

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

Policy Update

VOLUME 34 NUMBER 1

SEPTEMBER 2019

MASB Policy Services Provided by Neola

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

Policy Development and Updating

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

OVERVIEW AND COMMENTS

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

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

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

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

If a policy or guideline is marked as a revision, the changes have been marked in bold (to add material) and crossed out (to delete material). As you review a revised policy or guideline, you may choose to accept one, many or all of the changes

provided. If a policy or guideline is marked as a replacement, that means there have been enough changes made that justify a complete, clean replacement copy. As you review a replacement policy or guideline, you should also check the materials you have in your current policy or guideline to see if there is some specific wording you want to include in the replacement policy. If so, any wording from the current policy should be added using "Track Changes" or the editing tools in the Board Docs platform in the replacement policy or guideline before returning it electronically to the Coshocton office for processing.

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

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

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

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

Processing Update Materials

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

District-Specific Material

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

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

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

Notice Regarding Legal Accuracy

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

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

LEGAL ALERT

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

- A. Recent Legislative Changes and Legal Issues
- B. FMLA Guidance Released by the Department of Labor (DOL)

C. FLSA - DOL Proposes Changes to the Minimum Salary Threshold for Overtime Exemption

D. Employee Wellness Programs

E. Standards of Evidence

BYLAWS AND POLICIES

Policy 1420 - School Administrator Evaluation (Revised)

Revisions to this policy (and Policy 3220) reflect S.B 122 and S.B. 202 annual year-end evaluations for teachers and school and district administrators who are regularly involved in instructional matters.

These revisions reflect current law and should be adopted in order to maintain accurate policies.

Policy 2265 - Child Care Center Staff and Volunteers (New)

This new policy is provided to comply with a change to the Child Care Organizations Act requiring more intensive background checks for anyone who works in a qualifying program, including volunteers if they have unsupervised contact with kids. The Act requires districts to have a policy regarding volunteer supervision. Although a policy is not required on background checks, the district is required to do them.

This new policy reflects current law and should be adopted in order to maintain accurate policies.

Policy 2450 - Community and Adult Education (Revised)

The addition to this policy is provided for districts that offer adult education/job training programs that are eligible for tuition funds paid by the U.S. Department of Veterans Affairs and enforced at Institutions of Higher Learning, Non-College Degree Programs, and Flight Schools. The recently enacted Veterans Benefits and Transition Act of 2018 requires Michigan's State Approving Agency (SAA) to disapprove all courses at educational institutions that have a policy inconsistent with the following criteria for recipients of Chapter 31 and Chapter 33 of the G.I. Bill.

This revision reflects the current Federal law and should be adopted if the district provides such adult education/job training programs.

Policy 2628 - State Aid Incentives (Revised)

The revision to this policy reflects the current "At-Risk" characteristics specified in Section 31a(20) of the Michigan School Aid Act.

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

Policy 3210 - Staff Ethics (Revised)

This policy has been revised to include the provisions of the recently approved (May 2019) Michigan Code of Educational Ethics (Code). The Code is adapted from the Model Code of Ethics for Educators (MCEE), adopted by the National Association of State Directors of Teacher Education and Certification Board of Directors.

Revisions to this policy are recommended for adoption.

Policy 3220 - Professional Staff Evaluation (Revised)

Revisions to this policy (and Policy 1420) reflect S.B 122 and S.B. 202 annual year-end evaluations for teachers and school and district administrators who are regularly involved in instructional matters.

These revisions reflect current law and should be adopted in order to maintain accurate policies.

Policy 5230 - Late Arrival and Early Dismissal (Revised)

This revision provides an option for the District to require photo identification when releasing a student to a non-parent/guardian.

This option is recommended, but not required.

Policy 5330.02 - Opioid Antagonists (Revised)

This policy has been revised to reflect the changes of Public Act 38 and Public Act 39 resulting in the creation of the new Administration of Opioid Antagonist Act (AOAA). The Act is effective as of September 24, 2019.

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

Policy 6800 - System of Accounting (Revised)

This policy has been revised to reflect the reporting requirements of the Governmental Accounting Standards Board, Statement No. 84 (GASB 84) regarding student and school-related activity funds.

This revision reflects the requirements in the Michigan Public Schools Accounting Manual and should be adopted.

Policy 7300 - Disposition of Real Property (Revised)

This policy has been revised to specifically list certain options that are available to districts regarding disposition of real property.

Revisions to this policy are recommended, although not required.

Policy 7440.03 - Small Unmanned Aircraft Systems (New)

Neola first issued guidance on drones in August 2015, providing a sample resolution for districts to prohibit the operation of small unmanned aircraft systems on school property, to be in compliance with MHSAA bylaws. Such aircraft systems are regulated by the Federal Aviation Administration (FAA), with rulemaking by that agency in the early stages at that time. However, rulemaking has become somewhat settled with the issuance of SMALL UNMANNED AIRCRAFT RULE (PART 107). This new policy and administrative guideline reflect the provisions of that rule (Part 107) and the prohibition advanced by the MHSAA.

This policy and guideline are recommended.

Policy 8400 - School Safety Information (Reissued)

This policy and corresponding AG are being reissued as a part of this update. When revised in January 2015, the optional language was offered dealing with Threat Assessment procedures and considerations. Very few clients selected the Threat Assessment language at that time. However, given the current focus on such precautions, the template is being reissued (with no further revision) for consideration.

This policy and guideline are recommended.

Policy 8462 - Student Abuse and Neglect (Revised)

This policy has been revised to include all "mandatory reporters" as specified by Michigan statute. Given recent additions to the list of individuals required to report suspicion of child abuse, the term "professional staff" was not sufficiently inclusive.

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

ADMINISTRATIVE GUIDELINES

AG 2240B - Alternative Learning Activities for Opt-Out Students (Revised)

Language has been added to this guideline to provide an alternative for a student who objects to dissection activities, in accordance with Michigan State Board of Education policy.

This guideline should be approved and implemented.

AG 2432 - Driver Education (Revised)

This guideline has been revised to reflect the nighttime hours requirement as provided in Public Act 34 - 2019 as approved by the Governor on June 25, 2019. The guideline need only be considered if the district offers a driver education program.

AG 5230 - Early Dismissal (Revised)

See note on Policy 5230.

AG 6146 - Post-Issuance Compliance for Tax-Exempt and Tax-Advantaged Obligations (Revised)

This guideline has been revised to reflect reporting requirements prescribed by the Treasury Department.

AG 7440.03 - Small Unmanned Aircraft Systems (New)

See note on Policy 7440.03

AG 8400A - Threat Assessment and Intervention (Reissued)

See note on Policy 8400.

FORMS

Form 5230 F1 - Early Release Form (Revised)

See note on Policy 5230.

COMMENTS

Reviewing Board Minutes

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