professional organizations with a collective bargaining or professional agreement with the District.

The District will provide notice of this Policy to all applicants, students, parents/guardians, employees, and unions or professional organizations with a collective bargaining or professional agreement with the District by prominently posting this Policy on its website and referencing this Policy in its handbooks, which will include the Title IX Coordinator's name or title, office address, electronic mail address, and telephone number.

#### C. Designation of Title IX Coordinator

The District designates the following person(s) as the Title IX Coordinator(s):

Rulesha Glover-Payne  
509 Burcham Dr, East Lansing MI 48823  
517-333-7413  
Rulesha.glover@elps.us

#### D. Reporting Title IX Sexual Harassment:

A person may make a report of sexual harassment or retaliation at any time. Reports may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that result in the Title IX Coordinator receiving the person's verbal or written report.

Any District employee who receives a report of sexual harassment or has actual knowledge of possible sexual harassment must convey that information to the Title IX Coordinator by the end of the next day.

Any other person who witnesses an act of sexual harassment is encouraged to report it to a District employee and may do so anonymously. No person will be retaliated against based on any report of suspected sexual harassment or retaliation.

#### E. General Response to Sexual Harassment

##### 1. District's Obligation to Respond without Deliberate Indifference

Upon actual knowledge of Title IX sexual harassment, the Title IX Coordinator must respond promptly in a manner that is not deliberately indifferent. The District will be deemed to be deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

If the Title IX Coordinator receives a report of sexual harassment and the Complainant does not file a Formal Complaint, the Title IX Coordinator must evaluate the information and determine whether to sign and file a Formal Complaint. If the Title IX Coordinator determines not to sign and file a Formal Complaint, the Title IX Coordinator must address the allegations in a manner that is not deliberately indifferent.

## 2. Response to Report of Title IX Sexual Harassment

Upon receipt of a report of sexual harassment, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

## 3. Formal Complaint Filed

Upon the receipt of a Formal Complaint, the District must follow the Grievance Process in Section F of this Policy. A Formal Complaint may be submitted using the Title IX Sexual Harassment Formal Complaint Form.

## 4. Equitable Treatment

The District will treat the Complainant and Respondent equitably throughout the Grievance Process, which may include offering supportive measures as described in Subsection E(6) of this Policy.

## 5. Documentation and Recordkeeping

The Title IX Coordinator will document all sexual harassment reports and all incidents of sexual harassment that the Title IX Coordinator receives or personally observes.

The District will retain this documentation in accordance with applicable record retention requirements in Section N of this Policy.

## 6. Supportive Measures

After receiving a report of Title IX sexual harassment, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, with or without the filing of a Formal Complaint. If the District does not provide a Complainant with supportive measures, then the Title IX Coordinator must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The District may provide, as appropriate, non-disciplinary, non-punitive individualized services to the Complainant or Respondent before or after the filing of a Formal Complaint or when no Formal Complaint has been filed.

Supportive measures should be designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party.

Supportive measures are offered without charge to all parties and are designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment.

Supportive measures may include, but are not limited to:

- a. District-provided counseling;
- b. Course-related adjustments, such as deadline extensions;
- c. Modifications to class or work schedules;
- d. Provision of an escort to ensure that the Complainant and Respondent can safely attend classes and school activities; and
- e. No-contact orders.

All supportive measures must be kept confidential, to the extent that maintaining such confidentiality would not impair the District's ability to provide the supportive measures.

## 7. Respondent Removal

### a. Emergency Removal (Student)

The District may only remove a student Respondent from a District program or activity if, following an individualized safety and risk analysis, the District determines that there is an immediate threat to the physical health or safety of any student or other person arising from the sexual harassment allegations. The District must provide the Respondent with notice and an opportunity to immediately challenge the removal decision. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

### b. Administrative Leave (Employee)

The District may place an employee Respondent on non-disciplinary administrative leave during the pendency of the Grievance Process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

## 8. Law Enforcement

In appropriate circumstances, a District employee will notify law enforcement or Child Protective Services, consistent with Policies 4202, 5201, and 5701.

The District will attempt to comply with all law enforcement requests for cooperation with related law enforcement activity. In some circumstances, compliance with law enforcement requests may require the District to briefly suspend or delay its investigation. If an investigation is delayed, the District will notify the parties in writing of the delay and the reasons for the delay.

If the District's investigation is suspended or delayed, supportive measures will continue during the suspension or delay. If the law enforcement agency does not notify the District within 10 days that the District's investigation may resume, the District will notify the law enforcement agency that the District intends to promptly resume its investigation.

## F. Grievance Process

### 1. Generally

The Grievance Process begins when a Formal Complaint is filed or when the Title IX Coordinator signs a Formal Complaint and concludes the date the parties receive the Appeals Officer's written decision or the date on which an appeal is no longer timely. The District will endeavor to complete the Grievance Process within 90-120 days, absent extenuating circumstances or delays as described below. The District will treat both the Complainant and the Respondent equitably throughout the Grievance Process.

Neither the Title IX Coordinator, the Decision-Maker, the Investigator, Appeals Officer, nor any person designated to facilitate an informal resolution process will have a conflict of interest or bias for or against Complainants or Respondents generally or for or against an individual Complainant or Respondent.

The Grievance Process requires an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.

Throughout the Grievance Process, there is a presumption that the Respondent is not responsible for the alleged conduct unless, in the determination of responsibility, the Decision-Maker finds the Respondent responsible for the alleged conduct.

At any point, the Title IX Coordinator, Investigator, Decision-Maker, or Appeals Officer may temporarily delay the Grievance Process or permit a limited extension of time frames for good cause. Good cause may include absence of a party, party's advisor, or witness; concurrent law enforcement activity; or the need for accommodations (e.g., language assistance or accommodation of

disabilities). If there is a delay or extension, the parties will receive written notice of the delay or extension and the reasons for the action.

Any disciplinary action resulting from the Grievance Process will be issued in accordance with District Policy, as applicable, and any applicable codes of conduct, handbooks, collective bargaining agreements, and individual employee contracts.

After the investigation portion of the Grievance Process has concluded, the Decision-Maker will endeavor to issue a determination of responsibility within 30 days, absent extenuating circumstances.

## 2. Notice of Allegations

Upon receipt of a Formal Complaint, the District must provide written notice to the parties who are known at the time that includes:

- a. A copy of this Policy, which includes the District's Grievance Process, and any informal resolution process;
- b. The sexual harassment allegations, including sufficient details known at the time and with sufficient time so that parties may prepare a response before the initial interview. Sufficient details include parties involved in the incident, if known; the alleged conduct constituting sexual harassment; and the date and time of the alleged incident;
- c. A statement that the Respondent is presumed not responsible for the alleged conduct;
- d. A statement that a determination of responsibility is made at the Grievance Process's conclusion;
- e. A statement that the parties may have an advisor of their choice, who may be an attorney, although any attorney or advisor who is not a District employee will be at the party's own cost;
- f. A statement that the parties will be provided an opportunity to inspect and review any evidence before the investigation report is finalized; and
- g. If the Complainant or Respondent is a student, and the District's Student Code of Conduct addresses false statements by students during the disciplinary process, a citation to that portion of the Code of Conduct. If the Code of Conduct does not address false statements by students, the notice is not required to include any reference.

If, during the course of an investigation, the Investigator decides to investigate allegations that are not included in this notice, the District will provide notice of the additional allegations to the Complainant and Respondent.

## 3. Informal Resolution

During the Grievance Process, *after* a Formal Complaint has been filed but before a determination of responsibility has been made, the District may offer to facilitate an informal resolution process, or either party may request the informal resolution process. A Formal Complaint must be filed to initiate the informal resolution process.

Informal resolution does not require a full investigation and may encompass a broad range of conflict resolution strategies, including, but not limited to, arbitration, mediation, or restorative justice. The Title IX Coordinator will determine the informal resolution process that will be used, including the person who will facilitate that process.

Informal resolution is not available for a Formal Complaint alleging that an employee sexually harassed a student.

A party is not required to participate in an informal resolution process.

When offering informal resolution, the Title IX Coordinator must (1) provide both parties written notice of their rights in an informal resolution; and (2) obtain written, voluntary consent from both parties to enter into the informal resolution process. The written notice must contain the:

- a. Allegations;
- b. Informal resolution requirements, including the circumstances under which the informal resolution precludes the parties from resuming a Formal Complaint arising from the same allegations;
- c. Right to withdraw from informal resolution and resume the Grievance Process at any time prior to agreeing to a resolution; and
- d. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared

#### 4. Investigation

The District has the burden of proof and the burden to gather evidence sufficient to reach a determination of responsibility.

##### a. Investigation Process

The District will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege in writing.

The District may not access, consider, disclose, or otherwise use a party's medical records, including mental health records, which are made and maintained by a healthcare provider in connection with the party's treatment

unless the District obtains that party's voluntary, written consent to do so for the Grievance Process.

The Investigator must provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory or exculpatory evidence. The Investigator cannot restrict parties from discussing the allegations under investigation, nor can the Investigator restrict parties from gathering or presenting relevant evidence.

Parties may be accompanied by an advisor of their choice, including an attorney, in any meeting or Grievance Process proceeding. If a party chooses an advisor who is not a District employee, the District is not responsible for any associated costs. The Superintendent or designee may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties (e.g., abusive, disruptive behavior or language will not be tolerated; advisor will not interrupt the investigator to ask questions of witnesses).

The Investigator must provide the date, time, location, participants, and purpose of all hearings (if any), investigative interviews, and meetings, to a party whose participation is invited or expected. Written notice must be provided a sufficient time in advance so that a party may prepare to participate.

As described in Section L of this Policy, retaliation against a person for making a complaint or participating in an investigation is prohibited.

The Investigator must ensure that the Complainant and Respondent have an equal opportunity to inspect and review any evidence obtained as part of the investigation so that each party has the opportunity to meaningfully respond to the evidence before the investigation's conclusion. This evidence includes (1) evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and (2) inculpatory or exculpatory evidence obtained from any source.

Before the investigation's completion, the Investigator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 calendar days to submit a written response to the Investigator. The party's response must be considered by the Investigator before completing the final investigation report.

#### b. Investigation Report

The Investigator must create an investigation report that fairly summarizes relevant evidence and submit the investigation report to the Decision-Maker.

At least 10 calendar days before a determination of responsibility is issued, the Investigator must send the investigation report to each party for review and written response. Written responses to the investigation report must be submitted directly to the Decision-Maker.

The Investigator will endeavor to complete the investigation and finalize the report within 60 days.

## 5. Determination of Responsibility

The Decision-Maker cannot be the same person as the Title IX Coordinator, Investigator, Appeals Officer, or person designated to facilitate an informal resolution process.

Before the Decision-Maker reaches a determination of responsibility, and after the Investigator has sent the investigation report to the parties, the Decision-Maker must:

- a. Afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness; and
- b. Provide each party with the answers, and allow for additional, limited follow-up questions from each party.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless offered to prove that someone other than the Respondent committed the alleged misconduct, or the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If the Decision-Maker decides to exclude questions from either party as not relevant, the Decision-Maker must explain the decision to the party proposing the questions.

The Decision-Maker must issue a written determination of responsibility based on a preponderance of the evidence standard (i.e., more likely than not) simultaneously to both parties. The written determination of responsibility must include:

- a. Identification of the sexual harassment allegations;
- b. Description of the procedural steps taken from the receipt of the Formal Complaint through the determination of responsibility, including any:
  - i. Notification to the parties;
  - ii. Party and witness interviews;
  - iii. Site visits;
  - iv. Methods used to collect evidence; and

- v. Hearings held.
  - c. Factual findings that support the determination;
  - d. Conclusions about the application of any relevant code of conduct, policy, law, or rule to the facts;
  - e. A statement of, and rationale for, the result as to each allegation, including:
    - i. A determination of responsibility;
    - ii. Any disciplinary action taken against the Respondent (consistent with Policies 4309, 4407, 4506, 4606, or 5206, as applicable, and any applicable codes of conduct, handbooks, collective bargaining agreements, or individual employee contracts); and
    - iii. Whether remedies designed to restore and preserve equal access to the District's education program or activity will be provided to the Complainant.
  - f. Appeal rights.
6. Appeals

Notice of the determination of responsibility or dismissal decision must include notice of the parties' appeal rights.

Both parties may appeal a determination of responsibility or the decision to dismiss a Formal Complaint in whole or in part for the following reasons only:

- a. A procedural irregularity that affected the outcome.
- b. New evidence that was not reasonably available at the time the determination of responsibility or dismissal decision was made that could affect the outcome.
- c. The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against the Complainant or Respondent, generally or individually, that affected the outcome.
- d. [District may choose to include additional appeal grounds, but should consult with legal counsel before doing so.]

An appeal must be filed with the Title IX Coordinator within 5 calendar days of the date of the determination of responsibility or dismissal decision.

Upon receipt of an appeal, the Title IX Coordinator will assign an Appeals Officer who will provide both parties written notice of the appeal and an equal opportunity to submit a written statement in support of, or challenging, the determination or dismissal decision.

The Appeals Officer must provide a written decision describing the result of the appeal and the rationale for the result to both parties simultaneously. The Appeals Officer will endeavor to decide an appeal within 30 days.

The Appeals Officer cannot be the same person who acts as the Title IX Coordinator, Investigator, Decision-Maker, or person designated to facilitate an informal resolution process on the same matter. The Appeals Officer also cannot have a conflict of interest or bias against Complainants and Respondents generally or individually.

The determination of responsibility is final upon the date the parties receive the Appeals Officer's written decision or on the date on which an appeal is no longer timely.

## G. Dismissal

### 1. Mandatory Dismissals

The Title IX Coordinator must dismiss a Formal Complaint if:

- a. The Formal Complaint's allegations, even if proven, would not constitute sexual harassment as defined in this Policy;
- b. The Formal Complaint's allegations did not occur in the District's programs or activities; or
- c. The Formal Complaint's allegations did not occur in the United States.

### 2. Discretionary Dismissals

The Title IX Coordinator may dismiss a Formal Complaint if:

- a. The Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the Formal Complaint in whole or in part;
- b. The Respondent's enrollment or employment ends; or
- c. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination (e.g., several years have passed between alleged misconduct and Formal Complaint filing, Complainant refuses or ceases to cooperate with Grievance Process).

The Title IX Coordinator will promptly and simultaneously notify both parties when a Formal Complaint is dismissed. The notice must include the reasons for mandatory or discretionary dismissal and the right to appeal. Appeal rights are discussed above in Subsection F(6) of this Policy.

Dismissal of a Formal Complaint under this Policy does not excuse or preclude the District from investigating alleged violations of other policy, rule, or law, or from issuing appropriate discipline based on the results of the investigation.

## H. Consolidation of Complaints

The Title IX Coordinator or Investigator may consolidate Formal Complaints where the allegations arise out of the same facts or circumstances. Where a Grievance Process involves more than one Complainant or more than one Respondent, references in this Policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

## I. Remedies and Disciplinary Sanctions

The District will take appropriate and effective measures to promptly remedy the effects of sexual harassment. The Title IX Coordinator is responsible for the effective implementation of any remedies.

Appropriate remedies will be based on the circumstances and may include, but are not limited to:

1. Providing an escort to ensure that the Complainant and Respondent can safely attend classes and school activities;
2. Offering the parties school-based counseling services, as necessary;
3. Providing the parties with academic support services, such as tutoring, as necessary;
4. Rearranging course or work schedules, to the extent practicable, to minimize contact between the Complainant and Respondent;
5. Moving the Complainant’s or the Respondent’s locker or work space;
6. Issuing a “no contact” directive between the Complainant and Respondent;
7. Providing counseling memoranda with directives or recommendations.

These remedies may also be available to any other student or person who is or was affected by the sexual harassment.

The District will impose disciplinary sanctions consistent with District Policy, as applicable, and any applicable codes of conduct, handbooks, collective bargaining agreements, or individual employee contracts. Discipline may range from warning or reprimand to termination of employment, or student suspension or expulsion.

After a determination of responsibility, the Title IX Coordinator should consider whether broader remedies are required, which may include, but are not limited to:

1. Assemblies reminding students and staff of their obligations under this Policy and applicable handbooks;
2. Additional staff training;
3. A climate survey; or

4. Letters to students, staff, and parents/guardians reminding persons of their obligations under this Policy and applicable handbooks.

If the Complainant or Respondent is a student with a disability, the District will convene an IEP or Section 504 Team meeting to determine if additional or different programs, services, accommodations, or supports are required to ensure that the Complainant or Respondent continues to receive a free appropriate public education. Any disciplinary action taken against a Respondent who is a student with a disability must be made in accordance with Policy 5206B and the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act.

#### J. False Statements

Any person who knowingly makes a materially false statement in bad faith during a Title IX investigation will be subject to discipline, up to and including discharge or permanent expulsion. A dismissal or determination that the Respondent did not violate this Policy is not sufficient, on its own, to conclude that a person made a materially false statement in bad faith.

#### K. Confidentiality

The District will keep confidential the identity of a person who reports sexual harassment or files a Formal Complaint, including parties and witnesses, except as permitted or required by law or to carry out any provision of this Policy, applicable regulations, or laws.

#### L. Retaliation

Retaliation (e.g., intimidation, threats, coercion) for the purpose of interfering with a person's rights under Title IX is prohibited. This prohibition applies to retaliation against any person who makes a report, files a Formal Complaint, or participates in, or refuses to participate in a Title IX proceeding. Complaints alleging retaliation may be pursued in accordance with District Policy.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this Section.

When processing a report or Formal Complaint of sexual harassment, pursuing discipline for other conduct arising out of the same facts or circumstances constitutes retaliation if done for the purpose of interfering with that person's rights under Title IX.

Any person who engages in retaliation will be disciplined in accordance with District Policy, as applicable, and any applicable codes of conduct, handbooks, collective bargaining agreements, and individual employee contracts.

#### M. Training

All District employees must be trained on how to identify and report sexual harassment.

Any person designated as a Title IX Coordinator, Investigator, Decision-Maker, Appeals Officer, or any person who facilitates an informal resolution process must be trained on the following:

1. The definition of sexual harassment;
2. The scope of the District's education programs or activities;
3. How to conduct an investigation and the District's grievance process, including, as applicable, hearings, appeals, and informal resolution processes; and
4. How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Investigators must receive training on how to prepare an investigation report as outlined in Subsection F(4)(b) above, including, but not limited to, issues of relevance.

Decision-Makers and Appeals Officers must receive training on issues of evidence and questioning, including, but not limited to, when questions about a Complainant's prior sexual history or disposition are not relevant.

Any materials used to train District employees who act as Title IX Coordinators, Investigators, Decision-Makers, Appeals Officers, or who facilitate an informal resolution process must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints. These training materials must be posted on the District's website.

#### N. Record Keeping

The District will maintain records related to reports of alleged Title IX sexual harassment for a minimum of seven years. This retention requirement applies to investigation records, disciplinary sanctions, remedies, appeals, and records of any action taken, such as supportive measures.

The District will also retain any materials used to train Title IX Coordinators, Investigators, Decision-Makers, Appeals Officers, and any person designated to facilitate an informal resolution process.

#### O. Office for Civil Rights

Any person who believes that he or she was the victim of sexual harassment may file a complaint with the Office for Civil Rights (OCR) at any time:

U.S. Department of Education Office for Civil Rights  
1350 Euclid Avenue, Suite 325  
Cleveland, Ohio 44115  
Phone: (216) 522-4970  
E-mail: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

An OCR complaint may be filed before, during, or after filing a Formal Complaint with the District. A person may forego filing a Formal Complaint with the District and instead file a complaint directly with OCR. The District recommends that a person who has been subjected to sexual harassment also file a Formal Complaint with the District to ensure that the District is able to take steps to prevent any further harassment and to discipline the alleged perpetrator, if necessary. OCR does not serve as an appellate body for District decisions under this Policy. An investigation by OCR will occur separately from any District investigation.

Legal authority: Education Amendments Act of 1972, 20 USC §§1681 - 1688; 34 CFR Part 106

Date adopted: December 13, 2021

Date revised: October 3, 2021

Date revised: December 12, 2022

Date revised:

## **Series 3000: Operations, Finance, and Property**

### **3300 Facilities, Real, and Personal Property**

#### **3301A Purchasing and Procurement with Federal Funds**

This Policy applies to purchases of property and services with federal funds that are subject to the Uniform Grant Guidance. All terms in this Policy have the same meanings as defined in federal regulation (2 CFR 200.1-99).

##### **A. State Law Requirements Still Apply**

Bidding requirements under Policy 3301 and Policy 3306, as applicable, remain enforceable in addition to any requirements in this Policy.

##### **B. Procurement Methods**

When bidding is required, the District must use 1 of the following procurement methods that includes information sufficient to inform all potential bidders about the District's technical, service, and bid procedure requirements:

###### **1. Purchases up to \$10,000 (micro-purchases)**

- a. To the extent District administration determines that the cost of the purchase is reasonable, micro-purchases may be made or awarded without bidding in accordance with this Policy. For purposes of this subsection, "reasonable" means the purchase is comparable to market prices for the geographic area.
- b. To the extent practicable, the District will distribute micro-purchases equitably among qualified suppliers.

###### **2. Purchases between \$10,000 and \$250,000 (small purchase procedures)**

The District will use a bidding procedure in Policy 3301 subsection C.1., except that the District may use the bidding procedure in subsection B.1.a, above, for purchases up to the then-current state bid threshold published annually by MDE if the District satisfies the annual certification requirements of 2 CFR 200.320(a)(1)(iv).

###### **3. Purchases over \$250,000**

- a. The District must either receive sealed bids through formal advertising or prepare a comprehensive request for proposals and submit it to at least 5 sources.
- b. With either method, the District will perform a price analysis, making an independent estimate of costs before receiving bids.

- C. The District will take affirmative steps to assure that minority-owned businesses, women's business enterprises, and labor surplus area firms are included in bidding opportunities.
- D. A person may protest the veracity, conformity, or eligibility of a bid. The District will handle bid protests as follows:
1. Within 48 hours of the time bid results are available, the protesting person will submit a written protest to the Superintendent describing in detail the nature of the protest;
  2. The Superintendent or designee will review the written protest, and the Superintendent may bring it to the Board's attention in the Superintendent's discretion; and
  3. A person's failure to file a protest as described above is an irrevocable waiver of the bid protest.
- Nothing in this Policy reduces or eliminates the District's rights or protections afforded under the law.
- E. The District will retain all bids and formal bid solicitation documents for a period of 6 years after the bid opening date, or longer if required by law.

Legal authority: 2 CFR 200.1 et seq.

Date adopted: December 12, 2022

Date revised:

## **Series 3000: Operations, Finance, and Property**

### **3300 Facilities, Real, and Personal Property**

#### **3303 Gifts and Donations**

The Board recognizes and appreciates the generosity and support it receives in the form of gifts, donations, and voluntary contributions (“Donations”) from individuals, companies, parent/guardian support groups, the community, and other donors.

The District requests that substantial Donations be accompanied by Form 3303-F Gifts and Donations. All Donations made for a particular purpose must be accompanied by Form 3303-F.

##### **A. Accepting Donations**

1. Donations accepted by the District will become public funds or public property unless an exception is provided under applicable law.
2. The Board authorizes the Superintendent or designee to accept Donations of personal property on behalf of the Board consistent with the District’s interests and objectives with an estimated fair market value of \$4,999.99 The Board retains authority, in its discretion, to accept Donations exceeding \$5,000.00.
3. The Board must approve all Donations of real property, regardless of value.
4. Donations must be lawful and support an educational purpose.
5. The Board must approve all Donations of real property, regardless of value.
6. Donations accepted by the District will be used for any specific purpose identified by the donor provided the purpose is lawful and consistent with the District’s interests and objectives. A donor may identify the specific purpose of the Donation and any other lawful conditions using the District 3303-F.
7. Except as required by law, the District does not have an obligation to replace a Donation that is lost, destroyed, or becomes obsolete.

##### **B. Soliciting Donations**

1. The District may solicit donations in accordance with law, which may include pursuing an exemption from registration under the Charitable Organizations and Solicitations Act.
2. Any individual wishing to solicit donations on behalf of the District must obtain prior written approval from the Superintendent or designee before representing any affiliation with the District. Unless otherwise agreed by the Superintendent or designee, the individual will be responsible for all costs and liability related to the solicitation and all received donations will become the District’s property.

##### **C. Scholarships are governed by Policy 3207.**

D. A donor is solely responsible for any tax consequences related to a Donation.

Legal authority: MCL 123.905; MCL 400.271. et seq.

Date adopted: December 13, 2021

Date revised: December 12, 2022

## **Series 3000: Operations, Finance, and Property**

### **3300 Facilities, Real, and Personal Property**

#### ***3308 Distribution of Printed Material and Advertising in School***

District facilities may be used to advertise or distribute printed information for commercial or promotional purposes (“Advertisement”) in accordance with this Policy. An approved Advertisement does not reflect the District’s approval or endorsement of any product, organization, service, or issue referenced in the Advertisement. An advertisement does not include public recognition or commemoration of District or student organization donors and sponsors.

#### **A. General Restrictions on Advertisements**

##### **1. No Advertisement may:**

- violate law or Policy or urge a violation of law or Policy;
- lie or mislead;
- advocate the use, or advertise the availability, of tobacco (including e-cigarettes), alcohol, cannabis/marihuana, illegal drugs, or related paraphernalia;
- contain a statement or image that describes or displays profanity, pornography, sexual activity, nudity, violence, serious injuries, or corpses;
- incite violence or advocate the unlawful use of force;
- invade a person’s privacy;
- violate a trademark, copyright, patent, or other intellectual property right;
- include material inappropriate for the maturity level of the students exposed to the Advertisement; or
- create a likelihood of a material and substantial disruption.

2. The District may regulate Advertisement content within legally permitted parameters.

3. The District may determine the size, location, and times of display of all Advertisements.

**B. Student Group Advertisements**

1. A student group is 1 or more students participating in District-sponsored curricular or extracurricular activities supervised by District personnel, such as an athletic team, student council, academic team, or student club.
2. A student group may use District facilities for that group's Advertisements with the prior approval of the applicable building principal or designee.
3. A non-student group Advertisement that appears within materials produced or distributed by a student group (e.g., yearbooks, student newspapers, and athletics or student club publications) is considered a non-student group Advertisement.

**C. Non-Student Group Advertisements**

1. A non-student group Advertisement is any Advertisement that is not considered a student group Advertisement or District speech.
2. A non-student group Advertisement must:
  - include a statement explaining that the group is not affiliated with, or endorsed by, the District;
  - receive prior approval from the Superintendent or designee; and
  - be subject to a written contract with the District describing each party's obligations and rights.
3. A non-student group Advertisement, if approved, does not create a forum for speech or expression.

**D. School Bus Advertisements**

1. An Advertisement may not appear on the exterior of a school bus.
2. The District may allow an Advertisement in a school bus interior to the extent consistent with MDE's "Advertising Inside School Buses" guidelines: [https://www.michigan.gov/documents/mde/Advertising\\_Inside\\_School\\_Buses\\_325476\\_7.pdf](https://www.michigan.gov/documents/mde/Advertising_Inside_School_Buses_325476_7.pdf). A school bus Advertisement is otherwise subject to the same restrictions and approval procedures as other Advertisements.

**E. District Speech**

An Advertisement does not include material used to promote, inform, or collect funds for a product or service the District uses or authorizes in the performance of its educational operations, regardless of whether the product or service is provided by a non-student group. That material is considered the District's speech.

Examples include but are not limited to, material distributed by District vendors whose products or services the District uses or encourages students or staff to use.

Legal authority: MCL 257.1833

Date adopted: December 13, 2021

Date revised: December 12, 2022

## **Series 3000: Operations, Finance, and Property**

### **3400 School Safety and Security**

#### ***3405 Bloodborne Pathogens***

Bloodborne pathogens and other infectious body fluids can be transmitted through contact with skin, eyes, mouth, and mucous membranes, including by needle sticks, cuts, punctures, and bites. The District will observe universal precautions to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids will be considered potentially infectious materials.

If one or more District employees are subject to occupational exposure, the Superintendent or designee will develop and annually update an exposure control plan that will be accessible to employees.

The District will provide personal protective equipment, the hepatitis B vaccine and vaccination series training, and post-exposure evaluations, as required by law, at no charge to employees whose duties are reasonably anticipated to result in occupational exposure to blood or other infectious materials.

“Bloodborne pathogens” means pathogenic microorganisms that are present in human blood and can cause disease in humans. Those pathogens include hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

“Universal precautions” means a method of infection control that treats all human blood and other potentially infectious material as capable of transmitting HIV, HBV, and other bloodborne pathogens.

Legal authority: 29 CFR 1910.1030; Mich Admin Code R 325.70004

Date adopted: December 13, 2021

Date revised:

## Series 3000: Operations, Finance, and Property

### 3400 School Safety and Security

#### ***3407 Asbestos Management***

The District will maintain an asbestos management plan for each school building and otherwise comply with the requirements of the Asbestos Hazard Emergency Response Act (AHERA) and related regulations.

- A. Each asbestos management plan will address building inspections, re-inspections, preventative measures, periodic surveillance, response actions, operations and maintenance, notices, and other information required by law.
- B. Each school building will maintain in its administrative offices a complete, updated copy of the asbestos management plan for that school building. The District's administrative offices will maintain complete, updated copies of asbestos management plans for all school buildings. The District will make asbestos management plans available for inspection without cost but may charge a reasonable amount to make copies.
- C. The District will provide training and information, maintain records, and perform asbestos-related obligations with accredited persons as required by law.
- D. The Board designates Supervisor of Operations and Maintenance to oversee the District's compliance with the asbestos management plan and AHERA.

Legal authority: 15 USC 2641 et seq.; 29 CFR 1910. 40 CFR 763 Subpart E; MCL 388.861 et seq.

Date adopted: December 13, 2021

Date revised:

## **Series 3000: Operations, Finance, and Property**

### **3400 School Safety and Security**

#### ***3408 Firearms and Weapons***

The District is a weapon-free school zone. Except as otherwise permitted by Policy or required by applicable law, a person may not possess a weapon on District property. See also Policy 5206. Each person on District property must also comply with the federal Gun-Free School Zones Act.

#### A. As used in this Policy:

1. A “firearm” means any weapon that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.
2. “Pistol” means that term as defined by MCL 28.421.
3. “District property” means:
  - a. a building, playing field, or property used for school purposes to impart instruction to students or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses; and
  - b. a vehicle used by the District to transport students to or from a place described in subsection A.4.a above.
4. A “weapon” means a firearm, pneumatic gun, or any other object used, intended, or represented to inflict serious bodily injury or property damage.

#### B. Permitted Uses

The following persons may possess a weapon on District property:

1. A peace officer as defined by law;
2. A student’s parent or guardian licensed to carry a concealed pistol may carry a concealed pistol (but no other weapons) while in a vehicle if the parent or guardian is dropping the student off at, or picking the student up from, the student’s school;
3. A person with permission from the Superintendent or designee to possess a firearm (but no other weapons) within any lawful parameters established by the Board;

C. Violations

1. Students and District personnel with knowledge that a person is in violation of this Policy should immediately report the violation to the building principal or designee.
2. Violation of this Policy will result in discipline of students, employees, and contractors, up to and including expulsion or termination, removal from District property, and referral to law enforcement.

Legal authority: 18 USC 921; 18 USC 922(q); MCL 28.425f, 28.425o; MCL 750.237a

Date adopted: December 13, 2021

Date revised:

## Series 4000: District Employment

### 4100 Employee Rights and Responsibilities

#### 4101 Non-Discrimination

##### A. Equal Employment Opportunity

The District is committed to equal employment opportunity and compliance with federal, state, and local laws that prohibit workplace discrimination, unlawful harassment, and unlawful retaliation based on any protected class or activity. This Policy applies to all aspects of employment, including recruiting, advertising, hiring, training, job placement, evaluation, classification, promotion, transfer, work assignment, compensation, benefits, discipline, demotion, termination, reduction in force, recall, and any other term or condition of employment.

This Policy prohibits discrimination against employees or applicants for employment based on the following protected classes: race, color, national origin, ethnicity, religion, sex (including pregnancy, gender identity, gender expression, and sexual orientation), height, weight, marital status, age, disability, genetic information, veteran status, military service, or any other legally protected class. This Policy also prohibits unlawful retaliation based on a protected activity.

The District prohibits unlawful employment discrimination as required by applicable civil rights statutes, including:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, or national origin;
- Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, sex, or national origin;
- Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex;
- Age Discrimination in Employment Act of 1967 (ADEA), which prohibits discrimination based on age as to persons who are at least 40 years old;
- Equal Pay Act of 1963, which prohibits sex discrimination in payment of wages for persons performing substantially equal work in the same establishment;
- Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits discrimination based on disability;

- Americans with Disabilities Act of 1990 (ADA), which prohibits discrimination against qualified persons with disabilities in employment, public service, public accommodations, and telecommunications;
- Family and Medical Leave Act of 1993 (FMLA), which requires covered employers to provide up to 12 work weeks of unpaid, job-protected leave to eligible employees for certain family, military, and medical reasons, and up to 26 work weeks to care for a covered service member with a serious injury or illness;
- Pregnancy Discrimination Act of 1978, which prohibits discrimination based on pregnancy, childbirth, or related medical conditions;
- Pregnant Workers Fairness Act (PWFA), which requires covered employers to provide reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause an undue hardship.
- Genetic Information Non-Discrimination Act of 2008 (GINA), which prohibits discrimination based on genetic information as to health insurance and employment;
- Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which provides job protection and reemployment rights to individuals who voluntarily or involuntarily leave employment to undertake military service, including military reservists and National Guard members called to duty;
- Michigan Elliott-Larsen Civil Rights Act of 1976 (ELCRA), which prohibits discrimination based on race, color, national origin, age, sex, pregnancy, sexual orientation, gender identity or expression, religion, height, weight, or marital status;
- Michigan Persons with Disabilities Civil Rights Act of 1976 (MPDCRA), which prohibits discrimination against qualified persons based on disability that is unrelated to that person's ability to perform the duties of a particular position or genetic information;
- Michigan Equal Pay Act, which prohibits discriminatory wage practices based on sex; and

- Public Employment Relations Act of 1947 (PERA), which prohibits a public employer from discriminating against an employee based on membership or non-membership in a labor organization.
- Michigan Whistleblower Protection Act of 1980, which protects employees who report a violation of state, local, or federal law and employees who participate in hearings, investigations, or court actions.

**B. Reporting Requirements**

Any employee who believes he/she has been subjected to behavior that violates this Policy must file a complaint using the Employment Complaint Procedure in Policy 4104. If Title IX sexual harassment is alleged, the procedures set forth in Policy 3118 should be followed.

Employees with questions about compliance with this Policy and applicable laws should contact the Superintendent or the Employment Compliance Officer(s).

Board members, administrators, and supervisors must promptly report incidents of unlawful discrimination and retaliation. This duty to report applies to unlawful discrimination and retaliation that the Board member, administrator, or supervisor observes or about which he/she receives information.

Board members, administrators, or supervisors who receive a complaint alleging a violation of this Policy must promptly report the complaint, in writing, to the Employment Compliance Officer(s).

A failure to comply with reporting requirements may result in discipline, including discharge.

**C. Employment Discrimination Compliance Training**

The District will train administrators, supervisors, and the Employment Compliance Officer(s) on how to address and investigate discrimination and retaliation complaints.

The District may also provide discrimination and retaliation training to Board members and employees.

Training may be provided by an outside entity or person approved by the District.

Legal authority: 20 USC 1681 et seq.; 29 USC 206 et seq., 701 et seq., 2601 et seq.; 38 USC 4301 et seq.; 42 USC 2000d et seq., 2000e et seq., 2000ff et seq., 12101 et seq.; H.R. 2617-1626. 117<sup>TH</sup> Cong. § 103(1) (signed into law December 29, 2022); MCL 37.1101 et seq., 37.2101 et seq.; MCL 423.201 et seq.; MCL 750.556

Date adopted: December 13, 2021

Date revised: December 12, 2022

## Series 4000: District Employment

### 4100 Employee Rights and Responsibilities

#### *4103 Whistleblowers' Protection*

An employee shall report, on his/her own behalf or on behalf of another employee, a violation or a suspected violation of a federal, state, or local law, regulation, or rule to the employee's supervisor or the Employment Compliance Officer(s). Reports must be made in good faith. An employee who makes or is about to make a report in good faith and in compliance with this Policy will not be discharged, subject to adverse employment action, or subject to other discrimination or retaliation because the employee was about to make or made a report.

If the employee's supervisor is the subject of the violation or suspected violation, the employee must report to the Employment Compliance Officer(s) or the Superintendent. If the Employment Compliance Officer(s) or the Superintendent is the subject of the violation or suspected violation, the employee must report to the President. If the President is the subject of the violation or suspected violation, the employee must report to the Vice President.

A report must be promptly submitted in writing pursuant to Policy 4101. The investigation of the alleged violation will be performed by an impartial investigator. The investigation may be referred to a third party investigator.

Legal authority: MCL 15.361 et seq.

Date adopted: December 13, 2021

Date revised: December 12, 2022

## **Series 4000: District Employment**

### **4100 Employee Rights and Responsibilities**

#### ***4104 Employment Complaint Procedure***

This employment complaint procedure is designed to facilitate: (1) prompt notification of alleged unlawful discrimination, including unlawful Title VII sexual harassment, and retaliation; (2) a prompt and thorough investigation of good faith allegations; and (3) the implementation of appropriate corrective action, if necessary, to eliminate verified, unlawful discrimination and retaliation from the workplace.

#### **A. Initiating a Complaint**

1. A Board member, employee, or employment applicant who believes he/she has been the subject of unlawful discrimination, including unlawful harassment, or retaliation must timely file a complaint, preferably within 10 business days of the alleged or suspected violation or when the reporter obtained knowledge of the alleged or suspected violation, with:

DORI LEYKO, SUPERINTENDENT  
501 BURCHAM DR, EAST LANSING MI 48823  
517-333-7420  
DORI.LEYKO@ELPS.US

RULESHA GLOVER-PAYNE, CHIEF HUMAN RESOURCE OFFICER AND  
TITLE IX COORDINATOR  
501 BURCHAM DR, EAST LANSING MI 48823  
517-333-7413  
RULESHA.GLOVER@ELPS.US

Title IX sexual harassment complaints, including dual Title VII and Title IX harassment complaints that cannot be bifurcated, must be processed under Policy 3118

2. A complaint against the Employment Compliance Officer(s) must be made to the Superintendent or President. A complaint against the Superintendent must be made to the President. A complaint against the President must be made to the Vice President.
3. A complaint of discrimination, including unlawful harassment, or retaliation, may be made verbally or in writing. The complaint will be memorialized on Form 4104-F.

#### **B. Investigation Procedures**

1. A written or verbal report (including an anonymous report) of discrimination, including unlawful harassment, or retaliation will be investigated promptly and thoroughly.

2. An impartial investigator will investigate the complaint and, if appropriate, notify law enforcement. A third-party investigator may be appointed to investigate the complaint. The investigator(s) should consult with legal counsel in appropriate cases.
3. The investigator(s) will determine the relevant and appropriate witnesses to be interviewed based on the allegations, Board policy, and the law, and use reasonable efforts to do so. In most cases, the Complainant(s) and the Respondent(s) will be interviewed. The investigator(s) should remind interviewees to maintain confidentiality to the extent permitted by law.
4. Complaints, evidence, witness statements, investigation notes, and findings will be maintained in a confidential manner and protected from disclosure to the extent permitted by law.
5. The preponderance of the evidence (i.e., more likely than not) standard of proof will be used to determine whether discrimination, including unlawful harassment, or retaliation occurred.
6. The investigator(s) may create an investigation report of factual conclusions and findings.
7. The outcome of the investigation will be reported to the Complainant(s) and the Respondent(s).

**C. Remedies**

The District will take prompt and appropriate remedial action to address substantiated instances of discrimination, including unlawful harassment, or retaliation. Remediation may include restorative practices, training, counseling, discipline, transfer, demotion, discharge, or other action as deemed appropriate.

**D. False Complaint or False Statement**

A person who knowingly files a false complaint or makes a materially false statement is subject to discipline, including discharge.

**E. Unlawful Retaliation**

Retaliation against an investigation participant is prohibited. Any person who unlawfully retaliates is subject to discipline, including discharge.

**F. Appeal Process**

A Complainant or Respondent who objects to the investigation process or findings must file a written appeal with the Superintendent within 10 business days after receiving the investigation outcome. The written appeal must cite specific objections to the investigation process or findings. If the Superintendent is the Respondent or Complainant, an appeal must be filed with the President. If the

President is the Respondent or Complainant, an appeal must be filed with the Vice President.

An appeal will be forwarded to the Board or designee for consideration and action. The Board or designee, in consultation with legal counsel, will take appropriate action, generally within 30 calendar days after receipt of the appeal. A Board officer will then notify the parties in writing of the appeal decision.

**G. Reports to State or Federal Administrative Agencies**

Any person who believes that he/she was the victim of discrimination, including unlawful harassment, or retaliation may file a complaint with the Michigan Department of Civil Rights (MDCR) or the Equal Employment Opportunity Commission (EEOC) at any time:

Michigan Department of Civil Rights Capitol Tower Building  
110 W. Michigan Avenue, Suite 800  
Lansing, MI 48933  
Phone: 517-335-3165  
Fax: 517-241-0546  
TTY: 517-241-1965  
Email: MDCR-INFO@michigan.gov

Equal Employment Opportunity Commission Patrick V. McNamara Building  
477 Michigan Avenue - Room 865  
Detroit, MI 48226  
Phone: 800-669-4000  
Fax: 313-226-4610  
TTY: 800-669-6820  
Email: info@eeoc.gov

An agency complaint may be filed before, during, or after a complaint is filed with the District, or a person may forego filing a complaint with the District and rely solely on the MDCR or EEOC. The District recommends that a person who has been subjected to discrimination, including unlawful harassment, or retaliation, also file a complaint with the District to ensure that the District can take steps to prevent further discrimination, including unlawful harassment, or retaliation and to discipline the Respondent, if appropriate. The MDCR and EEOC do not serve as an appellate body for District decisions. An investigation by the MDCR or EEOC will occur separately from any District investigation.

## **4104 Employment Complaint Procedure**

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Legal authority: U.S. CONST. amend. XIV; 20 USC 1681 et seq.; 29 USC 701 et seq.; 42 USC 2000d et seq., 2000e et seq., 2000ff et seq., 6101 et seq., 12101 et seq.; 29 CFR 1630; 34 CFR 104, 106.8, 106.9, 110; MCL 15.261 et seq.; MCL 37.1101 et seq., 37.2101 et seq.

Date adopted: December 13, 2021

Date revised:

## Series 4000: District Employment

### 4100 Employee Rights and Responsibilities

#### ***4105 Workplace Accommodations for Employees and Applicants Under State and Federal Law***

The District complies with the ADA, Section 504, the MPDCRA, PWFA, and other federal, state, and local laws that prohibit discrimination in employment against qualified persons with disabilities or with limitations related to pregnancy, childbirth, or related medical conditions. The District does not unlawfully discriminate against otherwise qualified employees or applicants for employment with a physical or mental impairment that substantially limits one or more major life activities, those regarded as having a disability, those with a record of a disability, or employees with limitations related to pregnancy, childbirth, or related medical conditions.

An applicant or employee with a disability, or an employee with limitations related to pregnancy, childbirth, or related medical conditions, like all other applicants and employees, must meet the District's requirements for the job, including education, training, employment experience, skills, or licenses/certifications. An applicant or employee with a disability or an employee with limitations related to pregnancy, childbirth, or related medical conditions must be able to perform the job's essential functions with or without reasonable accommodation(s). After an applicant has been given a conditional job offer, the District may ask disability-related questions about the applicant's ability to perform the essential functions of the position with or without reasonable accommodation.

An employee who requires a reasonable accommodation to perform essential job functions must promptly inform the employee's supervisor or the Superintendent or designee. An applicant who requires a reasonable accommodation to perform essential job functions must promptly inform the Superintendent or designee after receiving a conditional offer of employment. A reasonable accommodation is defined as a change in the work environment or in the methods of performing work to enable an otherwise qualified applicant or employee to perform the essential job functions of a position and to enjoy equal employment opportunities.

Upon receipt of an accommodation request, the District will begin the interactive process with the employee or applicant to consider reasonable accommodation options consistent with the ADA, Section 504, and the MPDCRA.

Reasonable accommodation requests that do not pose a direct threat to health or safety or cause undue hardship, as defined by law, will be considered for qualified applicants or employees with a physical or mental impairment that substantially limits one or more major life activities, or for employees with limitations related to pregnancy, childbirth, or related medical conditions.

After considering the relevant medical information, essential job functions, and the applicant's or employee's requested accommodations, the District will, as appropriate, implement reasonable accommodations that do not pose a direct threat to health or safety

or cause an undue hardship. The District is not obligated to adopt the applicant's or employee's specific accommodation request.

The District may engage or re-engage in the interactive process, as necessary.

The District may require a medical statement supporting the requested accommodation. The District may also require an employee to undergo an independent medical examination, limited to the accommodation request, at the District's expense. Medical information will be kept confidential.

Reasonable accommodation of a disability with a limited duration may be provided.

An applicant or employee who believes he/she has been discriminated against under this Policy must promptly file a complaint using the Employment Complaint Procedure in Policy 4104.

A qualified applicant or employee with a disability who needs a reasonable accommodation to attend or participate in a public Board meeting may request an accommodation under Policy 2501.

Legal authority: 29 USC 701 et seq.; 42 USC 12101 et seq.; 29 CFR 1630; 34 CFR 104; H.R. 2617-1626, 117<sup>th</sup> Cong. § 103(1) (signed into law December 29, 2022); MCL 37.1101 et seq., 37.2101 et seq.

Date adopted: December 13, 2021

Date revised: December 12, 2022

Date revised:

## **Series 4000: District Employment**

### **4200 Employee Conduct and Ethics**

#### ***4220 Use or Disposal of District Property***

Employees are prohibited from using District property for personal use unless the Superintendent or designee approves the use in advance. Employee use of District property will be consistent with Policies 3304 and 4214.

After use, District property must be immediately returned to the appropriate location or department. The property must be returned in the same condition it was in at the time of acquisition. The employee is responsible for the cost of repair or replacement if the employee negligently or intentionally damages the District's property.

Employees may not dispose of District property without the supervisor's written approval. Employees may not take possession of discarded District property without written approval from the Superintendent or designee.

State law regulates the disposal, removal, or refusal to return District books, papers, or records. Retention and disposal of District books, papers, or records must conform with the State of Michigan's Records Retention and Disposal Schedule for Michigan Public Schools.

An employee who violates this Policy may be subject to discipline, including discharge, and civil and criminal prosecution.

Legal authority: MCL 380.11a(3), 380.601a; MCL 399.811; MCL 750.491

Date adopted: December 13, 2021

Date revised:

## **Series 4000: District Employment**

### **4400 Professional Staff**

#### ***4404 Performance Based Compensation for Teachers***

The Superintendent or designee will implement a performance based compensation system for teachers pursuant to Revised School Code Section 1250 and State School Aid Act Section 164h. The system must include job performance and accomplishments as a significant factor and be based, at least in part, on student growth data as measured by assessments and other objective criteria for effective and highly effective professionals.

All collective bargaining agreements addressing teachers must include a method of compensation that complies with this Policy.

The Superintendent or designee may implement a performance based compensation system for Non-Teaching Professionals.

Legal authority: MCL 380-1249; MCL 380.1250; MCL 388.1764h; MCL 423.215(3)(o)

Date adopted: December 13, 2021

Date revised:

## **Series 4000: District Employment**

### **4500 Administrators/Supervisors**

#### ***4504 Performance Based Compensation***

The Superintendent or designee will implement a performance based compensation system for building level and central office Administrators regularly involved in instructional matters pursuant to Revised School Code Section 1250 and State School Aid Act Section 164h. The system must include job performance and accomplishments as a significant factor in determining compensation and additional compensation and be based, at least in part, on student growth data as measured by assessments and other objective criteria for effective and highly effective professionals.

The Superintendent may recommend merit pay to the Board for non-instructional Administrators, Supervisors, and Directors.

Collective bargaining agreements and individual employment contracts covering administrative personnel regularly involved in instructional matters must include a method of compensation that complies with this Policy.

Legal authority: MCL, 380.1249b, 380.1250; MCL 388.1764h

Date adopted: December 13, 2021

Date revised: December 12, 2022

## **Series 5000: Students, Curriculum, and Academic Matters**

### **5200 Student Conduct and Discipline**

#### ***5206B Student Discipline - Students with Disabilities***

The District will follow all applicable state and federal laws related to disciplining students with disabilities. Students with disabilities are entitled to all due process protections afforded to other students pursuant to Policy 5206A. For students with disabilities, the additional procedures and protections in this Policy also apply.

##### **A. Change of Placement**

On the date on which the District decides to: (1) expel a student with a disability; (2) suspend a student with a disability for more than 10 consecutive school days; (3) suspend a student with a disability for more than 10 cumulative school days in the same school year if a pattern of removals exists; or (4) place a student with a disability in an interim alternative educational setting (explained below), the District will notify the student's parent/guardian of that decision, will provide the parent/guardian a copy of applicable procedural safeguards, and will conduct a manifestation determination review (MDR) within 10 school days.

##### **B. Manifestation Determination Review**

The MDR team, which includes the parent/guardian and relevant members of the student's IEP or Section 504 Team, will determine whether the student's conduct was a manifestation of the student's disability.

###### **1. Conduct Was a Manifestation**

If the conduct was a manifestation of the student's disability, the District must immediately return the student to the placement from which the student was removed unless the parent/guardian and the District agree to change the placement or the student is placed in an interim alternative educational setting for up to 45 school days (see section C).

For a student with an IEP, if the conduct was a manifestation of the student's disability, the District must either: (1) conduct a functional behavioral assessment (unless one was previously conducted) and implement a behavior intervention plan for the student; or (2) if a behavior intervention plan was already developed, review and modify the behavior intervention plan to address the conduct at issue.

###### **2. Conduct Was Not a Manifestation**

If the conduct was not a manifestation of the student's disability, the District may proceed with the suspension or expulsion by adhering to the due process requirements in Policy 5206A.

If the student has an IEP, the District must, as appropriate, conduct a functional behavioral assessment and develop a behavior intervention plan or other behavioral modifications for the student to prevent the behavior from recurring.

**C. Interim Alternative Educational Setting (“IAES”)**

The District may remove a student with a disability who engages in any of the following conduct to an IAES for not more than 45 school days, even if the conduct is a manifestation of the student’s disability:

1. carrying a weapon to or possessing a weapon at school, on school premises, or to or at a school function;
2. knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance, while at school, on school premises, or at a school function; or
3. inflicting serious bodily injury upon another person while at school, on school premises, or at a school function.

For purposes of this section only, a “weapon” means a device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. A “weapon” does not include a pocket knife with a blade of less than 2½ inches in length.

No student with a disability may be removed to an IAES without first receiving the due process rights afforded under Policy 5206A.

If the student has an IEP, the District must, as appropriate, conduct a functional behavioral assessment and develop a behavior intervention plan or other behavioral modifications for the student to prevent the behavior from continuing.

**D. Dangerous Students**

The District may remove a dangerous student from school as permitted by law. District administrators must follow all state and federal laws governing the removal of dangerous students with disabilities.

**E. Services During Disciplinary Removal or IAES**

A student who is eligible for services under the Individuals with Disabilities Education Act (IDEA) who is expelled or suspended for more than 10 school days during a school year or placed in a 45-school day IAES is entitled to receive programs and services, although in a setting other than the regular school setting, that are sufficient to enable the student to participate in the general education curriculum and to progress toward meeting the goals contained in the student’s IEP.

F. Students Not Yet IDEA Eligible

A student who is not currently identified as a student with a disability under the IDEA is entitled to the rights and procedures provided to students with disabilities if the District had knowledge that the student was a student with a disability before the misconduct occurred. The District is deemed to have knowledge that a student was a student with a disability only if: (1) the student's parent/guardian expressed concern in writing to a school administrator that the student needed special education or related services; (2) the student's parent/guardian requested a special education evaluation; or (3) the student's teacher or other District personnel expressed specific concerns about a pattern of behavior demonstrated by the student to the District's special education director or to other supervisory personnel. The District will not be deemed to have knowledge that the student was a student with a disability if: (1) the student's parent/guardian refused to allow the District to evaluate the student; (2) the student's parent/guardian refused special education for the student; or (3) the student was previously evaluated and determined to not be a student with a disability.

This Policy does not provide a comprehensive description of the disciplinary rights and procedures due to students with disabilities. District administrators must ensure that the rights of students with disabilities are protected and all procedures applicable to students with disabilities are followed as required by the IDEA, Section 504 of the Rehabilitation Act, state law, and Board Policy.

Legal authority: 20 USC 1401 et seq., 7151; 29 USC 705, 794-794b; MCL 380.1308 - 1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

Date adopted: December 13, 2021

Date revised:

## **Series 5000: Students, Curriculum, and Academic Matters**

### **5400 Curriculum, Instruction, and Parent/Guardian Involvement**

#### ***5411 Student Promotion, Retention, and Placement***

The District has the sole discretion to make promotion, retention, and placement decisions for its students, consistent with state and federal law. The District may consider parent/guardian requests that a student be placed in a particular classroom, building, educational program, or grade.

##### **A. Student Promotion and Retention**

The building principal will attempt to consult with a student's parent/guardian before deciding to retain a student, advance a student to the next grade mid-year, or allow a student to skip a grade level. If the parent/guardian disagrees with the building principal's decision about promotion or retention, the Superintendent or designee will make the final decision.

##### **B. Student Placement**

The Superintendent or designee will determine a student's classroom and building placement based on District needs, available space, and educational expertise, consistent with state and federal law. The District's placement decision is final. Nothing in this section may be construed to limit or modify rights under state or federal laws applicable to students with disabilities, including the right to have placement decisions made by an IEP or Section 504 Team.

##### **C. Intradistrict Choice**

A student who is the victim of a violent criminal offense at school may transfer to another public school in the District, if available. A student who attends a Title I school in the District that has not made adequate yearly progress as defined by state and federal law for 2 or more consecutive years or who is attending a persistently dangerous school may transfer to another public school in the District, if available. The Superintendent or designee will notify parents/guardians if their student is eligible to transfer under this Policy.

This Policy incorporates the definitions for "violent criminal offense" and "persistently dangerous school" contained in the Michigan State Board of Education's Statewide Safe School Choice Policy.

##### **D. Nontraditional Programs**

The District may operate nontraditional programs to meet the needs of all students. Nontraditional programs may include alternative education or virtual settings. The building principal or designee will attempt to consult with a student's parent/guardian before finalizing a decision to move a student to a nontraditional program. If the parent/guardian disagrees with the building principal's or designee's decision, the Superintendent or designee will make the final decision.

Nothing in this section may be construed to limit or modify rights under state or federal laws applicable to students with disabilities, including the right to have placement decisions made by an IEP or Section 504 Team.

E. Reserved

Legal authority: 20 USC 7912; MCL 380.1278a, 380.1278b, 380.1280f

Date adopted: December 13, 2021

Date revised:

**Series 5000: Students, Curriculum, and Academic Matters**

**5400 Curriculum, Instruction, and Parent/Guardian Involvement**

***5419 Reading Assessments, Instruction, Intervention, and Retention***

The District will provide instruction and interventions to promote literacy, with a specific emphasis on students in grades K-3, and will follow the procedures and requirements enumerated in state law.,

Legal authority: MCL 380.1280f

Date Adopted: December 13, 2021

Date Revised:

## **Series 5000: Students, Curriculum, and Academic Matters**

### **5700 Student Health and Safety**

#### ***5707 School Wellness Policy***

The District is committed to providing a school environment that enhances opportunities for learning and lifelong wellness.

##### **A. Nutrition Promotion and Education Goals**

All students will receive nutrition education annually that is aligned with the Michigan Health Education Grade Level Content Expectations and the Michigan Merit Curriculum Guidelines for Health Education. Teaching healthy eating behaviors will be part of the curriculum.

The District promotes healthy food and beverage choices for students. The District will implement evidence-based healthy food promotion techniques through:

1. offering school meal programs; and
2. publicizing foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards. The District will collaborate with public and private entities to promote student wellness.

The District will make water available to students throughout the school day.

##### **B. Physical Activity Goals**

The District will offer physical education programs that are designed to equip students with the knowledge, skills, and values necessary for lifelong physical activity. Physical education instruction will be aligned with the Michigan Physical Education Grade Level Content Expectations and the Michigan Merit Curriculum Guidelines for Physical Education.

Students will have the opportunity to participate regularly in supervised physical activities, either organized or unstructured, intended to maintain physical fitness and an understanding of the benefits of a physically active and healthy lifestyle.

The District strives to provide physical activity breaks for all students, including recess for elementary students and before and after school activities, and encourages students to use active transport (e.g., walking, biking).

The District encourages parents/guardians to support their students' participation in physical activity, to be physically active role models, and to include physical activities in family events.

##### **C. Goals for Other School-Based Activities Designed to Promote Student Wellness**

The District may partner with community members or groups to implement this Policy. The District will also:

1. participate in state and federal child nutrition programs as appropriate;
2. allow other health-related entities to use school facilities for activities such as health clinics, screenings, and wellness events consistent with Policy 3304;
3. use evidence-based strategies to develop, structure, and support student wellness; and
4. create environments conducive to healthy eating, physical activity, and conveying consistent health messages.

**D. Standards and Nutrition Guidelines for All Foods and Beverages Sold to Students on the School Campus and During the School Day**

The District will ensure that students have access to foods and beverages that comply with applicable laws and guidelines including, but not limited to, the USDA Nutrition Standards for School Meals and the USDA Smart Snacks in School nutrition standards.

The District will offer students a variety of age-appropriate, healthy food and beverage selections including fruits, vegetables, and whole grains aimed at meeting the nutrition needs of students within their calorie requirements to promote student health and reduce childhood obesity.

**E. Standards for All Foods and Beverages Provided, But Not Sold, to Students During the School Day**

The District may provide a list of healthy food and beverage alternatives to parents/guardians, teachers, and students for classroom parties, rewards and incentives, or classroom snacks. The District discourages the use of unhealthy food and beverages as a reward or incentive for performance or behavior.

**F. Food and Beverage Marketing**

Marketing and advertising is allowed on school grounds or at school activities only for foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards. Food and beverage fundraising and marketing that occurs at events outside of school hours need not comply with the USDA Smart Snacks in School nutrition standards.

In-school fundraising events must comply with Policy 5501 and MDE's Non-Compliant Food Fundraiser Guidance, which permits 2 fundraisers per week, per school building that do not comply with USDA Smart Snacks in School nutrition standards. In-school fundraising events may last up to 1 day and may not be held in the food service area during meal times.

Equipment that currently displays noncompliant marketing materials (e.g., scoreboard with soft drink logo) will not be removed or replaced. As the District reviews and considers new contracts and as durable equipment, like scoreboards,

is replaced or updated, any food or beverages marketed and advertised will meet or exceed the USDA Smart Snacks in School nutrition standards.

**G. Wellness Committee**

The District will form a Wellness Committee to establish goals for, oversee, and periodically review and update school health policies and programs. The Wellness Committee will also oversee this Policy's implementation.

The Wellness Committee will represent all school buildings and include, to the extent possible, parents/guardians, students, food service representatives, physical and health education teachers, school and community health care professionals, and community members. The Board encourages community participation in the Wellness Committee. When possible, membership will also include Supplemental Nutrition Assistance Program education coordinators.

**H. Implementation and Oversight**

The Superintendent or designee is responsible for ensuring that each school building complies with this Policy.

The Board will review this Policy at least every 3 years to determine compliance, progress, and the extent to which this Policy compares to model school wellness policies. Parents/guardians, students, school employees, school health professionals, Board members, and community members may provide input to the District during the Wellness Policy review process.

A copy of this Policy will be maintained in the District's administrative offices and posted on the District's website. The Superintendent or designee will maintain all legally required documentation for implementation of this Policy.

The Superintendent or designee will annually provide notice about this Policy and any updates to the community.

**I. School Meal Program**

1. The District is required to make reasonable efforts to collect unpaid meal charges of current students. The building principal or designee will contact households about unpaid meal charges and may establish payment plans and due dates by telephone, e-mail, or other written or oral communication. If these collection efforts are unsuccessful, the District may pursue any other methods to collect delinquent debt of current students as allowed by law. Collection efforts may continue into a new school year.

Unpaid meal charges of inactive students, such as graduated students and students no longer enrolled at the District, that are not collected by the end of the school year will be classified as bad debt. No later than December 31 of the following school year, non-federal funds will be used to reimburse the school meal program for the amount of bad debt.

2. Elimination of “Lunch Shaming”

The District will strive to eliminate any form of “lunch shaming.” “Lunch shaming” is the public identification or stigmatization of students who cannot pay for a school meal. In furtherance of this goal, the District prohibits the following:

- a. requiring a student who cannot pay for a school meal or who has unpaid meal charges to wear a wristband or handstamp;
- b. requiring a student to dispose of a meal after it has been served because the student cannot pay for the meal or has unpaid meal charges;
- c. communicating directly with a student about unpaid meal charges unless the District has attempted but has been unable to contact the student’s parent/guardian by telephone, e-mail, or other written or oral communication;
- d. requiring a student to perform chores or other labor to pay a student meal debt; and
- e. discussing a student’s unpaid meal charges in the presence of other students.

Date adopted: December 13, 2021

Date revised: February 27, 2023

Date revised:



East Lansing  
Public Schools

## MEMORANDUM

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**TO:** ELPS Board of Education, Dori Leyko, Superintendent

**FROM:** Richard Pugh, Director of Finance & Operations

**SUBJECT:** Action Item – 2024 Summer Tax Levy Resolution

**DATE:** October 17, 2023

Recommendation:

It is recommended that the Board of Education adopt the resolution, as presented, to impose a 100% summer tax levy to collect all school property taxes.

Background:

***From the 10-9-2023 BOE packet:***

The Board of Education originally adopted a 100% summer tax levy resolution on April 14, 1997 (see Board Policy #3290). As required by the Revised School Code the Board of Education must annually adopt a resolution prior to January 1 to continue the summer tax levy. Attached is the resolution for consideration. Having a 100% summer tax levy is desirable because it enables the District to collect a large portion of its property tax revenue early in the school year. With the early collection of property tax revenue the District is able to earn more interest (when rates are favorable) through investments and also lessens the likelihood of having to borrow early in the school year because of cash flow shortages.

Board action anticipated on October 23, 2023.

**Annual Summer Tax Resolution - School District of the City of East Lansing (the “District”)**

A regular meeting of the Board of Education (Board) of the District was held in the Board Room at 509 Burcham Drive, East Lansing, Michigan on the 23<sup>th</sup> day of October, 2023, at 7:00 o'clock in the p.m.

The meeting was called to order by \_\_\_\_\_, President.

Present: Members

Absent: Members

The following preamble and resolution were offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_:

**WHEREAS**, this Board previously adopted a resolution to impose a summer tax levy to collect 100% of annual school property taxes, including debt service, upon property located within the District and continuing from year-to-year until specifically revoked by the Board.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. Pursuant to the Revised School Code, MCL 380.1 et seq., the Board invokes for 2024 its previously adopted ongoing resolution imposing a summer tax levy of 100% of annual school property taxes, including debt service, upon property located within the District and continuing from year-to-year until specifically revoked by this Board and requests each city and/or township in which this District is located to collect those summer taxes.

2. The Superintendent or designee is authorized and directed to forward to the governing body of each city and/or township in which this District is located a copy of this Board's resolution imposing a summer property tax levy on an ongoing basis and a copy of this resolution requesting that each such city and/or township agree to collect the summer tax levy for 2024 in the amount as specified in this resolution. Such forwarding of the resolutions and the request to collect the summer tax levy shall be performed so that they are received by the appropriate governing bodies on or before December 31, 2023.

3. Pursuant to and in accordance with Revised School Code Section 1613(1), the Superintendent or designee is authorized and directed to negotiate on behalf of the District with the governing body of each city and/or township in which the District is located for the reasonable expenses for collection of the District's summer tax levy that the city and/or township may bill under Revised School Code Sections 1611 or 1612.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Resolution declared adopted.

\_\_\_\_\_  
Secretary, Board of Education

The undersigned, duly qualified and acting Secretary of the Board of Education of School District of the City of East Lansing hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by the Board at the Meeting, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the “Open Meetings Act” (Act 267, Public Acts of Michigan, 1976, as amended).

\_\_\_\_\_  
Secretary, Board of Education



East Lansing  
Public Schools

## MEMORANDUM

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**TO:** ELPS Board of Education, Dori Leyko, Superintendent  
**FROM:** Richard Pugh, Director of Finance & Operations  
**SUBJECT:** Action Item – 2023-24 Tuition Rates  
**DATE:** October 17, 2023

Recommendation:

It is recommended that the Board of Education approve the 2023-24 tuition rates as presented.

Background:

***From the 10-9-2023 BOE packet:***

Each year the Board of Education is required to determine tuition rates per Section 380.1401 of the Revised School Code. This generally coincides with the completion of the annual audited financial statements as operating costs of the preceding fiscal year are used in the calculation of tuition rates. **Tuition rates only apply to non-resident students wanting to attend the District outside of the School of Choice rules.**

Example: the District has 10 slots for 6<sup>th</sup> grade and has 8 SOC applications and fills all 8 slots. After the close of the SOC process one non-resident student applies to attend the District as a tuition student. Note had the District originally filled all 10 slots via SOC and also had a waiting list for this grade it would not accept a tuition student for this grade.

The District rarely accepts a tuition student (only one over the last 14 years). Attached is the calculation of the 2023-24 tuition rates.

EAST LANSING PUBLIC SCHOOLS  
2023-24 TUITION RATES for NON-RESIDENT PUPILS ONLY  
(Based on ELPS 2022-23 FID Report)

Total 2022-23 General Fund expenditures per FID report		\$ 54,517,922
Less Summer School	(234,646)	
Less Transportation	(1,809,929)	
Less Community Services	(19,465)	
Less Payment to Other Public Schools in MI	(2,497,992)	
Less Debt Services	(22,000)	
Less Fund Modification	-	
Less Capital Outlay	(597,654)	(5,181,686)
Total adjusted 2022-23 General Fund expenditures		<u>49,336,236</u>
Divided by 2022-23 State Aid Membership, per August 2023		<u>3,764.57</u>
Net per capita operating cost		<u><u>\$ 13,105.41</u></u>

1. Tuition grades K-6:

Per capita cost		\$ 13,105.41
Plus 25% of per capita cost		<u>3,276.35</u>
Maximum allowable for Kindergarten through 6th Grade		16,381.76
[ 16,381.76 / 1,098 = 14.92 per hour (K-6)]		
Less Foundation Allowance per pupil (Legislated amount for 2023-24)		<u>(9,608.00) <sup>1</sup></u>
<b>Tuition Amount for Grades K-6</b>		<u><u>\$ 6,773.76</u></u>

2. Tuition grades 7-12:

Per capita cost		\$ 13,105.41
Plus 15% of per capita cost		<u>1,965.81</u>
		15,071.22
Plus 12.5% of total		<u>1,883.90</u>
Maximum allowable for 7th through 12th Grade		16,955.12
[ 16,955.12 / 1,098 = 15.44 per hour (7-12)]		
Less Foundation Allowance per pupil (Legislated amount for 2023-24)		<u>(9,608.00) <sup>1</sup></u>
<b>Tuition Amount for Grades 7-12</b>		<u><u>\$ 7,347.12</u></u>

1 - Attorney General's opinion states that if a release from the resident district is obtained, the "educating district must deduct the higher of the resident district's foundation allowance or the educating district's foundation allowance." The amount listed is ELPS foundation (\$9,608) and would be replaced with the resident district's foundation if greater than ELPS.

Note - Non-Resident tuition formula per The Revised School Code section 380.1401.



East Lansing  
Public Schools

## MEMORANDUM

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**TO:** Board of Education members

**FROM:** Dori Leyko, Superintendent

**SUBJECT:** Safety, Security and Accessibility Bond for Secondary Buildings

**DATE:** October 20, 2023

### **Background:**

I'm requesting the Board of Education affirm the exploration of a bond proposal that would include safety, security and accessibility improvements at East Lansing High School and MacDonald Middle School. We will explore and evaluate the potential for the following improvements:

- The addition of a secure entrance at East Lansing High School (ELHS)
- The relocation of Central Office to either an offsite location (Towar) or a separate and secure onsite location
- The addition of an interior ramp at ELHS and MacDonald Middle School (MMS)
- A unified security interface and technology/camera improvements
- Interior door hardware
- Interior window and door coverings
- Repaving of parking lots at ELHS and MMS

The team will utilize the feedback and recommendations from the fall 2023 building safety assessments that were completed by Secure Education Consultants as a guide for prioritizing the projects.

An initial meeting with PFM Financial Advisors indicates a bonding capacity of approximately \$23 million with no millage increase. The funds would be available in three series – 2024, 2025 and 2026.

ELPS plans to partner with Clark Construction and Kingscott architects. May 2024 would be the earliest this proposal would come before the voters.

### **Motion:**

The Board of Education approve the exploration of a Safety, Security and Accessibility Bond Proposal for improvements at East Lansing High School and MacDonald Middle School.