

LAWTON COMMUNITY SCHOOLS

BOARD OF EDUCATION

Regular Meeting

November 17, 2025

7:00 PM

AGENDA

1. **CALL TO ORDER** - This meeting is a meeting of the Board of Education in public for the purpose of conducting the School District's business and is not to be considered a public community meeting. There is a time for public participation during forum time.
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA** **2**
4. **FORUM TIME** - Comments specific to meeting agenda
5. **BUDGET REPORTS**
6. **SUPERINTENDENT'S REPORT**
  - A. Special Recognitions
  - B. 2025-26 Pupil Membership Count 10.01.25 3
  - C. Winter Athletic Schedule 4
  - D. Winter Coaches 5
7. **NEW BUSINESS - CONSENT AGENDA ITEMS** 6
  - A. Approval of Consent Agenda Items 6
  - B. Special Recognition Resolution Approvals 7
    1. Middle School 7
    2. High School 8
  - C. Approval of Board of Education Meeting Minutes 9
  - D. Hire Resolution - Pillow - MS Aide 14
  - E. Hire Resolution - Allison - JV Girls Basketball 15
  - F. Hire Resolution - Conklin - 8th Grade Boys Basketball 16
  - G. Hire Resolution - Weurding - 7th Grade Boys Basketball 17
  - H. Hire Resolution - Whipple - MS Competitive Cheer 18
  - I. Hire Resolution - Williams - Varsity Competitive Cheer 19
  - J. Hire Resolution - Green - Recess Aide 20
  - K. Resignation Resolution - Douglas - Specialist Aide 21
  - L. Resignation Resolution - Williams - Aide 22
8. **NEW BUSINESS**
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  - C. Neola Policy - 1st Reading 36
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9. **FORUM TIME**
10. **ADJOURNMENT**

TO: Board of Education  
FROM: Ben Bandfield  
DATE: November 17, 2025  
SUBJECT: Approval of Agenda

**RECOMMENDED BOARD ACTION:**

**"RESOLVED, that the Lawton Community Schools Board of Education approves the agenda as presented."**

	2024-25 Fall	2024-25 Spring	2025-26 Fall	2025-26 Spring
K	88.00	86.00	95.00	
1st	74.00	73.00	72.00	
2nd	72.00	72.00	75.00	
3rd	81.00	80.00	80.00	
4th	82.00	80.00	72.00	
5th	84.00	85.00	86.00	
6th	83.00	80.00	88.00	
7th	85.18	83.36	83.18	
8th	72.00	69.00	86.00	
9th	76.00	75.00	65.00	
10th	69.00	70.00	70.00	
11th	68.50	67.00	64.00	
12th	63.50	63.50	73.00	
LAAC	25.00	26.00	23.18	
Shared Time	50.96	50.29	53.17	
<b>Total</b>	<b>1074.14</b>	<b>1060.15</b>	<b>1085.53</b>	<b>0.00</b>
LES	397.00	391.00	394.00	0.00
LMS	324.18	317.36	343.18	0.00
LHS	277.00	275.50	272.00	0.00
LAAC	25.00	26.00	23.18	0.00
SHARED TIME	50.96	50.29	53.17	0.00
Section 25e				
<b>TOTAL</b>	<b>1074.14</b>	<b>1060.15</b>	<b>1085.53</b>	<b>0.00</b>

**Girls Basketball**

Tue	12/9	South Haven	H	JV/V	5:30/7
Th	12/11	Constantine	A	JV	5:30
Fri	12/12	Constantine	H	V	6:00
Sat	12/13	Bremen @ River Valley HS	A	V	4:00
Th	12/18	Hackett CP	H	JV	5:30
Fri	12/19	Hackett CP	A	V	6:00
Mon	12/29	Watervliet @ Bangor INV	A	V	12:45
Tue	1/6	Saugatuck	A	JV/V	5:30/7
Th	1/8	Parchment	A	JV	5:30
Fri	1/9	Parchment	H	V	6:00
Tue	1/13	Fennville	H	JV/V	5:30/7
Th	1/15	Kalamazoo Christian	A	JV	5:30
Fri	1/16	Kalamazoo Christian	H	V	6:00
Th	1/22	Schoolcraft	A	JV	5:30
Fri	1/23	Schoolcraft	H	V	6:00
Tue	1/27	Holland Black River	A	JV/V	5:30/7
Th	1/29	Constantine	H	JV	5:30
Fri	1/30	Constantine	A	V	6:00
Mon	2/2	Paw Paw	A	JV/V	5:30/7
Tue	2/3	Niles Brandywine	A	JV/V	5:30/7
Th	2/5	Hackett CP	A	JV	5:30
Fri	2/6	Hackett CP	H	V	6:00
Mon	2/9	New Buffalo Co-op	H	JV/V	5:30/7
Th	2/12	Parchment	H	JV	5:30
Fri	2/13	Parchment	A	V	6:00
Mon	2/16	Three Rivers	H	JV/V	5:30/7
Tue	2/17	Delton Kellogg	H	JV/V	5:30/7
Th	2/19	Kalamazoo Christian	H	JV	5:30
Fri	2/20	Kalamazoo Christian	A	V	6:00
Tue	2/24	Schoolcraft	A	JV/V	5:30/7
Th	2/26	Dowagiac	H	JV/V	5:30/7

**Boys Basketball**

Tue	12/2	Hartford	A	JV/V	6/7:30
Fri	12/5	Schoolcraft	A	JV/V	5:30/7
Tue	12/9	South Haven	A	JV/V	5:30/7
Th	12/11	Constantine	A	JV	7:00
Fri	12/12	Constantine	H	V	7:30
Th	12/18	Hackett CP	H	JV	7:00
Fri	12/19	Hackett CP	A	V	7:30
Mon	1/5	Fennville	H	JV/V	5:30/7
Tue	1/6	Gobles	H	JV/V	5:30/7
Th	1/8	Parchment	A	JV	7:00
Fri	1/9	Parchment	H	V	7:30
Tue	1/13	Coloma	A	JV/V	5:30/7
Th	1/15	Kalamazoo Christian	A	JV	7:00
Fri	1/16	Kalamazoo Christian	H	V	7:30
Tue	1/19	Climax Scotts	H	JV/V	5:30/7
Th	1/22	Schoolcraft	A	JV	7:00
Fri	1/23	Schoolcraft	H	V	7:30
Mon	1/26	Cassopolis	A	JV/V	5:30/7
Tue	1/27	Galesburg	H	JV/V	5:30/7
Th	1/29	Constantine	H	JV	5:30
Fri	1/30	Constantine	A	V	7:30
Tue	2/3	Allegan	H	JV/V	5:30/7
Th	2/5	Hackett CP	A	JV	7:00
Fri	2/6	Hackett CP	H	V	7:30
Th	2/12	Parchment	H	JV	7:00
Fri	2/13	Parchment	A	V	7:30
Mon	2/16	Three Rivers	A	JV/V	5:30/7
Tue	2/17	Holland Black River	A	JV/V	5:30/7
Th	2/19	Kalamazoo Christian	H	JV	7:00
Fri	2/20	Kalamazoo Christian	A	V	7:30

**Wrestling**

Wed	12/3	SAC Quad w/ Galesburg/Parchment	H	6:00
Sat	12/6	Allegan Inv.	A	9:00
Wed	12/10	Niles Brandywine Quad	A	6:00
Sat	12/13	Gull Lake Invite	A	9:00
Sat	12/20	Lawton Inv.	H	9:00
Sat	1/3	Three Rivers Inv.	A	9:00
Wed	1/7	SAC Quad @Coloma	A	6:00
Sat	1/10	Olivet Inv.	A	9:00
Wed	1/14	SAC Quad w/ DK/Martin	H	6:00
Sat	1/17	Kalamazoo Central	A	9:00
Wed	1/21	SAC Quad @ Constantine	A	6:00
Wed	1/28	SAC Quad @ Schoolcraft	A	6:00
Sat	1/31	Greater Berrien Inv.	A	9:30
Sat	2/7	SAC Tour. @ Coloma	A	10:00
Sat	2/14	Team Districts	A	6:00
Sat	2/14	Individual Districts@	A	TBA
Wed	2/18	Team Regional @ TBD	A	TBA
Sat	2/21	Individual Regional @	A	TBA
Fri	2/27	Team State	A	TBA
Fri	3/6	Individual State	A	TBA

**MS Wrestling**

Thu	1/15	SAC @ Constantine	A	5:30
Sat	1/17	Portage North MS Invite	A	9:00
Thu	1/22	SAC Jamboree @ Schoolcraft	A	5:30
Sat	1/24	BC Lakeview Invite	A	8:30
Thu	1/29	SAC Jamboree	H	5:30
Thu	2/5	SAC @ South Haven	A	5:30
Thu	2/12	SAC @ Coloma	A	5:30
Sat	2/28	Coloma Inv	A	TBD

**M.S. Girls Basketball**

Mon	1/19	CONSTANTINE	H	5:00
Wed	1/21	GALESBURG AUGUSTA	H	5:00
Mon	1/26	PARCHMENT	A	5:00
Wed	1/28	MARTIN	H	5:00
Mon	2/2	SCHOOLCRAFT	A	5:00
Wed	2/4	ST. MONICA	H	5:00
Tue	2/9	ST.AUGUSTINE	A	5:00
Wed	2/11	KALAMAZOO CHRISTIAN	H	4:30
Mon	2/16	DELTON KELLOGG	A	5:00
Wed	2/18	GOBLES	A	5:00
Mon	2/23	CONSTANTINE	A	5:00
Wed	2/25	SCHOOLCRAFT	H	5:00

**M.S. Boys Basketball**

See Tab Below

**Competitive Cheer**

Tue	11/11	Parchment (MS Only)	A	6:00
Tue	11/18	Delton Kellogg (MS Only)	A	6:00
Tue	11/25	Coloma (MS only)	A	6:00
Mon	12/8	Paw Paw (MS only)	A	6:00
Sat	12/13	Paw Paw Inv (MS)	A	10:00
Mon	12/15	Bangor Inv (MS Only)	A	TBD
Sat	12/20	Gobles Cheer Bash (MS)	A	9:00
Sat	1/4	Comstock Park	A	TBD
Thu	1/8	SMCCC @ Schoolcraft	A	6:00
Sat	1/10	Allegan Inv.	A	6:00
Thu	1/15	SMCCC @ Allegan	A	6:00
Sat	1/17	Bloomington Inv	A	10:00
Thu	1/22	SMCCC @ Delton kellogg	A	6:00
Sat	1/24	Michigan Center Inv	A	TBD
Thu	1/29	SMCCC Final @ Parchment	A	6:00
Sat	1/30	Bronson Inv	A	10:00
Sat	2/14	Schoolcraft Inv	A	1:00
S	2/21	Districts	A	10:00



Volunteer for the Athletic Boosters at any home contest and earn 3 admissions into Lawton Athletic Events!!!  
For info contact the Lawton Athletic Department.

GO BLUE DEVILS!!!

\*\*\* SCHEDULE SUBJECT TO CHANGE \*\*\*

Cancelled

## 2025-26 LAWTON WINTER SPORTS COACHING STAFF

SPORT	(STEP)	Coach	Cell
<u>Varsity Boys Basketball</u>	10	<b>Matt Smith</b> mattsmith.lawton@gmail.com	269.207.5457
<u>JV Boys Basketball</u>	4	<b>John Miller</b> jmiller1300@yahoo.com	269.720.4344
<u>8<sup>th</sup> Boys Basketball</u>	1	<b>Billy Conklin</b> Billyconklin23@gmail.com	269.655.6022
<u>7<sup>th</sup> Boys Basketball</u>	7	<b>Jason Merriman</b> Jmerriman25@yahoo.com	269.539.8177
	4	<b>Derek Weurding</b> dweurding@lawtoncs.org	269.569.6692
<hr style="border-top: 1px dashed black;"/>			
<u>Varsity Girls Basketball</u>	9	<b>Jeremy Macon</b> jmacon@lawtoncs.org	269.873.7387
<u>JV Girls Basketball</u>	10	<b>Kirstin Allison</b> kallison.2208@gmail.com	269.214.1391
<u>8<sup>th</sup> Girls Basketball</u>	10	<b>Chad Williams</b> cwilliams@lawtoncs.org	269.655.4820
<u>7th Girls Basketball</u>	10	<b>Mike Armbruster</b> marmbruster@lawtoncs.org	989.621.0315
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<u>Varsity Wrestling</u>	10	<b>Troy Johnson</b> janinejohnson530@aol.com	269.720.3986
<u>MS Wrestling</u>	6	<b>Marco Garcia</b> gr8golfer79@aol.com	269.806.4307
<hr style="border-top: 1px dashed black;"/>			
<u>Competitive Cheerleading</u>	5	<b>Marissa Williams</b> mlaupp221@gmail.com	269.830.7620
<u>MS Competitive Cheer</u>	1	<b>Jessica Whipple</b> jwhipple@lawtoncs.org	269.359.5750



TO: Board of Education  
FROM: Ben Bandfield  
DATE: November 17, 2025  
SUBJECT: Consent Agenda Items

**RECOMMENDED BOARD ACTION:**

**"RESOLVED, that the Lawton Community Schools Board of Education approves consent agenda items: 7. A, B, C, D, E, F, G, H, I, J, K, and L."**

To: Board of Education  
From: David Williams  
Date: November 17, 2025  
Re: Middle School Resolutions

**RECOMMENDED BOARD ACTION:**

**“RESOLVED, that the Lawton Community Schools Board of Education extends its congratulations to the following students for being Students of the Month for the month of October: Fifth Grade Kathryn Ramsey, Sixth Grade Cooper Conklin, Seventh Grade Renesmae Compton, and Eighth Grade Hunter Wren.”**

**Kathryn (Katie) Ramsey; Daughter of Eric and Stacie Ramsey**

Katie is a great example of a ROAR student in our 5th grade class. She is a great leader and friend to everyone. Katie is always willing to help whether it is straightening up the room, helping others with math, or just being ready for class! Katie is someone that can be counted on to do the right thing without being told. She is always volunteering to help with just about anything and does a great job at keeping her classmates & teachers on schedule with all events!! She is so appreciated in the classroom and exemplifies our middle school ROAR standards!

**Cooper Conklin; Son of William and Ashley Conklin**

It is our pleasure to recognize Cooper Conklin as our 6th Grade October Student of the Month. Cooper is a kind, joyful, and a supportive member of our classroom community. He consistently demonstrates a positive attitude and a genuine enthusiasm for learning. Cooper approaches each lesson with curiosity and focus. Cooper’s kindness extends beyond academics—he is a true friend to his classmates. His peers respect and enjoy working with him, and his teachers appreciate his respectful attitude and steady effort. Congratulations Cooper, your joyful spirit is a wonderful addition to our classroom culture!

**Renesmae Compton; Daughter of Paul and Heather Compton**

Congratulations to Renesmae Compton, our 7th Grade Student of the Month! She consistently demonstrates Lawton Middle School ROAR expectations — showing Respect for others through kindness and teamwork, taking Ownership of her learning, maintaining a positive Attitude even when faced with challenges, and showing Responsibility by being dependable and prepared.

Renesmae stands out as a true leader, always ready to step in and help classmates and teachers alike. Her leadership and willingness to go above and beyond make our school a better place every day. We are proud to celebrate your hard work and keep shining brightly!

**Hunter Wren; Son of Jesse and Ashley Wren**

Hunter Wren is an outstanding student who truly deserves the nomination for Student of the Month. He consistently helps his classmates with kindness and patience, showing a genuine willingness to support others. Even after being absent, Hunter takes responsibility for completing all his work promptly and thoroughly. He pays close attention in class, participates eagerly, and answers questions thoughtfully. Above all, Hunter maintains an excellent attitude and is always polite and respectful to everyone around him, setting a wonderful example for his peers.

To: Board of Education  
From: Jon Waldron  
Date: November 17, 2025  
Re: High School Resolutions

**RECOMMENDED BOARD ACTIONS:**

“RESOLVED, that the Lawton Community Schools Board of Education extends its congratulations to the following students for being Students of the Month.

**Isabella Smith**, daughter of Jessica Smith, Jason Smith:

One Teacher wrote: Bella designed and decorated my door for Red Ribbon Week with the help of a few others. She is kind and hard-working.

Another Teacher wrote: Bella is also a diligent and engaging student. Bella is naturally curious and can quickly make connections between what we are learning and the real world. She is very kind and willing to help others.

**Jacoby High**, son of Melissa McNally:

One Teacher wrote: Jacoby is a diligent and engaging student. He is quick to answer questions in class and is always willing to participate and contribute to discussions.

Another Teacher wrote: Jacoby typically does the right thing and when he does mess up, he owns it and takes responsibility.



# LAWTON COMMUNITY SCHOOLS

## Lawton Community Schools Board of Education Minutes of the Regular Meeting on October 20, 2025 High School Board Room

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A REGULAR MEETING of the Board of Education of Lawton Community Schools was held Monday, October 20, 2025 beginning at 7:00pm in the HIGH SCHOOL BOARD ROOM.

- Board members present: Walter Hitchcock, Steve Carroll, Bryan Cronenwett, Larissa Hunt, Nate Pursley, Eric Smith
  - Board members absent: Matt Riggs
1. **CALL TO ORDER** - This meeting is a meeting of the Board of Education in public for the purpose of conducting the School District's business and is not to be considered a public community meeting. There is a time for public participation during forum time.
  2. **PLEDGE OF ALLEGIANCE**
  3. **APPROVAL OF AGENDA**  
Motion: Cronenwett  
Support: Carroll  
Carried: 6-0, 1 absent  
"RESOLVED, that the Lawton Community Schools Board of Education approves the agenda as presented."
  4. **FORUM TIME** - Comments specific to meeting agenda
  5. **BUDGET REPORTS**
  6. **SUPERINTENDENT'S REPORT**
    - A. Special Recognitions
      1. Student of the Month
    - B. State Assessment Report – Tamara Webster
    - C. SE-4094 Transportation Expenditures Report
    - D. SE-4096 Special Education Expenditures
  7. **NEW BUSINESS - CONSENT AGENDA ITEMS**
    - A. Approval of Consent Agenda Items  
Motion: Pursley  
Support: Smith  
Carried: 6-0, 1 absent  
"RESOLVED, that the Lawton Community Schools Board of Education approves consent agenda items: A, B, C, D, E, F, G, H, I, and J."
    - B. Special Recognition Resolution Approvals
      1. Middle School

“RESOLVED, that the Lawton Community Schools Board of Education extends its congratulations to the following students for being Students of the Month for the month of September: Fifth Grade William Turner, Sixth Grade Khloe Avery, Seventh Grade Cassidy Wojt, and Eighth Grade Amelia Weurding.”

**William Turner; Son of Lewis and Marisa Turner**

William Turner was chosen as the 5th grade Student of the Month because he represents what we look for in our Student of the Month candidate. William is a thoughtful and honest young man, who shows great compassion towards his peers. In the classroom he is a hard worker with a great work ethic. William is always willing to lend a helping hand.

Congratulations William for being such an awesome student!

**Khloe Avery; Daughter of Shawn and Kayla Avery**

The 6th grade teachers nominate Khloe Avery. Khloe consistently follows all expectations, setting a positive example for her peers. She takes great pride in her work, always striving for excellence in every subject. Khloe has been a great leader by example to all and is especially willing to be a helping hand to those in need. Congratulations, Khloe, on this well-deserved recognition!

**Cassidy Wojt; Daughter of Michael and Shauntelle Wojt**

The 7th grade teachers nominate Cassidy Wojt for September’s 7th grade Student of the Month. Cassidy is a very hard worker. She always goes above and beyond on her assignments. She is also super nice and follows the ROAR expectations.

Mrs. Frank says Cassidy is a hard worker, completes all of her work thoughtfully and neatly and helps out in the classroom without asking for assistance. Mrs. Wright says that Cassidy does an amazing job in Project math and is willing to help others.

**Amelia Weurding; Daughter of Derek and Lisa Weurding**

The 8th Grade Teachers are excited to recognize Amelia Weurding for being an outstanding member of our school community! Amelia is a wonderful role model to her peers—she consistently leads by example with kindness, integrity, and a strong work ethic.

She treats both her teachers and classmates with respect, creating a positive and welcoming environment wherever she goes. Whether it's working in a group, helping a friend, or stepping up during a challenge, Amelia shows she can be a leader in many different situations. Her presence in class makes a difference, and we are so grateful to have her as part of our classes. Thank you, Amelia, for being you!

2. High School

“RESOLVED, that the Lawton Community Schools Board of Education extends its congratulations to the following students for being Students of the Month.

**Nova Lauzzana, daughter of Palma Burdick, Julian Lauzzana:** One Teacher wrote: Nova is a valuable participant in class and asks questions that further our class discussions.

**Hunter Goss, son of Mishelle Goss and Bradley Goss:** One Teacher wrote: Hunter has shown a genuine interest in understanding class material and has been proactive to this end.

C. Approval of Board of Education Meeting Minutes

“RESOLVED, that the Lawton Community Schools Board of Education approves the September 15, 2025 Regular Meeting Minutes and the October 6, 2025 and October 8, 2025 Special Meeting Minutes as presented.”

D. Hire Resolution – Green – LAAC Aide

“RESOLVED, that the Lawton Community Schools Board of Education approves the hiring of Allison Green as an Aide for the LAAC.”

E. Hire Resolution – Modderman – Van Driver

- “RESOLVED, that the Lawton Community Schools Board of Education approves the hiring of Cheryl Modderman as a Van Driver for Transportation.”
- F. Resignation Resolution – Modderman – MS Girls Soccer Head Coach  
 “RESOLVED, that the Lawton Community Schools Board of Education accepts the resignation of Addison Modderman as an MS Girls Soccer Head Coach effective September 17, 2025.”
- G. Resignation Resolution – Holmes – MS Paraprofessional  
 “RESOLVED, that the Lawton Community Schools Board of Education accepts the resignation of Autumn Holmes as an MS Paraprofessional effective September 30, 2025.”
- H. Resignation Resolution – Williams – MS Boys Basketball Coach  
 “RESOLVED, that the Lawton Community Schools Board of Education accepts the resignation of Chad Williams as an MS Boys Basketball Coach effective October 6, 2025.”
- I. Resignation Resolution – Williams – MS Attendance Clerk  
 “RESOLVED, that the Lawton Community Schools Board of Education accepts the resignation of Marissa Williams as an MS Attendance Clerk effective October 31, 2025.”
- J. Termination Resolution – Keister - Bookkeeper  
 “RESOLVED, that the Lawton Community Schools Board of Education accepts the termination of Andria Keister as a Bookkeeper effective September 16, 2025.”
8. **NEW BUSINESS**
- A. Points of Pride  
 Bandfield – last football game had a parent get involved with every cheer and suggested the Board do so as well  
 Cronenwett – flower pots/benches look a lot better at Elementary School; pine trees may need to be removed for sign  
 Olson – a sign at the Elementary might be needed but need to know good placement  
 Smith – high school cosmetic changes are looking good
- B. Sherman Lake YMCA Overnight Request  
 Motion: Hunt  
 Support: Carroll  
 Carried: 6-0, 1 absent  
 “RESOLVED, that the Lawton Community Schools Board of Education approve the proposal for the overnight trip for the 5<sup>th</sup> Grade Sherman Lake YMCA Camp that is planned for March 2026.”
- C. PowerSchool Litigation – **Roll Call Vote**  
 Motion: Cronenwett  
 Support: Hunt  
 Carried: 6-0, 1 absent  
 Ayes: Hitchcock, Carroll, Cronenwett, Hunt, Pursley, Smith  
 Nays: None  
 “RESOLVED, that the Lawton Community Schools Board of Education approves joining the PowerSchool Lawsuit on the terms specified in the Attorney-Client Fee Contract as presented.”
- D. Facilities & Student Activities Committee Meeting – 10.08.25  
 Committee: Facilities, Athletics, Student Activities  
 Date of Meeting: 10.8.25 @ 5:30  
 Committee Members attending: Cronenwett, Riggs, Smith  
 Administrator(s) attending: Bandfield, Richter (Partial)  
 Type of committee report:  
 X Reporting/updating  
 Recommending board action  
 Brief background of committee issues/area reporting:

The committee met on Wednesday Oct 8th to discuss a few items

- 3 Meetings with student athletes regarding athletic code violations as required in our Athletic Code of Conduct
- MS Boys Basketball Numbers and Coaching positions
  - 15 - 8th, 27-7th signed up. Coaches and Administrators are still working on how best to approach the number. Committee is supportive of filling 4 coaching positions as has been approved by the BOE, regardless of where coaches fall in grade levels.
- Quote for potential Fencing around the playground
  - In consideration phase. Committee is supportive to proceed finding a fencing solution for where the building was removed.
- Quote for Sandblasting the HS Gym
  - A cost was approved for scraping and painting the HS Gym but the committee wanted to explore the option of sandblasting. The quote came back too expensive so the committee is exploring other options to improve the area.

CHAIR DOES NOT NEED TO READ THE FOLLOWING BOARD ACTIONS AS THEY WILL BE RESOLUTIONS AFTER THE COMMITTEE REPORT

9. **FORUM TIME**

Lady would like to know the protocol when a student states they've been threatened, would like to know if high school counselor is licensed to be a counselor; Mr. Bandfield will call her tomorrow

10. **ADJOURNMENT**

The meeting adjourned at 8:03pm.

Submitted by: \_\_\_\_\_

Larissa Hunt, Lawton Community Schools Board of Education Secretary

TO: Board of Education  
FROM: Ben Bandfield  
DATE: November 17, 2025  
SUBJECT: Approval of Minutes

**RECOMMENDED BOARD ACTION:**

**"RESOLVED, that the Lawton Community Schools Board of Education approves the October 20, 2025 Regular Meeting Minutes as presented."**

TO: Board of Education  
FROM: Ben Bandfield  
DATE: November 17, 2025  
SUBJECT: Hire Resolution – Pillow – MS Aide

David Williams is recommending Alicia Pillow be hired as an Aide for the MS. Three candidates applied and three were interviewed.

Mrs. Pillow's experiences as a receptionist and her own children will be very beneficial. She will do a great job working with our students at the school. This will help the students become more successful and prosper at our environment at Lawton Middle School.

**RECOMMENDED BOARD ACTION:**

**"RESOLVED, that the Lawton Community Schools Board of Education approves the hiring of Alicia Pillow as an Aide for the MS."**

TO: Board of Education  
FROM: Ben Bandfield  
DATE: November 17, 2025  
SUBJECT: Hire Resolution – Allison – JV Girls Basketball Head Coach

Chris Richter is recommending Kirstin Allison be hired as a JV Girls Basketball Head Coach. Two candidates applied and two were interviewed.

Coach Allison has been the varsity girls assistant coach the past three seasons. Prior to that, she was the varsity coach for Bloomingdale High School. Coach Allison is a High IQ basketball person who forms great relationships with her players. We are thrilled to have her as the head coach of the JV team.

**RECOMMENDED BOARD ACTION:**

**"RESOLVED, that the Lawton Community Schools Board of Education approves the hiring of Kirstin Allison as a JV Girls Basketball Head Coach."**

TO: Board of Education  
FROM: Ben Bandfield  
DATE: November 17, 2025  
SUBJECT: Hire Resolution – Conklin – 8<sup>th</sup> Grade Boys Basketball A Team Head Coach

Chris Richter is recommending Billy Conklin be hired as an 8<sup>th</sup> Grade Boys Basketball A Team Head Coach. One candidate applied and one was interviewed.

Billy Conklin has had experience coaching youth basketball at the AAU level. He comes highly recommended by the Varsity Head Coach, MS Principal and the AAU Club. We are excited to have Billy coaching the MS level this winter.

**RECOMMENDED BOARD ACTION:**

**"RESOLVED, that the Lawton Community Schools Board of Education approves the hiring of Billy Conklin as an 8<sup>th</sup> Grade Boys Basketball A Team Head Coach."**

TO: Board of Education  
FROM: Ben Bandfield  
DATE: November 17, 2025  
SUBJECT: Hire Resolution – Weurding – 7<sup>th</sup> Grade Boys Basketball B Team Head Coach

Chris Richter is recommending Derek Weurding be hired as a 7<sup>th</sup> Grade Boys Basketball B Team Head Coach. One candidate applied and one was interviewed.

Derek Weurding is a Lawton Elementary teacher. He has assisted with MS basketball the last three seasons. He also coaches Middle School Volleyball and Middle School Softball. He will be a great Middle School Coach.

**RECOMMENDED BOARD ACTION:**

**"RESOLVED, that the Lawton Community Schools Board of Education approves the hiring of Derek Weurding as a 7<sup>th</sup> Grade Boys Basketball B Team Head Coach."**

TO: Board of Education  
FROM: Ben Bandfield  
DATE: November 17, 2025  
SUBJECT: Hire Resolution – Whipple – MS Competitive Cheer Head Coach

Chris Richter is recommending Jessica Whipple be hired as an MS Competitive Cheer Head Coach. One candidate applied and one was interviewed.

Jessica Whipple is an elementary paraprofessional for the district. While new to coaching competitive cheer, her past experiences as a competitive cheerleader and her enthusiasm for the sport make her a good fit for the middle school program.

**RECOMMENDED BOARD ACTION:**

**"RESOLVED, that the Lawton Community Schools Board of Education approves the hiring of Jessica Whipple as an MS Competitive Cheer Head Coach."**

TO: Board of Education  
FROM: Ben Bandfield  
DATE: November 17, 2025  
SUBJECT: Hire Resolution – Williams – Varsity Competitive Cheer Head Coach

Chris Richter is recommending Marissa Williams be hired as a Varsity Competitive Cheer Head Coach. Two candidates applied and two were interviewed.

Marissa Williams started this fall as our sideline cheer head coach. She has grown solid relationships with the girls that compete at the sideline and competitive cheer levels. This, along with her going and working with veteran coaches and the state coaches association to booster her ability to be an effective Competitive Cheer coach, make her a great choice as our next competitive cheer head coach.

**RECOMMENDED BOARD ACTION:**

**"RESOLVED, that the Lawton Community Schools Board of Education approves the hiring of Marissa Williams as a Varsity Competitive Cheer Head Coach."**

TO: Board of Education  
FROM: Ben Bandfield  
DATE: November 17, 2025  
SUBJECT: Hire Resolution – Green – Recess Aide

Heather Olson is recommending Allison Green be hired as a Recess Aide for the Elementary School. One candidate applied and one was interviewed.

Allison Green is currently employed at the LAAC. She was an internal candidate with interest in the recess aide position. She is a mother to two children at the elementary school. We are excited to join her to the LES team!

**RECOMMENDED BOARD ACTION:**

**"RESOLVED, that the Lawton Community Schools Board of Education approves the hiring of Allison Green as a Recess Aide for the Elementary School."**

TO: Board of Education  
FROM: Ben Bandfield  
DATE: November 17, 2025  
SUBJECT: Resignation Resolution – Douglas – Specialist Aide

**RECOMMENDED BOARD ACTION:**

**"RESOLVED, that the Lawton Community Schools Board of Education accepts the resignation of Susan Douglas as a Specialist Aide effective October 28, 2025."**

TO: Board of Education  
FROM: Ben Bandfield  
DATE: November 17, 2025  
SUBJECT: Resignation Resolution – Williams – Aide

**RECOMMENDED BOARD ACTION:**

**"RESOLVED, that the Lawton Community Schools Board of Education accepts the resignation of Marissa Williams as an Aide effective October 31, 2025."**



# THRUN LAW FIRM, P.C.

U.S. MAIL ADDRESS  
P.O. Box 2575, EAST LANSING, MI 48826-2575  
PHONE: (517) 484-8000 FAX: (517) 484-0041

ALL OTHER SHIPPING  
2900 WEST ROAD, SUITE 400  
EAST LANSING, MI 48823-6386

JEFFREY J. SOLES  
MICHAEL D. GRESENS  
CHRISTOPHER J. IAMARINO  
RAYMOND M. DAVIS  
MICHELE R. EADDY  
KIRK C. HERALD  
ROBERT A. DIETZEL

KATHERINE WOLF BROADDUS  
DANIEL R. MARTIN  
JENNIFER K. STARLIN  
TIMOTHY T. GARDNER, JR.  
IAN F. KOFFLER  
FREDRIC G. HEIDEMANN  
RYAN J. NICHOLSON

CRISTINA T. PATZELT  
PHILIP G. CLARK  
PIOTR M. MATUSIAK  
JESSICA E. McNAMARA  
RYAN J. MURRAY  
ERIN H. WALZ  
MACKENZIE D. FLYNN

KATHRYN R. CHURCH  
MARYJO D. BANASIK  
CATHLEEN M. DOOLEY  
KELLY S. BOWMAN  
BRIAN D. BAAKI  
AUSTIN W. MUNROE

GORDON W. VANWIEREN, JR. (OF COUNSEL)  
LISA L. SWEM (OF COUNSEL)  
ROY H. HENLEY (OF COUNSEL)  
BRADFORD W. SPRINGER (OF COUNSEL)

MACKENZIE D. FLYNN  
(517) 374-4529  
mflynn@thrunlaw.com

October 31, 2025

## **Confidential: Attorney-Client Privileged Communication**

Board of Education  
Lawton Community Schools

*Via Email Only*

### **Re: School State Aid Act Section 31aa**

Dear Board Members:

For fiscal year 2025–2026, the recently amended State School Aid Act Section 31aa, MCL 388.1631aa, allocates \$321 million to support school safety and student mental health initiatives across Michigan (“31aa Funding”).

Of this amount, up to \$200 million will be distributed to general powers school districts, public school academies, intermediate school districts, and the Michigan Schools for the Deaf and Blind (collectively, “districts” or “schools”) that opt in and agree to receive 31aa Funding. These monies may be used for activities to improve student mental health and enhance school safety, such as hiring mental health professionals, covering specified training or coordination costs, and investing in safety infrastructure like security cameras or door locks.

The Michigan Department of Education (“MDE”) recently announced an opt-in deadline of November 30, 2025. Section 31aa requires that MDE make payments to districts that opt in by December 31<sup>st</sup>. The payment amount is to be determined using an equal per-pupil amount based on the total number of pupils in membership in each opt-in district. MDE estimates that districts will receive at least \$140 per pupil.

Importantly, the total amount available to individual districts depends largely on how many districts choose to opt in. We encourage districts to attempt a preliminary calculation based on MDE’s estimate, but please be aware that the actual amount may differ significantly based on opt-in participation.

Additionally, MDE will award competitive grants, with approximately \$53.5 million allocated for school resource officers and safety dogs, and another \$53.5 million designated for hiring or contracting mental health professionals, including psychologists, social workers, and counselors. MDE does not anticipate releasing such grant applications until 2026.

### ***31aa Funding Conditions***

Section 31aa imposes several conditions on districts that opt in to receive 31aa Funding. Recipient districts must agree in advance to the following in the event of a “mass casualty event”: (1) be subject to a comprehensive investigation following such a mass casualty event, (2) waive

any privilege that would otherwise protect related information from disclosure, and (3) fully comply with the investigation process. The required waiver has no temporal limits, either retroactively or prospectively.

Comprehensive investigations will be conducted by an investigator or entity designated by the Governor and will examine the event’s circumstances, the adequacy of the emergency response, compliance with safety protocols, and the effectiveness of communication during and after the incident.

A “mass casualty event” is defined broadly to include incidents that occur on school grounds or at school activities that result in: (1) significant injuries to not fewer than three individuals, or (2) fatalities, or (3) a demand that exceeds normal local emergency response capacity, or (4) a sudden and timely surge of emergency service needs.

While it appears that the Legislature intended this provision to address incidents such as school shootings or other large-scale tragedies, the language as written could encompass a much wider range of situations. For instance, a physical altercation during a sporting event that leads to three students sustaining “significant” injuries could, under a plain reading, qualify as a “mass casualty event.” Similarly, if a school bus transporting students to an extracurricular activity were involved in a collision resulting in multiple significant injuries, it could also meet the definition. Districts should be aware that the scope of this definition may encompass incidents well short of what might commonly be considered a catastrophic event.

### ***Practical Implications***

The 31aa Funding provisions carry significant practical and legal consequences for the District, as receipt of this funding is conditioned on waiving privileges that would normally shield the District from compelled disclosures during investigations. These waivers may impact attorney-client communications and district-led investigative work and could have broader implications for transparency, public scrutiny, and operational decision making.

#### ***a. Attorney-Client Privilege Waiver***

Attorney-client privilege is a long-standing legal protection intended to encourage candid and comprehensive communication between clients and their attorneys, which in turn promotes sound legal advice and broader public interests. Waiving the attorney-client privilege could allow public access to relevant communications between the District and its legal counsel after a “mass casualty event”, including advice on policies, safety protocols, prior incidents, and risk assessments. This could significantly hamper frank investigations and communications following such an event because of potential additional legal exposure.

Michigan law provides that a “true waiver” of the attorney-client privilege requires an intentional and voluntary act by the client and cannot arise by implication. Because the waiver is pre-emptive and indefinite in duration, it creates uncertainty not only about future communications but also whether past privileged communications could be subject to disclosure, making it unclear how long or to what extent the District may be bound by this waiver.

If the District opts in and waives the attorney-client privilege, all communications related to the subject matter could be accessed by the state-appointed investigator and the public. Those disclosable communications include not only direct legal advice, but also internal discussions, risk assessments, and strategic deliberations with legal advisors. The implications of this access are significant and could include:

- **Enhanced civil liability:** Previously confidential communications between this Board or District administrators and its legal counsel could be used in subsequent litigation, increasing the District's (or its administrators') exposure to claims.
- **Hinder transparency:** It may limit open communication between administrators and legal counsel. Staff and leadership could hesitate to seek legal advice or fully advise legal counsel of all relevant facts, knowing those discussions might later be disclosed publicly. This lack of confidentiality can impede thorough legal analysis and compromise the quality of information available for decision making and investigations.
- **Public scrutiny:** Confidential advice and internal deliberations could be subject to public attention, media coverage, or Freedom of Information Act ("FOIA") requests, potentially affecting the District's reputation and relationships with staff, families, and the community.
- **Operational impact:** Staff and leadership may need to adjust how they document discussions with legal counsel, which could slow decision making or reduce transparency in safety and mental health planning.
- **Long-term considerations:** Because the waiver is pre-emptive and has no clear time limit, communications created today or in the past could be subject to review years later in connection with a future mass casualty event, extending the District's exposure far beyond the current funding cycle.
- **Administrative consequences:** Findings from the investigation could influence oversight or regulatory actions at the state level and potentially impact compliance audits or reviews.

In short, waiving the attorney-client privilege is not merely a procedural formality to access 31aa Funding. It carries ongoing legal, operational, and reputational consequences that this Board must carefully evaluate before deciding to accept 31aa Funding.

**b. Investigator-Client Privilege Waiver**

In addition to the attorney-client privilege, accepting Section 31aa Funding may implicate the statutory private investigator-client privilege, which provides that any communications between a licensed professional investigator and their client, as well as any information obtained in connection with the investigator's assignment, are privileged.

Under Section 31aa, the statutory waiver requirement could extend to investigator-client communications, potentially exposing information that would otherwise remain confidential, such as investigative reports, witness interviews, and consultant communications. The loss of such confidentiality could hinder internal investigations, discourage candid cooperation from

employees, and complicate the District's ability to respond effectively to future legal disputes and compliance reviews.

***c. FOIA Concerns***

Once the attorney-client privilege has been waived, the protections afforded under Michigan's FOIA may no longer apply. FOIA Section 13(1)(g) allows a public body to exempt from disclosure "[i]nformation or records subject to the attorney-client privilege." At the moment the privilege is waived, communications that were previously confidential could become subject to public disclosure, potentially creating administrative burdens, attracting public and media scrutiny, and influencing how future legal advice is documented and shared.

***d. Open Meetings Act***

Districts receiving 31aa Funding may also face limitations under the Michigan Open Meetings Act ("OMA"). Many schools utilize OMA Section 8(1)(h), which allows a public body to meet in closed session to "consider material exempt from discussion or disclosure by state or federal statute," such as an attorney-client privileged communication. If a mass casualty event occurs, the District may be unable to enter into closed session to review or discuss written legal opinions or privileged communications related to the incident, as the required waiver may have already extinguished the attorney-client privilege. This could significantly affect how this Board deliberates on sensitive legal matters in the aftermath of a crisis.

***e. Insurance Impacts***

It is our understanding that Middle Cities Risk Management Trust and SET SEG have indicated that insurance coverage is unlikely to be affected by a school's decision regarding 31aa Funding. Nevertheless, the District should confirm with its insurance providers whether additional coverage is advisable to address potential exposure arising from investigations or public disclosure of communications.

***f. FERPA Considerations***

The Section 31aa waiver applies only to *privileges* and does not alter privacy protections under federal or state laws. More specifically, the Family Educational Rights and Privacy Act ("FERPA") and a corresponding state law (Revised School Code Section 1136) are privacy and access laws, not privileges. Rights under FERPA and state law belong to parents or eligible students, not districts. Section 31aa does not modify these protections, and the District must continue to comply fully with all applicable requirements.

***Board Considerations***

Whether to waive privileges to obtain 31aa Funding is ultimately a Board-level decision. This Board should be fully apprised of the potential legal effect of prospectively waiving all privileges and carefully weigh the potential benefits of funding against these long-term risks to confidentiality, transparency, operational flexibility, and public scrutiny. Because the waivers are pre-emptive, indefinite, and could extend to communications created today or in the past for events that occur years in the future, it is important for this Board to proceed deliberately. A cautious,



Board of Education  
October 31, 2025  
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**Confidential: Attorney-Client Privileged Communication**

fully informed approach will help this Board balance the funding opportunity against the significant legal and operational considerations inherent in waiving privilege.

***Draft Resolutions***

Per the District's request, enclosed are two draft resolutions regarding Section 31aa Funding:

- Resolution A accepts the 31aa Funding conditions and authorizes the Superintendent to complete the opt-in process once MDE releases its required form.
- Resolution B declines 31aa Funding and preserves the District's privileges. This resolution is *entirely* optional and is intended for Boards that wish to formally document the rationale for declining funding.

The Board should adopt only one of these resolutions, and adoption of Resolution B is not required, even if the Board decides not to adopt Resolution A.

***Conclusion***

To be clear, Thrun Law Firm, P.C., is not recommending or advising any particular course of action regarding whether your Board should opt in to receive 31aa Funding. The Board must determine whether accepting such funding is appropriate in light of local circumstances. Adoption of Resolution A and acceptance of Section 31aa Funding requires the District to assume the legal and practical risks associated with compliance and potential enforcement of Section 31aa's conditions.

We encourage you to contact us directly before adopting a resolution one way or the other. We are available to discuss District-specific considerations and potential options.

Very truly yours,

THRUN LAW FIRM, P.C.

A handwritten signature in black ink that reads "Mackenzie D. Flynn".

Mackenzie D. Flynn

MDF/keh

Enclosure(s): Resolutions A and B

This document (and its attachments) constitute privileged attorney-client communication to remain confidential among the members of the Board of Education and administrative staff for the School District. As such, this document is exempt from disclosure under the Michigan Freedom of Information Act, MCL 15.243(1)(g), and the Board of Education may meet in a closed session to consider its contents pursuant to the Michigan Open Meetings Act, MCL 15.268(1)(h).

**Resolution A:  
Opt-In and Waiver**

Lawton Community Schools, Michigan (the “District”)

A \_\_\_\_\_ meeting of the board of education of the District (the “Board”) was held in the \_\_\_\_\_, within the boundaries of the District, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o’clock in the \_\_\_\_m. (the “Meeting”)

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:**

1. Public Act 15 of 2025 amends State School Aid Act Section 31aa, MCL 388.1631aa, to allocate funding for fiscal year 2025/2026 to support school safety and student mental health initiatives, as well as to provide certain competitive grant funding (“31aa Funding”); and

2. To receive 31aa Funding, the District must agree to receive the funding in the form and manner established by the Michigan Department of Education (“MDE”) and either formally opt in or seek a competitive grant; and

3. As a condition of receiving either type of 31aa Funding, the District must agree in advance that, in the event of a “mass casualty event,” as defined in MCL 388.1631aa: (1) the District will be subject to and comply with a comprehensive investigation following such an event, and (2) the District will waive any privilege that may otherwise protect related information from disclosure; and

4. The Board has been advised of and fully informed regarding the legal and practical implications of this waiver requirement, including that it may affect the confidentiality of communications otherwise protected by the attorney-client privilege or other applicable privileges related to a “mass casualty event”; and

5. The Board acknowledges the concerns and implications of the 31aa Funding waiver requirements and has determined that it is in the District’s best interest to make an informed election regarding whether to accept or decline the 31aa Funding; and

6. The Board desires to authorize and direct **Benjamin Bandfield**, Superintendent of Schools, or designee, to complete any documentation necessary to implement the Board’s election below.

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

1. The Board hereby resolves to opt in and accept Section 31aa Funding, subject to the conditions provided in MCL 388.1631aa. The Board acknowledges and affirms that it has been advised of the potential risks and consequences associated with waiving the attorney-client or other applicable privileges related to a “mass casualty event”. Subject to Paragraph 2 below, the Board affirmatively waives any privilege that may otherwise protect information from disclosure in the event of a “mass casualty event” and consents to be subject to and comply with a comprehensive investigation following such an event, as described in MCL 388.1631aa, but only to the minimal extent legally required to obtain such funding.

2. To the extent allowed by law, any waiver or consent authorized by Paragraph 1 above shall: (a) be limited in time to State fiscal year 2025/2026 or any shorter duration consistent with applicable law, and (b) not be effective unless or until a “mass casualty event” as described in MCL 388.1631aa occurs, and (c) apply only to information related to that “mass casualty event.”

3. This Board authorizes and directs Benjamin Bandfield, Superintendent of Schools, or designee, to notify MDE as necessary of the District’s election consistent with this resolution and to take any actions necessary to effectuate the Board’s decision, including the preparation and submission of any opt-in form required by MDE.

4. Nothing within this resolution, nor by the District’s participation in or acceptance of any funding under MCL 388.1631aa, shall be construed as a waiver or relinquishment of the Board’s or the District’s rights to question, dispute, or challenge the validity, legality, or enforceability of any condition, requirement, or limitation imposed by that section or related administrative guidance or the breadth and validity of the related waiver referenced in Paragraph 1 above.

5. In the event the MCL 388.1631aa requirement to waive privilege is modified or removed by the Legislature, or if a court of competent jurisdiction determines that such a requirement is unlawful, it is the Board’s intent that the waiver contained in this resolution will, without action by the Board, be immediately rescinded and no longer have any legal effect.

6. This resolution and waiver do not apply to any “mass casualty event” occurring before the date of this resolution.

7. The Board reserves the right to rescind or modify this resolution prior to a “mass casualty event” to conform to any subsequent change in law or interpretation by a court of competent jurisdiction or MDE.

8. 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 Lawton Community Schools, Michigan, 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

MDF/keh



**Resolution B:  
Decline Opt-In**

**Lawton Community Schools**, Michigan (the “District”)

A \_\_\_\_\_ meeting of the board of education of the District (the “Board”) was held in the \_\_\_\_\_, within the boundaries of the District, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o’clock in the \_\_\_\_m. (the “Meeting”)

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:**

1. Public Act 15 of 2025 amends State School Aid Act Section 31aa, MCL 388.1631aa, to allocate funding for fiscal year 2025/2026 to support school safety and student mental health initiatives, as well as to provide certain competitive grant funding (“31aa Funding”); and

2. To receive 31aa Funding, the District must agree to receive the funding in the form and manner established by the Michigan Department of Education (“MDE”) and either formally opt in or seek a competitive grant; and

3. As a condition of receiving either type of 31aa Funding, the District must agree in advance that, in the event of a “mass casualty event,” as defined in MCL 388.1631aa: (1) the District will be subject to and comply with a comprehensive investigation following such an event, and (2) the District will waive any privilege that would otherwise protect related information from disclosure; and

4. The Board has been advised of and fully informed regarding the legal and practical implications of this waiver requirement, including that it may affect the confidentiality of communications otherwise protected by the attorney-client privilege and other applicable privileges related to a “mass casualty event”; and

5. The Board recognizes that the waiver requirement may expose the District to legal, reputational, and operational risks and that the decision to accept or decline funding carries significant implications for the District’s ability to manage sensitive information responsibly; and

6. After careful deliberation, the Board has determined that, while it fully supports initiatives to enhance school safety and student mental health, it is in the District’s best interest to preserve its legal privileges and make a deliberate, informed election regarding participation in 31aa Funding.

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

1. The Board hereby resolves to decline Section 31aa Funding in order to preserve attorney-client or other applicable privileges that would otherwise be subject to waiver under the conditions imposed by MCL 388.1631aa. This decision reflects the Board's commitment to responsible governance and the protection of sensitive information, while continuing to prioritize student safety through existing programs and initiatives.

2. This decision represents the Board's careful and deliberate exercise of its discretion, balancing the statutory conditions of 31aa Funding with the District's responsibility to maintain operational and legal safeguards.

3. 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 Lawton Community Schools, Michigan, 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

MDF/keh

***Resolution C:  
Decline Opt-In  
Unless Waiver  
Conditions  
Eliminated or  
Modified***

Lawton Community Schools, Michigan (the “District”)

A \_\_\_\_\_ meeting of the board of education of the District (the “Board”) was held in the \_\_\_\_\_, within the boundaries of the District, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o’clock in the \_\_\_\_m. (the “Meeting”)

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:**

1. Public Act 15 of 2025 amends State School Aid Act Section 31aa, MCL 388.1631aa, to allocate funding for fiscal year 2025/2026 to support school safety and student mental health initiatives, as well as to provide certain competitive grant funding (“31aa Funding”); and

2. To receive 31aa Funding, the District must agree to receive the funding in the form and manner established by the Michigan Department of Education (“MDE”) and either formally opt in or seek a competitive grant; and

3. As a condition of receiving either type of 31aa Funding, the District must agree in advance that, in the event of a “mass casualty event,” as defined in MCL 388.1631aa: (1) the District will be subject to and comply with a comprehensive investigation following such an event, and (2) the District will waive any privilege that would otherwise protect related information from disclosure; and

4. The Board has been advised of and fully informed regarding the legal and practical implications of this waiver requirement, including that it may affect the confidentiality of communications otherwise protected by the attorney-client privilege and other applicable privileges related to a “mass casualty event”; and

5. The Board recognizes that the waiver requirement may expose the District to legal, reputational, and operational risks and that the decision to accept or decline funding carries significant implications for the District’s ability to manage sensitive information responsibly; and

6. After careful deliberation, the Board has determined that, while it fully supports initiatives to enhance school safety and student mental health, it is in the District’s best interest to preserve its legal privileges and make a deliberate, informed election regarding participation in

31aa Funding and that it cannot accept the 31aa Funding unless the waiver requirement is eliminated or modified to preserve the District's legal privileges.

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

1. The Board hereby resolves to decline Section 31aa Funding in order to preserve attorney-client or other applicable privileges that would otherwise be subject to waiver under the conditions imposed by MCL 388.1631aa; however, if those conditions are eliminated or modified to preserve applicable privileges, the Board authorizes the Superintendent or designee to accept the funding. This decision reflects the Board's commitment to responsible governance and the protection of sensitive information, while continuing to prioritize student safety through existing programs and initiatives.

2. This decision represents the Board's careful and deliberate exercise of its discretion, balancing the statutory conditions of 31aa Funding with the District's responsibility to maintain operational and legal safeguards.

3. 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 Lawton Community Schools, Michigan, 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

MDF/keh

TO: Board of Education  
FROM: Ben Bandfield  
DATE: November 17, 2025  
SUBJECT: 31aa School Safety and Mental Health Funding Resolution

Per the District's request, there are two draft resolutions regarding Section 31aa Funding:

Resolution A: Accepts the 31aa Funding conditions and authorizes the Superintendent to complete the opt-in process once MDE releases its required form.

Resolution B: Declines 31aa Funding and preserves the District's privileges. This resolution is *entirely* optional and is intended for Boards that wish to formally document the rationale for declining funding.

Resolution C: Declines 31aa Funding and preserves the District's privileges. However, if those conditions are eliminated or modified to preserve applicable privileges, the Board authorizes the Superintendent to accept the funding.

**RECOMMENDED BOARD ACTION:**

**"RESOLVED, that the Lawton Community Schools Board of Education accepts Resolution \_\_ to \_\_\_\_\_ the 31aa funding as presented."**

Book	Policy Manual
Section	Board Review 40.1
Title	Copy of CURRICULUM DEVELOPMENT - APPROVED COURSES
Code	po2210
Status	
Adopted	February 20, 1995
Last Revised	June 15, 2020

## 2210 - CURRICULUM DEVELOPMENT - APPROVED COURSES

The Board of Education recognizes its responsibility for the quality of the educational program of the schools. To this end, the curriculum shall be developed, evaluated, and adopted on a continuing basis and in accordance with a plan for curriculum growth established by the Superintendent.

For purposes of this policy and consistent communication throughout the District, curriculum shall be defined as all the planned activities of the schools, including formal classroom instruction and out-of-class activity, both individual and group, necessary to accomplish the educational goals of the District.

The Board directs that the curriculum of this District:

- A. provide grade-appropriate instruction on career development in each grade level from kindergarten through 12th;
- B. provides instruction in courses required by statute and State Department of Education regulations;
- C. be consistent with the District's philosophy and goals and ensure the possibility of their achievement;
- D. incorporate State-Recommended performance standards for students as the bases for determining how well each student is achieving the academic outcomes for each area of the District's core curriculum;
- E. provides a strategy for continuous and cumulative learning through effective articulation at all levels;
- F. provides for multi-cultural education by including, at each level, courses or units which help students understand the culture and contributions of various ethnic groups comprising American society, including, but not limited to Euro-Americans, African-Americans, Asian-Americans, Hispanic-Americans, and Native-Americans.

As educational leader of the District, the Superintendent shall be responsible to the Board for the development and evaluation of curriculum and the preparation of courses of study.

The Superintendent shall make progress reports to the Board periodically.

The Superintendent may conduct such innovative programs as are deemed to be necessary to the continuing growth of the instructional program and to better ensure accomplishment of the District's educational goals.

The Superintendent shall report each such innovative program to the Board along with its objectives, evaluative criteria, and costs before it is initiated.

### Approved Courses

The Board shall adopt a list of the individual courses that have been approved. The list shall include courses offered by the District for credit or grade promotion and shall be used when determining which courses may be included in membership for State aid purposes and for auditing purposes when examining the membership counted for State school aid on the count days. The list of approved courses shall include traditional offerings and courses offered through other means, such as experiential learning courses, online courses, and all courses<sup>36</sup> offered in shared time programs under appropriate provisions of the State School Aid Act. (M.C.L. 388.1766b). The list of approved courses shall include all extended learning

opportunities associated with each course and a description of each such opportunity. The list shall also include a description of the content of each approved course and documentation related to course approval (including the list of approved courses for membership purposes), and documentation related to the calculation of instructional time for each approved course.

Unless the Board disapproves, the Superintendent may proceed to conduct the program.

The Board encourages, where it is feasible and in the best interests of the District, participation in programs of educational research.

The Board directs the Superintendent to pursue actively State and Federal aid in support of the District's innovative activities.

~~Revised 5/20/19~~

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M.C.L. 380.1282, 380.1166a

Reference: Pupil Accounting Manual 2024-20252019-2020, Michigan Department of Education

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M.C.L. 380.1282, 380.1166a

Reference: Pupil Accounting Manual 2019-2020, Michigan Department of Education

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## 2266 - **NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES**

### **Introduction**

The Board of Education of the Lawton Community School District (hereinafter referred to as “the Board” or “the District”) does not discriminate on the basis of sex (including sexual orientation or gender identity) in its education programs or activities and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits Sexual Harassment that occurs within its education programs and activities. When the District has actual knowledge of Sexual Harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the Board is committed to eliminating Sexual Harassment and will take appropriate action when an individual is determined responsible for violating this policy. Board employees, students, Third Party vendors and contractors, guests, and other members of the School District community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the District’s education programs and activities.

### **Coverage**

This policy applies to Sexual Harassment that occurs within the District’s education programs and activities and that is committed by a member of the School District community or a Third Party.

This policy does not apply to Sexual Harassment that occurs off school grounds, in a private setting, and outside the scope of the District’s education programs and activities; such Sexual Misconduct/Sexual Activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws if committed by a Board employee.

Consistent with the U.S. Department of Education’s implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the District’s education programs or activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws if committed by a Board employee.

### **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

**Sexual Harassment:** “Sexual Harassment” means conduct on the basis of sex that satisfies one (1) or more of the following:

- A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);
- B. Unwelcome conduct determined by a reasonable person 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 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, and the "nonforcible" sex offenses of Incest and Statutory Rape. Sexual assault includes rape, sodomy, sexual assault with an object, **criminal sexual contact (f.k.a. fondling), fondling**, incest, and statutory rape.

1. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  2. *Sodomy* is 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 age or because of temporary or permanent mental or physical incapacity.
  3. *Sexual Assault with an Object* is using 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 age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
  4. ***Criminal Sexual Contact (f.k.a. Fondling)* is the intentional touching of the clothed or unclothed body parts, without consent, of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or the forced touching by the victim of the other individual's clothed or unclothed body parts, without consent of the victim, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.**
  5. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent as defined by State law.
  6. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.
  7. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.
- D. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:
1. a current or former spouse or intimate partner of the victim;
  2. a person with whom the victim shares a child in common;
  3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
  5. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

- E. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- F. "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.

**Complainant:** "Complainant" means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

**Respondent:** "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

**Formal Complaint:** "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the District investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint with the District, a Complainant must be participating in or attempting to participate in the District's education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**Actual Knowledge:** "Actual knowledge" means notice of Sexual Harassment or allegations of Sexual Harassment to the District's Title IX Coordinator, or any District official who has the authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has the authority to institute corrective measures on behalf of the District. "Notice" includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. This standard is not met when the only District official with actual knowledge is the Respondent.

**Supportive Measures:** "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such 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. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), and other similar measures.

**Education Program or Activity:** "Education program or activity" refers to all operations of the District including, but not limited to, in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all activity that occurs on school grounds or on other property owned or occupied by the Board. It also includes locations, events, and circumstances that take place off-school property/grounds over which the Board exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

**School District community:** "School District community" refers to students and Board employees (i.e., administrators and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

**Third Parties:** "Third Parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with or seeking to do business with the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

**Inculpatory Evidence:** "Inculpatory evidence" is evidence that tends to establish a Respondent's responsibility for alleged Sexual Harassment.

**Exculpatory Evidence:** "Exculpatory evidence" is evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

**Day(s):** Unless expressly stated otherwise, the term “day” or “days” as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

**Eligible Student:** “Eligible Student” means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

### **Title IX Coordinator(s)**

The Board of Education designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

Middle School Principal  
269-624-7601  
100 Blue Pride Dr.  
Lawton, MI 49065  
titleixcoordinator@lawtoncs.org

High School Principal  
269-624-7801  
101 Blue Pride Dr.  
Lawton, MI 49065  
titleixcoordinator@lawtoncs.org

The Title IX Coordinator shall report directly to the Superintendent. Questions about this policy should be directed to the Title IX Coordinator.

The Superintendent shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board of the following information:

The Board of Education of the Lawton Community School District does not discriminate on the basis of sex in its education program or activity and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The District’s Title IX Coordinator(s) is/are:

Middle School Principal  
269-624-7601  
100 Blue Pride Dr.  
Lawton, MI 49065  
titleixcoordinator@lawtoncs.org

High School Principal  
269-624-7801  
101 Blue Pride Dr.  
Lawton, MI 49065  
titleixcoordinator@lawtoncs.org

Any inquiries about the application of Title IX and its implementing regulations to the District may be referred to the Title IX Coordinator(s), the Assistant Secretary for the U.S. Department of Education’s Office for Civil Rights, or both.

The Board has adopted a grievance process that provides for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: <https://go.boarddocs.com/mi/law/Board.nsf/Public?open&id=policies>. The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the District will respond.

The Superintendent shall also prominently display the Title IX Coordinator’s(s’) contact information – including name(s) and/or title(s), phone number(s), office address(es), and e-mail address(es) – and this policy on the District’s website and in each handbook or catalog that the Board makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements.

### **Grievance Process**

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The District's response to allegations of Sexual Harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this Grievance Process before the imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

If a determination of responsibility for Sexual Harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the District's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies may also be disciplinary or punitive in nature and may burden the Respondent.

### **Report of Sexual Discrimination/Harassment**

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s).

Students, Board members, and Board employees are required, and other members of the School District community and Third Parties are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Board employee who will, in turn, notify the/a Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the person making the report should submit it to the Superintendent, or another Board employee who, in turn, will notify the Superintendent of the report. The Superintendent will then serve in place of the Title IX Coordinator for purposes of addressing that report of Sexual Harassment.

The Board does business with various vendors, contractors, and other Third Parties who are not students or employees of the Board. Notwithstanding any rights that a given vendor, contractor, or Third Party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or Third Party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or Third Party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a Formal Complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of Sexual Misconduct/Sexual Activity not involving Sexual Harassment will be addressed through the procedures outlined in Board policies and/or administrative guidelines, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

Because the Board is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of Sexual Harassment or allegations of Sexual Harassment, a Board employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities pursuant to M.C.L. 722.623 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Title IX Coordinator.

If a Board employee fails to report an incident of Sexual Harassment of which the Board employee is aware, the Board employee may be subject to disciplinary action, up to and including termination.

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) 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. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

**Emergency Removal:** Subject to limitations and/or procedures imposed by State and/or Federal law, the District may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purpose of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5610 – Emergency Removal, Suspension, and Expulsion of Students and Policy 5611 – Due Process Rights.

If the Respondent is a non-student employee, the District may place the Respondent on administrative leave during the pendency of the grievance process.

For all other Respondents, including other members of the School District community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its school grounds and other properties at any time and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

### **Formal Complaint of Sexual Harassment**

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the Complainant should submit the Formal Complaint to the Superintendent, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that Formal Complaint.

When the Title IX Coordinator receives a Formal Complaint or signs a Formal Complaint, the District will follow its Grievance Process, as set forth herein. Specifically, the District will undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly make false statements or knowingly submit false information during the grievance process, including intentionally making a false report of Sexual Harassment or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

### **Timeline**

The District will seek to conclude the grievance process, including resolving any appeals, within sixty (60) days of receipt of the Formal Complaint.

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities.

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- A. Notice of the Board's grievance process, including any informal resolution processes;

B. Notice of the allegations of misconduct that potentially constitutes Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known. The written notice must:

1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;
3. inform the parties of any provision in the Student Code of Conduct and/or this policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

### **Dismissal of a Formal Complaint**

The District shall investigate the allegations in a Formal Complaint *unless* the conduct alleged in the Formal Complaint:

- A. would not constitute Sexual Harassment (as defined in this policy) even if proved;
- B. did not occur in the District's education program or activity; or
- C. did not occur against a person in the United States.

If one (1) of the preceding circumstances exist, the Title IX Coordinator *shall* dismiss the Formal Complaint. If the Title IX Coordinator dismisses the Formal Complaint due to one (1) of the preceding reasons, the District may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Title IX Coordinator *may* dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation or hearing:

- A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- B. the Respondent is no longer enrolled in the District or employed by the Board; or
- C. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator dismisses a Formal Complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

### **Consolidation of Formal Complaints**

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one (1) Respondent, or by more than one (1) Complainant against one (1) or more Respondents, or by one (1) party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one (1) Complainant or more than one (1) Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

### **Informal Resolution Process**

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any <sup>44</sup> other right, to waive any right to an investigation and adjudication of a Formal Complaint of Sexual Harassment. Similarly, no party shall be required to participate in an informal

resolution process.

If a Formal Complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

- A. the allegations;
- B. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and
- C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur have stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that a Board employee sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

### **Investigation of a Formal Complaint of Sexual Harassment**

In conducting the investigation of a Formal Complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the District, not the parties.

In making the determination of responsibility, the decision-maker(s) is (are) directed to use the preponderance of the evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence from all relevant sources.

The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the party provides the District with voluntary, written consent to do so; if a student party is not an Eligible Student, the District must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may 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.

As part of the investigation, the parties have the right to:

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The District may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

Board Policy 2461 – Recording of District Meetings Involving Students and/or Parents controls whether a person is allowed to audio record or video record any meeting of a grievance proceeding.

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of one (1) days' notice with respect to investigative interviews and other meetings and three (3) days' notice with respect to hearings.

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the Title IX Coordinator will 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 will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to a hearing or the decision-maker(s) issuing a determination regarding responsibility.

### **Determination of Responsibility**

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if 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. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

**Determination regarding responsibility:** The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;
- B. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence, and hearings held;
- C. findings of fact supporting the determination;
- D. conclusions regarding the application of the applicable code of conduct to the facts;
- E. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the District impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the District's education program or activity should be provided by the District to the Complainant(s); and
- F. the procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

The following disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

A. Informal Discipline

1. writing assignments;
2. changing of seating or location;
3. pre-school, lunchtime, after-school detention;
4. in-school discipline;
5. Saturday school.

B. Formal Discipline

1. suspension of bus riding/transportation privileges;
2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
3. emergency removal;
4. suspension for up to ten (10) school days;
5. long-term suspension or expulsion;
6. any other sanction authorized by the Student Code of Conduct.

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Emergency Removal, Suspension, and Expulsion of Students, Policy 5610.02 - In-School Discipline, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

The following disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. oral or written warning;
- B. written reprimands;
- C. performance improvement plan;
- D. required counseling;
- E. required training or education;
- F. demotion;
- G. suspension with pay;
- H. suspension without pay;
- I. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook and/or collective bargaining agreement.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an

authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the School District community or Third Party who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. oral or written warning;
- B. suspension or termination/cancellation of the Board's contract with the Third Party vendor or contractor;
- C. mandatory monitoring of the Third Party while on school property and/or while working/interacting with students;
- D. restriction/prohibition on the Third Party's ability to be on school property; and
- E. any combination of the same.

If the decision-maker(s) determines the Third Party Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including the imposition of sanctions. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately imposing a disciplinary sanction/consequence, the Superintendent will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances.

The District's resolution of a Formal Complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process, the Superintendent may involve local law enforcement and/or file criminal charges related to allegations of Sexual Harassment that involve a sexual assault.

The Title IX Coordinator is responsible for the effective implementation of any remedies.

### **Appeal**

Both parties have the right to file an appeal from a determination regarding responsibility, or from the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, on the following bases:

- A. procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter;
- D. the recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the Sexual Harassment).

The Complainant(s) may not challenge the ultimate disciplinary sanction/consequence that is imposed.

Any party wishing to appeal the decision-maker's(s') determination of responsibility, or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within three (3) days after receipt of the decision-maker's(s') determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the Superintendent from implementing appropriate remedies, however, excluding disciplinary sanction, while the appeal is pending.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The decision-maker(s) for the appeal shall determine when each party's written statement is due.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker's(s') determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within sixty (60) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

### **Retaliation**

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of Sexual Harassment, filing a Formal Complaint, or participating in an investigation and/or hearing is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **Confidentiality**

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

### **Application of the First Amendment**

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution and the principles of academic freedom as set forth in the applicable collective bargaining agreement. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment and/or the principles of academic freedom specified in the Board's collective bargaining agreement with its teachers.

### **Training**

The District's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of Sexual Harassment (as that term is used in this policy);
- B. the scope of the District's education program or activity;
- C. how to conduct an investigation and implement the grievance process that includes hearings, appeals, and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All Board employees will be trained concerning their legal obligation to report Sexual Harassment to the Title IX Coordinator. This training will include practical information about how to identify and report Sexual Harassment.

### **Recordkeeping**

As part of its response to alleged violations of this policy, the District shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a Complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

The District shall maintain for a period of seven (7) calendar years the following records:

- A. each Sexual Harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity;
- B. any appeal and the result therefrom;
- C. any informal resolution and the result therefrom; and
- D. all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The District will make its training materials publicly available on its website. If a person is unable to access the District's website, the Title IX Coordinator will make the training materials available upon request for inspection by members of the public.

### **Outside Appointments, Dual Appointments, and Delegations**

The Board retains discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Board also retains discretion to appoint two (2) or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Superintendent may delegate functions assigned to a specific Board employee under this policy including, but not limited to, the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor to any suitably qualified individual and such delegation may be rescinded by the Superintendent at any time.

## Discretion in Application

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

Revised 5/17/21

Revised 8/19/24

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Legal

20 U.S.C. 1092(F)(6)(A)(v)

20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)

20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)

34 C.F.R. Part 106

34 U.S.C. 12291(a)(8)

34 U.S.C. 12291(a)(10)

34 U.S.C. 12291(a)(30)

42 U.S.C. 1983

42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

OCR's Revised Sexual Harassment Guidance (2001)

Book	Policy Manual
Section	Board Review 40.1
Title	Vol. 40, No. 1 - September 2025 Revised HOMEBOUND INSTRUCTION PROGRAM
Code	po2412
Status	
Adopted	February 20, 1995
Last Revised	June 15, 2020

### **Revised Policy - Vol. 40, No. 1**

#### **2412 - HOMEBOUND INSTRUCTION PROGRAM**

The Board of Education shall provide, pursuant to requirements of the State Board of Education, individual instruction to students of legal school age who are not able to attend classes because of a physical or emotional disability.

The Board of Education shall arrange through the Van Buren Intermediate School District for individual instruction to students of legal school age who are not able to attend classes because of a physical or emotional disability.

~~A physician, psychiatrist, hospital (e.g. psychiatric hospitals), or licensed treatment facility (e.g. substance abuse centers) must certify the student as homebound or hospitalized. Psychologists, chiropractors, or other professionals may not certify a student as eligible. The certification must state: Applications for individual instruction shall be made by a physician or physician's assistant (licensed to practice in this State), parent, student, or other care giver. A physician or physician's assistant must:~~

- A. ~~the medical condition requires the student to be confined to home or hospitalized during regular school hours;~~
- B. ~~the home or hospital confinement will last for a period longer than five (5) consecutive school days; and~~
- C. ~~must bear the signature of an M.D. or a D.O. if the student was seen by a physician's assistant or nurse practitioner. (-) certify the nature and existence of a medical condition;~~
- D. ~~(-) state the probable duration of the confinement;~~
- E. ~~(-) request such instruction;~~
- F. ~~(-) present evidence of the student's ability to participate in an educational program.~~

Applications must be approved by the \_\_\_\_\_.

~~[ ] The District will provide homebound instruction only for those confinements expected to last at least five (5) days.~~

The District shall recommend that the instruction begin within three (3) days from the date of notification for nonspecial-education students. In the case of students under an IEP, the instruction is to begin within fifteen (15) days after notification in order to arrange for a meeting of an I.E.P.C., if necessary.

The program of homebound or hospitalized instruction given each student shall be in accordance with regulations of the State Board of Education with such exceptions as may be recommended by the physician. Teachers of homebound special education students shall hold a Michigan teaching certificate appropriate for the level of instruction for which the assignment is made or for the type of instruction called for by an I.E.P.C. Teachers of nondisabled students must hold a valid teaching certificate.

The District reserves the right to withhold homebound instruction when:

- A. the instructor's presence in the place of a student's confinement presents a hazard to the health of the teacher;
- B. a parent or other adult in authority is not at home with the student during the hours of instruction;
- C. the condition of the student is such as to preclude the student's benefit from such instruction.

The Superintendent shall develop administrative guidelines for implementing the policy.

M.C.L. 388.1606, 388.1709

Reference: Pupil Accounting Manual 2024-2025, Michigan Department of Education

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Legal

M.C.L. 388.1606, 388.1709

Reference: Pupil Accounting Manual 2024-2025, Michigan Department of Education

Book	Policy Manual
Section	Board Review 40.1
Title	Copy of CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR COMMERCIAL MOTOR VEHICLE (CMV) DRIVERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS
Code	po4162
Status	
Adopted	February 20, 1995
Last Revised	June 15, 2020

#### 4162 - CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR COMMERCIAL MOTOR VEHICLE (CMV) DRIVERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS

##### Purpose

The Board of Education believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with District vehicles (collectively "Covered Employees") must be mentally and physically alert at all times while on duty.

To that end, the Board has established this policy, which includes an alcohol and controlled substances testing program. The Board also expects all Covered Employees to comply with Board Policy 4122.01 on Drug-Free Workplace which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times.

Further, the Board concurs with the Federal requirement that all Covered Employees should be free of any influence of alcohol or controlled substance while on duty. Therefore, participation in alcohol and controlled substances testing program is a condition of employment for all Covered Employees.

##### Definitions

For purposes of this policy and the guidelines associated with the policy, the following definitions shall apply.

- A. The term *alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.
- B. The term *illegal drug* means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and/or local laws and regulations.
- C. The term *controlled substance* includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.
- D. The term *controlled substance* abuse includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.
- E. The term *safety-sensitive functions* includes all tasks associated with the operation and maintenance of District-owned and/or operated vehicles. This term further includes any period in which an individual is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.
- F. The term Covered Employee means all commercial driver license (CDL) holders and regular and substitute bus drivers as well as other staff who operate, inspect, service and condition a commercial motor vehicle (CMV) while on duty, regardless of whether they are required to hold a CDL.

G. The term *while on duty* means all time from the time the Covered Employee begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

### Procedures

The Superintendent shall establish a drug and alcohol testing program whereby each Covered Employee is tested for the presence of alcohol in his/her system as well as for the presence of the following controlled substances:

- A. Marijuana
- B. Cocaine
- C. Opioid
- D. Amphetamines
- E. Phencyclidine (PCP)

The alcohol and controlled substances tests are to be conducted in accordance with Federal and State regulations a.) prior to employment (Controlled Substances Only), b.) reasonable suspicion, c.) upon return to duty after any alcohol or drug rehabilitation, d.) post-accident 1.) resulting in human death, 2.) where the driver is issued a citation and the accident results in an injury that requires immediate medical attention away from the scene, or 3.) where there is disability damage to any motor vehicle that requires towing, e.) on a random basis, and f.) on a follow-up basis.

The Superintendent shall require that the District query the FMCSA's Drug and Alcohol Clearinghouse for current and prospective CDL drivers' drug and alcohol violations before allowing a driver to operate a District-owned and/or operated vehicle, consistent with Federal regulations, including consent requirements.

Any staff member who tests positive as defined in the guidelines shall be immediately prohibited from driving any District-owned and/or operated vehicle or conducting a safety-sensitive function:

- A. provided information regarding drug/alcohol counseling; or referred to the District's Employee Assistance Program;
- B. and subject to discipline, up to and including discharge, in accordance with District guidelines and the terms of any applicable collective bargaining agreements.

No staff member who has tested positive for alcohol or a controlled substance may be returned to a safety-sensitive position without having been evaluated by a qualified substance abuse professional (SAP), completing any required treatment program, and passing a retest. Return to a safety-sensitive position is solely at the District's discretion and the employee may be required to participate in ongoing services if recommended by the SAP. Any staff member who has tested positive for alcohol or a controlled substance will be provided with a list of SAPs available and acceptable to the District.

Furthermore, if during any test the lab determines that an adulterant has been added to the specimen, then the test will be considered positive and the employee shall be prohibited from performing any safety-sensitive functions and be referred to the District's Employee Assistance Program.

Any staff member who refuses to submit to a test shall be prohibited from performing or continuing to perform his/her safety-sensitive functions (e.g., driving any Board-owned vehicle).

Prior to the beginning of the testing program, the District shall provide a drug-free awareness program which will inform Covered Employees and their supervisors, about:

- A. the dangers of illegal drug use and controlled substance and alcohol abuse;
- B. indicators of probable alcohol misuse and controlled substance abuse;
- C. Board Policy 4122.01 - Drug-Free Workplace, Policy 4161 - Unrequested Leaves of Absence, Policy 4170 - Substance Abuse, and Policy 4170.01 - Employee Assistance Program;
- D. the sanctions that may be imposed for violations of Policy 4122.01.

All time spent undergoing an alcohol or controlled substance test, including travel time, will be paid at the staff member's regular rate of pay, or at his/her overtime rate, if applicable. Any staff member who is not allowed to return to work while awaiting test results will be compensated during the waiting period for all work time lost, including overtime, if applicable. The Board shall pay all costs associated with the administration of alcohol and controlled substance tests. This includes testing of the "split specimen" at a Federally certified laboratory if so requested by a staff member. Requests for a "split specimen" must be made within seventy-two (72) hours of receipt of the notification of a positive drug test. The Board will not pay for the employee's time while not on duty, if the split specimen test results are positive.

Alcohol and drug test results shall be protected as confidential medical records as appropriate under Federal law (i.e. test results shall be provided on a right to know basis - the employee, the employer, and the substance abuse professional - and the results shall not be presented until analyzed by a Medical Review Officer).

A tested individual, upon written request, will be promptly provided copies of any records relating to the individual's use of drugs and alcohol, including any records pertaining to the individual's drug and alcohol tests. A tested individual must provide specific written consent before the individual's test result can be provided to any other person except as required by law.

All tests shall be conducted in accordance with Federal testing guidelines and be performed by a laboratory that is Federally certified.

The alcohol and drug testing program shall be under the direction of the Superintendent.

The Superintendent shall arrange for periodic retraining of supervisors and staff members as necessary. The Superintendent shall provide a copy of this policy and testing guidelines to all Covered Employees and will include available resources to assist employees with problems related to the use of alcohol and controlled substances.

The Superintendent shall submit, for Board approval, a contract with a certified laboratory to provide the following services:

- A. testing of all first and second test urine samples
- B. clear and consistent communication with the District's Medical Review Officer (MRO)
- C. methodology and procedures for conducting random tests for controlled substances and alcohol
- D. preparation and submission of all required reports to the District, the MRO, and to Federal and State governments

The Superintendent shall also select the agency or persons who will conduct the alcohol breathalyzer tests, the District's MRO, and the drug collection site(s) in accordance with the requirements of the law.

### **Notification**

A tested candidate shall be notified of the results of a pre-employment controlled substances test conducted under this part, if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application.

A tested individual shall be notified of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The tested individual shall also be informed which controlled substance or substances were verified as positive.

The Superintendent shall make reasonable efforts to contact and request each driver who submitted a specimen under the employer's program, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with a medical review officer who has been unable to contact the driver.

The Superintendent shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer within seventy-two (72) hours.

Individuals holding a CDL license must notify all current employers of any DOT violations (such as testing positive for the presence of alcohol or a controlled substance in violation of this policy). The notification must be made 1) by the end of the business day following the day the individual first receives notice of the violation or 2) prior to performing any safety-sensitive function, whichever comes first. Individuals are not required to notify the employer that administered the test or that documented the circumstances giving rise to the violation.

In the event that an individual is selected for testing, the Superintendent will inform the individual that the test is required by applicable law.

## Reporting Test Results

The Superintendent shall report all information required by Federal regulations to the Clearinghouse in a timely manner. The Superintendent shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this policy during the previous calendar year, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers. Such summaries shall be submitted in a manner and timeline as required by law.

## Educational Materials Related to Certain Federal Regulations, Board Policies, and Procedures

CDL License Holders and other employees who perform safety-sensitive functions will be provided educational materials at the time of hire or at any time when required to operate a school vehicle. The educational materials shall explain the requirements of applicable Federal regulations and the Board's policies and the District's procedures with respect to meeting these Federal regulations. The Board designates the Director of Transportation as the individual responsible for providing educational materials to CDL License Holders and other employees who perform safety-sensitive functions. The educational materials will include, at a minimum, the following:

- A. the contact information for the Director of Transportation, who is the individual designated by the Board to answer questions about the educational materials
- B. a statement that all CDL License Holders and other employees who perform safety-sensitive functions are subject to Federal law addressing the misuse of alcohol and other controlled substances
- C. information sufficient to make clear to employees the period of the work day during which they are required to comply with the regulations
- D. information concerning prohibited conduct
- E. the circumstances under which employees are subject to testing for alcohol and/or controlled substances
- F. the procedures for testing for the presence of alcohol and controlled substances in order to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to confirm the results are attributed to the correct employee, including post-accident information, procedures, and instructions required under Federal regulations
- G. the requirement that staff members must submit to alcohol and controlled substance testing as required by the regulations
- H. an explanation of what constitutes a refusal to be tested or alcohol or controlled substances and the attendant consequences
- I. the consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment
- J. the consequences for employees found to have an alcohol concentration of 0.02 or greater but less than 0.04
- K. information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol and/or controlled substances problem (the employee's or a co-worker's); and available methods of intervening when a controlled substances and/or alcohol problem is suspected (including confrontation and how to refer someone to an Employee Assistance Program or to management), and
- L. information regarding the requirement that certain personal information collected and maintained under Federal law be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse
- M. information indicating that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including alcohol, is prohibited on all school board property and at school-sponsored activities. Individuals are strictly prohibited from reporting to work or being on duty while under the influence of alcohol or a controlled substance.

These materials are to be distributed to each staff member upon being hired or transferred into a covered position thereafter. Each staff member must sign a statement certifying receipt of these materials. A staff member who refuses to sign the requisite statement shall be prohibited from performing any safety-sensitive functions. Each employee (and labor organization representing Board employees) shall receive written notice of the availability of this information, and the identity of the Board's designated representative in charge of answering employee questions about the materials.



Book	Policy Manual
Section	Board Review 40.1
Title	Copy of GRADUATION REQUIREMENTS
Code	po5460
Status	
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Last Revised	April 24, 2025

#### 5460 - GRADUATION REQUIREMENTS

It shall be the policy of the Board of Education to acknowledge each student's successful completion of the instructional program or a personal curriculum appropriate to the achievement of District goals and objectives as well as personal proficiency, by the awarding of a diploma at graduation ceremonies.

The Board shall annually notify each of its students and a parent or legal guardian of each of its students that all students are entitled to a personal curriculum. The annual notice shall include an explanation of what a personal curriculum is and state that if a personal curriculum is requested, the public school or public school academy will grant that request. The District shall provide this annual notice to parent and legal guardians by sending a written notice to each student's home or by including the notice in a newsletter, student handbook, or similar communication that is sent to a student's home, and also shall post the notice on the District website.

The Superintendent is authorized to provide each student in grade twelve (12) and the parent of each student in grade twelve (12) a notice regarding the existence of the Free Application for Federal Student Aid ("FAFSA") and a description of the process, benefits, and requirements of completing the FAFSA. This notice also shall include approximate annual tuition costs of each State educational institution of higher education in Michigan and State scholarships, grants, or other assistance available to students in Michigan. The Superintendent may use the model notice prepared by the Commission of Higher Education or develop a local notice containing the required information.

Beginning with the Class of 2026, each student in grade twelve (12) shall be required to complete one (1) of the following:

- A. a Free Application for Federal Student Aid ("FAFSA");
- B. a District waiver form indicating that the student and family understand what these aid opportunities are and has chosen not to complete an application;  
If the student is not at least eighteen (18) years of age or legally emancipated, the student's parent/guardian must complete one (1) of these documents on the student's behalf.
- C. school or District exemption that certifies to the Board that good-faith efforts were made to assist the student or the student's parent/guardian in either completing the FAFSA or obtaining a District waiver.

The District shall exempt a student from the requirement to complete the FAFSA if any of the following are met:

- A. The student's parent or legal guardian, or the student if the student is eighteen (18) years of age or older, is an emancipated minor, or is an unaccompanied youth, has submitted a parental waiver (obtained by a standard form provided by MiLEAP) to the District exempting the student from completing the FAFSA.
- B. The student is unable to complete the FAFSA because of privacy concerns.
- C. All of the following are met:
  1. After a good-faith effort, the student's parent or legal guardian refuses to sign the parental waiver, is unresponsive, or cannot sign the parental waiver.

2. The student is unable to complete the FAFSA as an independent student.
3. The student agrees to opt out of completing the FAFSA.
4. Other than the requirements in subsection (2) of Sec. 67f of Public Act 120 of 2024, the student is on track to graduate.

The Board shall award a regular high school diploma to every student enrolled in this District who meets the requirements of graduation established by this Board, the Michigan Department of Education (MDE), and as provided by State law.

Credit may be earned by:

- A. traditional course work;
- B. demonstrating mastery of subject area content expectations or guidelines for the credit;
- C. related course work in which content standards are embedded;
- D. non-traditional course work;
- E. independent teacher-guided study;
- F. testing out;
- G. dual enrollment;
- H. advanced placement courses;
- I. international baccalaureate or other "early college" programs; or
- J. Michigan Department of Education (MDE)-approved formal career and technical (CTE) program or curriculum.
- K. on-line class

Special education students who properly complete the programs specified in their I.E.P., or in a personal curriculum, and meet the requirements for a high school diploma, and have received the recommendation of the I.E.P.C. may participate in graduation activities as recommended by the student's I.E.P.C. Reasonable accommodation shall be made for students with disabilities, as defined under State or Federal law, to assist them in taking any required tests or assessments for graduation.

For State-mandated curriculum requirements, a student shall be granted credit toward graduation if the student successfully completes the subject area content expectations or guidelines developed by the department that apply to the credit. A student may also receive credit if the student earns a qualifying score, as determined by the State on the assessments developed or selected for the subject area by the State or the student earns a qualifying score, as determined by the District on one or more assessments developed or selected by the School District that measure a student's understanding of the subject area content expectations or guidelines that apply to the credit. For subject areas and courses in which a final examination is used as the assessment for successful attainment of the subject area content, a grade of C+ or better is required.

The Board shall grant credit toward high school graduation for any student who successfully completes, prior to entering high school, a State-mandated curriculum requirement, provided the student completes the same content requirements as the high school subject area, and the student has demonstrated the same level of proficiency on the material as required of the high school students.

Such credit shall be counted toward the required number of credits needed for graduation. Mastery credits shall be counted toward any subject area requirement and any course sequence requirement. Once mastery credit is earned in a subject area, a student may not receive further credit for a lower sequence course in the same subject area.

A high school student shall be granted credit in any foreign language not offered by the District providing the student meets the competency criteria established by the Superintendent.

A high school student shall be granted credit for completion of an internship or work experience that meets all of the requirements of M.C.L. 380.1279h, subject to the Board's right to deny credit for the reasons and in the manner set out in M.C.L. 380.1279h. The appeal rights set out in this statute apply in the event of a denial.

The career and technical education credits may include work-based learning by a student working at a business or other work setting with appropriate oversight by the District over the student's experience and learning in the work setting in which the work-based learning occurs.

Commencement exercises will include only those students who have successfully completed requirements as certified by the high school principal. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation, however, when personal conduct so warrants.

### **Personal Curriculum**

All students will be required to be sixty percent (60%) proficient on 100% of the power standards in the core curriculum areas.

Special education students will be required to be sixty percent (60%) proficient on 100% of the power standards in the core curriculum areas. The exception to this would be that a special education student with a specific disability area can be sixty percent (60%) proficient on sixty percent (60%) of the power standards in any class in the area of disability indicated on their MET without a personal curriculum.

Special Education students will need a personal curriculum to substitute credit requirements of the Michigan Merit Curriculum. Substitutions will only be allowed in the students' area of disability and may not modify more than forty percent (40%) of the total credits seven (7) required by the Michigan Merit Curriculum.

Revised 4/20/98  
 Revised 11/20/00  
 Revised 5/15/06  
 Revised 5/21/07  
 Revised 1/21/08  
 Revised 6/16/08  
 Revised 3/16/09  
 Revised 10/19/09  
 Revised 4/19/10  
 Revised 4/18/11  
 Revised 6/15/15  
 Revised 11/19/18

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Legal	M.C.L. 380.1166, 380.1278a(1), 380.1278a(2), 380.1278a(4)(c), 380.1279b
	M.C.L. 380.1278d, 380.1279h
	20 U.S.C. 1400 et seq.
	20 U.S.C. 1401 et seq.
	29 U.S.C. 794
	42 U.S.C. 12131 et seq.

Book	Policy Manual
Section	Board Review 40.1
Title	Vol. 40, No. 1 - September 2025 Revised BULLYING AND OTHER AGGRESSIVE BEHAVIOR TOWARD STUDENTS
Code	po5517.01
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Last Revised	June 15, 2015

### **Revised Policy - Vol. 40, No. 1**

#### **5517.01 - BULLYING AND OTHER AGGRESSIVE BEHAVIOR TOWARD STUDENTS**

It is the policy of the District to provide a safe and nurturing educational environment for all of its students.

The Board of Education recognizes that a school that is physically and emotionally safe and secure for all students and staff will be better able to promote good citizenship, increase attendance and engagement, and support academic achievement. The Board expects students and staff to conduct themselves in a manner that promotes positive relationships and school climate, with a proper regard for the rights and welfare of other students, school staff, volunteers, and contractors.

This policy protects all students from bullying/aggressive behavior regardless of the subject matter or motivation for such impermissible behavior.

Bullying or other aggressive behavior toward a student, whether by other students, staff, or third parties, including Board members, parents, guests, contractors, vendors, and volunteers, is strictly prohibited. This prohibition includes written, physical, verbal, and psychological abuse, including hazing, gestures, comments, threats, or actions, including electronically transmitted acts, to a student, which cause or threaten to cause bodily harm, reasonable fear for personal safety, or personal degradation.

Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of administrators, faculty, staff, and volunteers to provide positive examples for student behavior.

This policy applies to all "at school" activities in the District, including activities on school property, in a school vehicle, or at any time or place where a child's imminent safety or over-all well-being may be at issue, and those occurring off school property, if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the school's control, or where an employee is engaged in school business. Misconduct occurring outside of school may also be disciplined if it interferes with the school environment.

#### **Notification**

Notice of this policy will be annually circulated to and posted in conspicuous locations in all school buildings and departments within the District and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires will be required to review and sign off on this policy and the related complaint procedure.

Parents or legal guardians of the alleged victim(s), as well as of the alleged aggressor(s), shall be promptly notified of any complaint or investigation, as well as the results of the investigation, to the extent consistent with student confidentiality requirements. A record of the time and form of notice or attempts at notice shall be kept in the investigation file.

To the extent appropriate and/or legally permitted, confidentiality will be maintained during the investigation process. However, a proper investigation will, in some circumstances, require the disclosure of names and allegations. Further, the appropriate authorities may be notified, depending on the nature of the complaint and/or the results of the investigation.

#### **Reporting**

~~The No later than May 30, 2015, the~~ District shall submit to the Department of Education a copy of this Policy.

The District shall report incidents of bullying to the Department of Education on an annual basis according to the form and procedures established by the Department of Education.

Should this Policy be amended or otherwise modified, the District shall submit a copy of the amended or modified Policy to the Department of Education no later than thirty (30) days after adopting the modification.

### **Implementation**

The Superintendent is responsible to implement this policy, and may develop further guidelines not inconsistent with this policy. This policy is not intended to and should not be interpreted to interfere with legitimate free speech rights of any individual. However, the District reserves the right and responsibility to maintain a safe environment for students, conducive to learning and other legitimate objectives of the school program.

### **Procedure**

Any student who believes ~~they have been or are~~/he has been or is the victim of bullying, hazing, or other aggressive behavior should immediately report the situation to the Principal or assistant principal. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

A student may also submit a report or complaint to any of the above designated individuals through email, voicemail, regular mail, or by leaving a sealed note addressed to the individual at that person's office or desk. The student may submit a report or complaint anonymously, but this may affect the ability to fully investigate the matter when the complaining student is not available to provide additional information during the course of the investigation.

The identity of a student who reports bullying, hazing, or aggressive behavior, as well as those students who provide information during an investigation, will remain confidential to the extent possible and to the extent allowable by law. Only school personnel directly involved in the investigation of the complaint or responsible for remedying any violations will be provided access to the identity of the complaining student(s) and student witnesses, and then only to the extent necessary to effectively deal with the situation.

The identity of the student who files the report or complaint will not be voluntarily shared with the alleged perpetrator(s) or the witnesses unless the student (and ~~the student's~~his/her parent/guardian) gives written permission to do so. Any investigation report will likewise not be voluntarily produced with the names of the reporting student(s) or witnesses. However, under certain circumstances, the District may be required by law to disclose the report and/or the student(s) name(s). Also, under certain circumstances, the identity of the reporting student may become obvious even without disclosure by school personnel.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be aggressive behavior directed toward a student. Reports shall be made to those identified above. While reports may be made anonymously, formal disciplinary action may not be taken solely on the basis of an anonymous report without other corroborating evidence.

The Principal (or other designated administrator) shall promptly investigate and document all complaints about bullying, aggressive, or other behavior that may violate this policy. The investigation must be completed as promptly as the circumstances permit after a report or complaint is made.

If the investigation finds an instance of bullying or aggressive behavior has occurred, it will result in prompt and appropriate remedial action. This may include up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement or other appropriate officials.

If, during an investigation of a reported act of harassment, intimidation, and/or bullying/cyberbullying, the Principal or appropriate administrator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal will report the act of bullying and/or harassment to one (1) of the Anti-Harassment Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment.

The individual responsible for conducting the investigation shall document all reported incidents and report all verified incidents of bullying, aggressive, or other prohibited behavior, as well as any remedial action taken, including disciplinary actions and referrals, to the Superintendent. The Superintendent shall submit a compiled report to the Board on an annual basis.

**Non-Retaliation/False Reports**

Retaliation or false allegations against any person who reports, is thought to have reported, files a complaint, participates in an investigation or inquiry concerning allegations of bullying or aggressive behavior (as a witness or otherwise), or is the target of the bullying or aggressive behavior being investigated, is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy, independent of whether a complaint of bullying is substantiated. Suspected retaliation should be reported in the same manner as bullying/aggressive behavior.

Making intentionally false reports about bullying/aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

**Prevention/Training/  Restorative Practices ~~OPTIONAL~~ **END OF OPTION** - Material below not currently in policy up to Definitions]**

The District shall provide a minimum of annual training for school employees and volunteers who have significant contact with students on school policies and procedures regarding bullying and harassment to help promote a positive school climate. Training will provide school employees with a clear understanding of their roles and responsibilities and the necessary skills to fulfill them. (Examples of appropriate trainings include, but are not limited to, age-appropriate strategies to prevent bullying; age-appropriate strategies for immediate, effective interventions to stop incidents; internet safety issues as they relate to cyberbullying; and fostering an understanding of and respect for diversity and difference).

The Superintendent shall establish

a Bullying Prevention Task Force.

a program or other initiatives involving school staff, students, clubs or other student groups, administrators, volunteers, parents, law enforcement, community members, and other stakeholders, aimed at the prevention of bullying or other aggressive behavior.

**[END OF OPTION]**

The District shall implement a comprehensive health education curriculum, within the Whole School, Whole Community, Whole Child framework, to help students attain skills and knowledge vital to school success, a productive and healthy workforce, and good citizenship. Critical skills include anticipating consequences of choices, making informed decisions, communicating effectively, resolving conflicts, and developing cultural competency. **[END OF OPTION]** ~~The District shall provide, and all administrators, school employees, contracted employees and volunteers who have significant contact with students shall undertake~~

~~annual~~

**OR**

~~\_\_\_\_\_ **[insert frequency]**~~

~~training on preventing, identifying, responding to, and reporting incidents of bullying and other aggressive behavior.~~

The District shall provide, and all students shall undertake, annual training on preventing, identifying, responding to, and reporting incidents of bullying, cyberbullying, and other aggressive behavior. **[END OF OPTION]**

The District shall provide and all parents or legal guardians

shall

**[OR]**

shall be offered the opportunity to

undertake annual training on preventing, identifying, responding to, and reporting incidents of bullying, cyberbullying, and other aggressive behavior. **[END OF OPTION]**

**[ ]** The District will utilize restorative practices that emphasize repairing the harm to the victim and school community in the correction of bullying behavior, which may include victim-offender conferences that:

- A. are initiated by the victim;
- B. are approved by the victim's parent or legal guardian or, if the victim is at least fifteen (15), by the victim;
- C. are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender (the "restorative practices team");
- D. would provide an opportunity for the offender to accept responsibility for the harm caused to those affected, and to participate in setting consequences to repair the harm, such as requiring the student to apologize; participate in community service, restoration of emotional or material losses, or counseling; pay restitution; or any combination of these. The selected consequences and time limits for their completion will be incorporated into an agreement to be signed by all participants.

**[END OF OPTION]**

**[x]** The best discipline for aggressive behavior is designed to (1) support students in taking responsibility for their actions, (2) develop empathy, and (3) teach alternative ways to achieve the goals and solve problems that motivated the aggressive behavior. Staff members and volunteers who interact with students shall role model respectful behavior and apply best practices designed to prevent discipline problems and encourage students' abilities to develop self-discipline and make better choices in the future. School employees will also be held accountable for bullying or harassing behavior that is directed toward school employees, volunteers, parents, or students in accordance with law and local collective bargaining agreements.

Consequences and appropriate remedial actions for a student or staff member who engages in one (1) or more acts of bullying or harassment may range from positive behavioral interventions, up to and including suspension or expulsion, in the case of a student, or suspension or termination in the case of an employee, as set forth in the Board's approved Code of Student Conduct or Employee Handbook. School employees will also be held accountable for bullying or harassing behavior directed toward school employees, volunteers, parents, or students.

Consequences for a student who commits an act of bullying and harassment shall vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the Board's approved Code of Student Conduct. Remedial measures shall be designed to:

- A. correct the problem behavior;
- B. prevent another occurrence of the behavior; and
- C. protect the victim of the act.

Effective discipline should employ a school-wide approach to adopt a rubric of bullying offenses and the associated consequences.

**[END OF OPTION]**

**[END OF OPTIONS]**

## Definitions

The following definitions are provided for guidance only. If a student or other individual believes there has been bullying, hazing, harassment, or other aggressive behavior, regardless of whether it fits a particular definition, the student or other individual~~s/he~~ should report it immediately and allow the administration to determine the appropriate course of action.

**"Aggressive behavior"** is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical, or emotional well-being. Such behavior includes, for example, bullying, hazing, stalking, intimidation, menacing, coercion, name-calling, taunting, making threats, and hitting/pushing/shoving.

**"At School"** is defined as in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event, whether or not it is held on school premises. It also includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if either owned by or under the control of the District.

**"Bullying"** is defined as any written, verbal, or physical acts, including cyberbullying (i.e. any electronic communication including, but not limited to, electronically transmitted acts, such as internet, telephone or cell phone, computer, or wireless handheld device, currently in use or later developed and used by students) that is perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress and may be motivated either by bias or prejudice based upon any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic, or is based upon association with another person who has or is perceived to have any distinguishing characteristic. Bullying or harassment also includes forms of retaliation against individuals who report or cooperate in an investigation under this policy. ~~personal digital assistant (PDA), or wireless hand held device) that, without regard to its subject matter or motivating animus, is intended or that a reasonable person would know is likely to harm one (1) or more students either directly or indirectly by doing any of the following:~~

Bullying is conduct that meets all of the following criteria:

- A. is perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress;
- B. is directed at one (1) or more students;
- C. is conveyed through physical, verbal, technological, or emotional means;
- D. substantially ~~interferes~~ interfering with educational opportunities, benefits, or programs of one (1) or more students;
- E. adversely ~~affects~~ affecting the ability of a student to participate in or benefit from the School District's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress;
- F. is based on a student's actual or perceived distinguishing characteristic (see above) or is based on an association with another person who has or is perceived to have any of these characteristics. ~~having an actual and substantial detrimental effect on a student's physical or mental health; and/or~~
- G. ~~causing substantial disruption in, or substantial interference with, the orderly operation of the school.~~

Bullying can be physical, verbal, psychological, or a combination of all three (3). Some examples of bullying are:

- A. Physical – hitting, kicking, spitting, pushing, pulling, taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.
- B. Verbal – taunting, malicious teasing, insulting, name-calling, making threats.
- C. Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation. This may occur in a number of different ways including, but not limited to, notes, emails, social media postings, and graffiti.

**"Harassment"** is conduct that meets all of the following criteria:

- A. repeated or continuing unwanted contact perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress;
- B. is directed at one (1) or more students or staff;
- C. is conveyed through physical, verbal, technological, or emotional means;
- D. substantially interferes with educational opportunities, benefits, or programs of one (1) or more students or staff;
- E. adversely affects the ability of a student to participate in or benefit from the School District's or public school's educational programs or activities because the conduct, as perceived by the student, is so severe, pervasive, and

objectively offensive as to have this effect; and

- F. is based on a student or staff's actual or perceived distinguishing characteristic (see above) or is based on an association with another person who has or is perceived to have any of these characteristics. includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature, often on the basis of age, race, religion, color, national origin, marital status or disability, but may also include sexual orientation, physical characteristics (e.g., height, weight, complexion), cultural background, socioeconomic status, or geographic location (e.g., from rival school, different state, rural area, city, etc.).

**"Intimidation/Menacing"** includes, but is not limited to, any threat or act intended to: place a person in fear of physical injury or offensive physical contact; to substantially damage or interfere with person's property; or to intentionally interfere with or block a person's movement without good reason.

**"Staff"** includes all school employees and Board members.

**"Third parties"** include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, vendors, or others engaged in District business, and others not directly subject to school control at inter-district or intra-district athletic competitions or other school events.

The scope of this policy includes the prohibition of every form of bullying, harassment, and cyberbullying/harassment, whether in the classroom, on school premises, immediately adjacent to school premises, when a student is traveling to or from school (portal to portal), or at a school-sponsored event, whether or not held on school premises. Bullying or harassment, including cyberbullying/harassment, that is not initiated at a location defined above is covered by this policy if the incident results in a potentially material or substantial disruption of the school learning environment for one (1) or more students or staff and/or the orderly day-to-day operations of any school or school program.

For further definition and instances that could possibly be construed as:

Harassment, see Policy 5517.

Hazing, see Policy 5516.

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Legal M.C.L. 380.1310b (Matt's Safe School Law, PA 241 of 2011), PA 478 of 2014  
Policies on Bullying, Michigan State Board of Education  
Model Anti-Bullying Policy, Michigan State Board of Education

Book	Policy Manual
Section	Board Review 40.1
Title	Vol. 40, No. 1 - September 2025 Revised DIGITAL CONTENT AND ACCESSIBILITY
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Status	
Adopted	October 18, 2009
Last Revised	June 19, 2023

### **Revised Policy - Vol. 40, No. 1**

7540.02 - **DIGITAL CONTENT AND ACCESSIBILITY**~~WEB ACCESSIBILITY, CONTENT, APPS, AND SERVICES~~

#### **A. **Creating Digital Content**~~Creation of Content for Web Pages/Sites, Apps, and Services~~**

The Board of Education authorizes staff members and students to create **content for the District's website and District-approved/affiliated apps and services**~~content, apps, and services~~ (see Bylaw 0100 Definitions) ("**digital content**") that are hosted by the Board on its servers or District-affiliated servers (i.e., servers the Board pays to use or otherwise sanctions the use of) and/or published on the Internet.

**District-generated and school-related digital content**~~The content, apps, and services~~ must comply with applicable State and Federal laws (e.g., copyright laws, Children's Internet Protection Act ("CIPA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), Americans with Disabilities Act ("ADA"), Student Online Personal Protection Act ("SOPPA"), and Children's Online Privacy Protection Act ("COPPA")) and reflect the professional image/brand of the District, its employees, and students. **District-generated digital content**~~Content, apps, and services~~ must be consistent with the Board's Mission Statement and **is staff-created web content, services, and apps**~~are~~ subject to prior review and approval of the Superintendent before being published on the **District's website or District-approved/affiliated apps/services**~~Internet and/or used with students~~.

**[NOTE: CHOOSE ONE (1), BOTH, OR NONE OF THE FOLLOWING OPTIONS.]**

**(x ) School-related student-created content for the Board's website or District-approved/affiliated apps/services**~~are~~ subject to ~~Student-created content, apps, and services are subject to~~ Policy 5722 - School-Sponsored Publications and Productions.

**(x ) Creation of school-related content by students for the Board's website or District-approved/affiliated apps/services**~~The creation of content, apps, and services by students~~ must be done under the supervision of a **District professional** staff member.

**[END OF OPTIONS]**

#### **B. Purpose of **Digital Content**~~of District Web Pages/Sites, Apps, and Services~~**

The purpose of **digital content, apps, and services** covered by this policy is to educate, inform, and communicate. The following criteria shall ~~be used to~~ guide the development of **District-generated digital content**~~such content, apps, and services~~:

##### **1. Educate**

**Digital content**~~Content~~ should be suitable for and usable by students and teachers to support the curriculum and the Board's Objectives as listed in the Board's Strategic Plan.

##### **2. Inform**

**Digital content**~~Content~~ may inform the community about the school, teachers, students, or departments,

including information about curriculum, events, class projects, student activities, and departmental policies.

### 3. Communicate

**Digital content** may communicate information about the plans, policies, and operations of the District to members of the public and other persons who may be interested in and/or affected by District matters.

The information **published on the Board's website and District-approved/affiliated apps/services** should reflect and support the Board's Mission Statement, Educational Philosophy, and School Improvement Process.

When the **digital** content includes a photograph or personally identifiable information relating to a student, the Board will abide by the provisions of Policy 8330 - Student Records.

Under no circumstances are **District-generated digital content** to be used for commercial purposes, advertising, political lobbying, or to provide financial gains for any individual. Included in this prohibition is the fact no **digital content published** on the District's website may:

1. include statements or other items that support or oppose a candidate for public office, the investigation, prosecution, or recall of a public official, or passage of a tax levy or bond issue;
2. link to a website of another organization if the other website includes such a message; or
3. communicate information that supports or opposes any labor organization or any action by, on behalf of, or against any labor organization.

Under no circumstances shall a staff member post on their personal web pages/websites or private digital accounts (i.e., non-District-approved/affiliated apps/services) **is staff member created content, apps, and services, including personal web pages/websites, to be used to post** student progress reports, grades, class assignments, or any other similar class-related material. Employees are required to use the **Board's website or District-approved/affiliated apps/services.**

**[ x ]** Staff members are prohibited from requiring students to go to the staff member's personal web pages/websites and/or private digital accounts (i.e., non-District-approved/affiliated apps/services) (including, but not limited to, the staff member's personal accounts on Facebook, Instagram, Pinterest, (including, but not limited to, their Facebook, Instagram, Pinterest pages, YouTube Channel(s), or TikTok sites) to check grades, obtain class assignments and/or class-related materials, and/or to turn in assignments. **[END OF OPTION]**

**[ x ]** If a staff member creates **digital content, apps, and services,** related to their class, it must be hosted on the Board's **website or a District-approved app/service** ~~server or a District-affiliated server.~~

**[ x ]** The Board's website, including school-specific websites, shall be generally open/available to the public unless specific digital content is unique to a specific child and/or includes student personally identifiable information, in which case the information must be password-protected or access to it must be otherwise restricted. When digital content involving student personally identifiable information or information concerning coursework, particularly a specific student's classes/assignments, is password-protected/access is otherwise restricted, the student's parent(s)/guardian(s) will continue to have access to that digital content. ~~Unless the content, apps, and services contain student personally identifiable information, Board websites, apps, and web services that are created by students and/or staff members that are posted on the Internet should not be password protected or otherwise contain restricted access features, whereby only employees, student(s), or other limited groups of people can access the site. Community members, parents, employees, staff, students, and other website users will generally be given full access to the Board's website(s), apps, and services.~~

**Digital content published on the Board's website** ~~Web content, apps, and web services~~ should reflect an understanding that both internal and external audiences will be viewing the information.

~~The District's website(s) and web pages, apps, and services must be hosted on Board owned or District-affiliated servers.~~

The Superintendent shall prepare administrative guidelines defining the rules and standards applicable to **staff and students who publish digital content on the Board's website and District-approved/affiliated apps/services** ~~the use of the Board's website and the creation of web content, apps, and web services by staff (-) and students~~ **[END OF OPTION].**

The Board retains all proprietary rights related to the design of and content for its website(s) and any apps/services it operates and/or is affiliated with, apps, and web services, absent written agreement to the contrary.

In order for a student's school work (i.e., work that is created in or for a class, at school, or as part of a school-sponsored extracurricular activity) to be displayed on the Board's website, the student (who is eighteen (18) years of age or older) or the student's parent (if the student is seventeen (17) years of age or younger) must provide written permission and expressly license its display without cost to the Board.

Likewise, prior written permission from a student (who is eighteen (18) years of age or older) or the student's parent (if the student is seventeen (17) years of age or younger) is necessary for a student to be identified by name on the Board's website.

### C. Accessibility of Web Content and Mobile Apps Website Accessibility

The District is committed to providing persons with disabilities an opportunity equal to that of persons without disabilities to participate in the District's programs, benefits, and services, including those delivered through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration. The District is further committed to ensuring persons with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as persons without a disability, with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online through the web or a mobile app, as required by Section 504 and Title II of the ADA and their implementing regulations; and that they receive effective communication of the District's programs, services, and activities delivered in-person or online.

This policy reflects the Board's commitment and intention to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, 34 C.F.R. Part 104, Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12131, and 28 C.F.R. Part 35 in all respects. For purposes of this policy, "web content" means "information and sensory experience to be communicated to the user by means of a user agent, including code or markup that defines the content's structure, presentation, and interactions." Examples of web content include text, images, sounds, videos, controls, animations, and conventional electronic documents (e.g., content in the following electronic file formats: portable document formats ("PDF"), word processor file formats, presentation file formats, and spreadsheet file formats). Additionally, "mobile applications" ("mobile apps") means "software applications that are downloaded and designed to run on mobile devices, such as smartphones and tablets."

#### 1. Technical Standards

Web content and mobile apps that the District provides and/or makes available, directly or through contractual, licensing or other arrangements, shall comply with the World Wide Web Consortium's Web Content Accessibility Guidelines ("WCAG") 2.1, Level AA standards, unless the Board can demonstrate that such compliance would result in a fundamental alteration in the nature of its programs, services, or activities, or an undue financial and administrative burden. The District will adhere to the technical standards of compliance identified at \_\_\_\_\_ [insert link to District website]. The District measures the accessibility of online content and functionality according to the World Wide Web Consortium's (W3C's) Web Content Accessibility Guidelines (WCAG) 2.0 Level \_\_\_\_\_, and the Web Accessibility Initiative - Accessible Rich Internet Applications Suite (WAI ARIA 1.1) for web content. ( ) \_\_\_\_\_ [insert another acceptable standard selected by the District - e.g., the Section 508 Information and Communication Technology Accessibility Standards published by the U.S. Access Board, which serves as the standards the Federal government uses for its own websites].

#### [DRAFTING NOTES:

**(1) Districts with a population of 50,000 or more residents must fully comply with WCAG 2.1, Level AA standards by April 24, 2026; Districts with fewer than 50,000 residents must fully comply with WCAG 2.1, Level AA standards by April 26, 2027.**

**(2) While the Department of Justice's Final Rule allows public entities to employ alternative designs, methods, or techniques if they provide equivalent or greater accessibility and usability, Neola does not recommend that approach. If a board wants to consider an alternative technical standard, it should consult with its legal counsel. While OCR currently (as of December 2022) recommends WCAG 2.0 Level AA, WCAG 2.1 is gradually becoming the standard courts cite as the ADA accessibility standard that public entities should use for websites, mobile applications, and digital content compliance. Further, W3C published a working draft of WCAG 2.2 in August 2020 and a Candidate Recommendation draft of WCAG 2.2 in September 2022; a final version of WCAG 2.2 is expected to be released in early 2023. The W3C states that WCAG 2.0 and 2.1 remain its**

**recommendation, but version 2.2 should be used to maximize future applicability of accessibility efforts. The W3C also encourages the use of the most current version of WCAG when developing or updating Web accessibility policies.] [END OF DRAFTING NOTES]**

Notwithstanding the preceding, Federal regulations provide for the following content types to have limited exemption from the WCAG 2.1, Level AA requirements:

- a. Archived web content (provided all four (4) Federal criteria are met).
- b. Preexisting conventional electronic documents (with specific restrictions).
- c. Third party content that is not created pursuant to a contract between the Board and a third party.
- d. Password-protected documents pertaining to a specific student or account.
- e. Preexisting social media posts.

Even when the preceding exceptions apply, the District, however, will still provide effective communication and reasonable modifications in accordance with the ADA.

In addition, documents currently used for accessing District programs, services, programs, or activities do not qualify for the above exceptions, regardless of creation date.

When a person with a disability cannot access District-generated or affiliated web content or mobile apps that meet WCAG 2.1, Level AA standards, the District will: (1) provide alternate means of access to the same information and functionality; (2) make reasonable modifications to policies, practices, or procedures; (3) ensure effective communication through appropriate auxiliary aids and services; and (4) respond to accommodation requests within \_\_\_\_\_ ( ) [insert timeframe] business days. Such accommodations may include: (a) alternative document formats (large print, Braille, audio); (b) telephone or in-person assistance for online services; and/or (c) email or mail delivery of information typically accessed online.

## 2. **DigitalWeb Accessibility Coordinator**

The Board designates its Superintendent as the District's Web Accessibility Coordinator(s). That individual(s) is responsible for coordinating and implementing this policy.

The District's Web Accessibility Coordinator(s) can be reached at:

Superintendent

Lawton Community Schools

101 Primary Way

Lawton, MI 49065

(269) 624-7901

## 3. **Third Party Content**

Links included on the Board's website(s) and District-approved/affiliated mobile apps that pertain to its programs, activities, or web services and apps that pertain to its programs, benefits, and/or services must also meet the above criteria and comply with State and Federal law (e.g. copyright laws, CIPA, Section 504, ADA, SOPPA, and COPPA). The District's Digital Accessibility Coordinator(s) or designee(s) will vet online content available on the Board's website and through District-approved/affiliated mobile apps that are related to the District's programs, activities, and/or services for compliance with this criteria for all new content published on the District's website and mobile apps after adoption of this policy. While the District strives to provide access through its website to online content provided or developed by third parties (including vendors, video sharing websites, and other sources of online/digital content) that is in an accessible format, that is not always feasible. The District's administrators and staff, however, are aware of this requirement with respect to the selection of online content provided to students. The District's Web Accessibility Coordinator(s) or designee will vet online content available on its website(s), apps, and services that are related to the District's programs, benefits, and/or services for compliance with this criteria for all new content published on the District's website(s), apps, and services after adoption of this policy.

Content posted by third parties (e.g., members of the public) on District platforms is exempt from the WCAG 2.1, Level AA requirements. Those platforms, however, along with content posted by the District staff or

contractors, must be fully compliant.

Nothing in the preceding paragraph, however, shall prevent the District from including links on its website(s) and apps/services to the Board's website(s), apps, and services to:

- a. recognized news/media outlets (e.g., local newspapers' websites, local television stations' websites); or
- b. websites, services, and/or apps that are developed and hosted by outside vendors or organizations that are not part of the District's program, benefits, or services.

The Board recognizes that such third party websites may contain advertisements that are not age-appropriate or consistent with the requirements of Policy 9700.01, AG 9700B, and State and Federal law.

#### 4. Regular Audits

The District will, under the direction of the Digital Web Accessibility Coordinator(s) or designee(s), at regular intervals, audit the District's digital content to ensure it meets the required technical standards and measure this content against the technical standards adopted above.

If problems are identified through the audit, such problems will be documented, evaluated, and if necessary, remediated within a reasonable period.

#### 5. Reporting Concerns or Possible Violations

If a person accessing the District's website(s), apps, or services (e.g., a student, prospective student, employee, guest, or visitor) ("user") believes that specific web content and/or a mobile app has violated the WCAG 2.1, Level AA standards, the user may contact the Digital Web Accessibility Coordinator with any accessibility concerns. The user may also file a formal complaint utilizing the procedures set out in Board Policy 2260.01 relating to Section 504 and Title II.

#### D. Instructional Use of Apps/Services and Web Services

The Board authorizes the use of apps and web services to supplement and enhance learning opportunities for students either in the classroom or for extended learning outside the classroom.

The Board requires the Principal pre-approve each app/service and/or web service that a teacher intends to use to supplement and enhance student learning. To be approved, the app/service and/or web service must have a FERPA-compliant privacy policy, as well as comply with all requirements of the COPPA, CIPA, and Section 504/ADA, including the WCAG 2.1, Level AA accessibility standards Children's Online Privacy Protection Act ("COPPA"), Student Online Personal Protection Act (SOPPA), and the Children's Internet Protection Act (CIPA) ( ) and Section 504 and the ADA.

The Board further requires the use of a Board-issued e-mail address in the login process for District-approved/affiliated apps/services.

#### E. Training

The District will provide periodic training for its employees who 1) create web content, documents, or multimedia materials, 2) manage the Board's website and digital services, 3) select and contract with technology vendors, and 4) work on online communications are responsible for creating web content or distributing information online so that these employees are aware of this policy and understand their roles and responsibilities with respect to web design and creation and/or uploading of documents and multimedia content.

The training should cover:

~~[SELECT OPTION 1 OR OPTION 2]~~

~~[ ] [OPTION 1]~~

1. WCAG 2.1, Level AA guidelines and success criteria,

2. ~~accessible document creation (PDFs, Word, PowerPoint),~~
3. ~~alternative text requirements for images and media,~~
4. ~~video captioning and audio description requirements,~~
5. ~~accessible form and navigation design,~~
6. ~~color contrast and visual design standards,~~
7. ~~vendor accessibility evaluation criteria, and~~
8. ~~the District's responsibilities under Title II of the ADA, including its grievance procedures.~~

~~[END OF OPTION 1]~~

**x ] [OPTION 2]**

this Policy and responsibilities associated with the specified staff members' roles related to the implementation of this policy and ensuring the District's digital content is appropriate and accessible.

~~[END OF OPTION 2]~~

~~[END OF OPTIONS]~~

~~[ ] Such training shall be facilitated by qualified individuals with demonstrated knowledge, skill, and experience concerning the accessibility standards and ADA compliance. [END OF OPTION]~~

~~[ ] New employees in covered positions must complete accessibility training within \_\_\_\_\_ [insert timeframe] of hire. [END OF OPTION]~~

**F. One-Way Communication Using the District Website and/or District-Approved/Affiliated Apps/Services**  
~~District Website(s), Apps, and Services~~

The Board approves the use of its ~~website and District-approved/affiliated apps/services~~ website(s)/web pages, apps, and services to promote school activities and inform stakeholders and the general public about District news and operations.

Such communications constitute public records that will be archived.

When the Board or Superintendent designates communications distributed via ~~the District's website and/or District-approved/affiliated apps/services~~ District web pages/websites, apps, and web services to be one-way communication, public comments are not solicited or desired, and the ~~website or app/service~~ website(s), apps, or services are to be considered a nonpublic forum.

If the District uses an app/~~service and/or service~~ that does not allow the District to block or deactivate public comments, the District's use of that app/~~service and/or service~~ will be subject to Policy 7544 – Use of Social Media unless the District is able to automatically withhold all public comments.

If unsolicited public comments can be automatically withheld, the District will retain the comments in accordance with its adopted record retention schedule (see AG 8310A – Public Records, and AG 8310E – Record Retention and Disposal), but it will not review or consider those comments.

**[DRAFTING NOTE: Districts are advised to adopt a new category of records that covers such "hidden public comments" on social media. Unless dictated by State law, retention periods established by the district for such unsolicited communications should be limited.**

28 C.F.R. Part 35, Subpart H (Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities – Effective 6/24/2024)

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28 C.F.R. Part 35, Subpart H (Nondiscrimination on the Basis of Disability;  
Accessibility of Web Information and Services of State and Local Government Entities  
- Effective 6/24/2024)

Book	Policy Manual
Section	Board Review 40.1
Title	Vol. 40, No. 1 - September 2025 Rescind ELECTRONIC DATA PROCESSING DISASTER RECOVERY PLAN
Code	po7541
Status	

### **Rescind Policy - Vol. 40, No. 1**

#### **7541 ELECTRONIC DATA PROCESSING DISASTER RECOVERY PLAN**

The Board of Education is committed to maintaining and protecting the District's Information System. The Board believes that a complete and accurate Information System which includes educational, student, fiscal and personnel information is vital to the Board's ability to deliver uninterrupted educational service to the community it represents. To that end, the Superintendent is directed to develop, test and maintain an *Electronic Data Processing Disaster Recovery Plan* for use in the event a disaster should disable the District's electronic data processing equipment.

The Plan may include:

- A. ( ) a reciprocal agreement with a neighboring school district or data acquisition site, which outlines the scope of reciprocal services such as access to the computer facility of the alternative, computer time and personnel assistance, and costs;
- B. ( ) adequate equipment insurance;
- C. ( ) a list of the applications that are used by the District;
- D. ( ) procedures used to backup all programs and data on a daily, monthly, quarterly and year end basis;
- E. ( ) backup storage off site;
- F. ( ) maintenance agreements for hardware and software (including, but not limited to the operating system);
- G. ( ) a list of vendor contacts to be called for the immediate replacement of disabled equipment or corrupted software;
- H. ( ) as a last resort, the procedure to create payroll checks and budgetary checks, and perform other necessary accounting functions, manually;
- I. ( ) \_\_\_\_\_ [other].

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Book	Policy Manual
Section	Board Review 40.1
Title	Vol. 40, No. 1 - September 2025 Revised CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN
Code	po8300
Status	
Adopted	June 19, 2017
Last Revised	June 19, 2023

### **Revised Policy - Vol. 40, No. 1**

#### **8300 - CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN**

The Board of Education shall develop and implement a Continuity of Organizational Operations Plan ("COOP") to enable it to conduct, if necessary, essential functions and critical services and operations (e.g., teaching and learning, transportation, business services, communication, computer/network systems support, facilities, maintenance, and safety and security) under all hazards/conditions. The District's COOP shall be (x) consistent with (-) a component of [END OF OPTIONS] the District's School Safety Emergency Management Plan (see Policy 8400 - School Safety Information and Policy 8402 - Emergency Operations Plan). Having a plan to recover from any type of crisis/emergency/disaster, regardless of its severity or the consequences of the incident/event, strengthens the District's resilience so it can operate with minimal impact on its primary mission/responsibility to educate the students enrolled in the District, involves teaching and learning, personnel, facilities, technology, transportation, food service, and other functional resources. The Continuity of Organizational Operations Plan (COOP) provides the District with the capability of conducting its essential operations under all threats and conditions, with or without warning. Having a plan to recover from any type of disaster regardless of the severity and consequences of the emergency is critical to the recovery of operations and minimizing the impact on the District's teaching and learning, personnel, facilities, technology, transportation, food service, and other functional resources.

#### **Scope of the Continuity Plan**

The primary objective of the COOP is to restore the District's critical operational/business functions and the learning environment as quickly as possible after a crisis/emergency/disaster or threat event occurs. [-] The COOP shall include strategies aimed at resuming instruction and crucial business functions within \_\_\_\_\_ (-) [ENTER AMOUNT] (-) days (-) hours [END OF INTERNAL OPTIONS] [DRAFTING NOTE: Select a time period in which to restart district essential operations — e.g., two (2) school days, five (5) business days, forty-eight (48) hours.] of the disruption, along with procedures to implement secure remote work and instruction in a crisis/emergency/disaster, identify alternative sites and technology redundancy, and provide incident response integration with the District's cybersecurity incident management protocols. [END OF OPTIONAL SENTENCE]

The District will use the following process to achieve essential function resilience (i.e., business and learning continuity):

- A. identify essential functions;
- B. determine planning factors needed to accomplish the essential functions (e.g., staff and organization, equipment and systems, information and data, sites);
- C. conduct risk assessments for each planning factor; and
- D. identify and implement continuity options.

Because the COOP contains sensitive information, by law, it functions and the learning environment as quickly as possible after a crisis or threat event occurs. A COOP contains critical and sensitive information that is confidential and exempt from public disclosure.

Planning for the continuity of operations of a school system in the aftermath of a disaster is a complex task. The current threat environment and recent emergencies, including acts of nature, accidents, technological emergencies, **cybersecurity incidents (including data breaches, ransomware, and denial of service attacks), and terrorist threats and attacks, cyberattacks, and terrorist attacks and threats,** have increased the need for viable continuity capabilities and plans that enable the District to resume and continue the essential functions in an all-hazards environment across a full spectrum of **crises/emergencies/disasters, emergencies.** Such conditions have increased the importance of having continuity plans in place that provide stability of essential functions across the various levels of public government and private enterprises.

The planning and development of continuity of an organizational operations plan, as well as the ongoing review, testing, and revision of such a plan, is important for the overall District ~~( ) as well as and also for each school ( ) and department in the District~~ **[END OF OPTIONS]. [DRAFTING NOTE: While the preceding optional language is true, they do not need to be included if a district wants to simply state that its COOP is important to the district as a whole. The following sentence, however, is not optional and emphasizes the necessity for individual schools and departments to have individualized continuity of operation plans in place to address their unique needs and circumstances.]** Each school and operational department (e.g., transportation, information technology ("IT"), food service, and student services) shall maintain a site/department-specific COOP aligned with the District-wide COOP. The site/department-specific COOPs are subject to annual submission to, and review by, the Superintendent.

The District-wide plan describes how the District will respond as a total organization to a given emergency and describes the centralized resources and how they will be organized to implement the command and control necessary to function during the life cycle of the event. Individual school and department plans shall contain the details related to the continuity plan for those specific sites and functional areas to prepare for an incident/event, communicate throughout the duration of the incident/event, assess the impact of the incident/event on essential functions in the school/department, respond to the incident/event, and detail what will be done to recover from the incident/event. ~~contain the details related to the continuity plan for those specific sites and functional areas to prepare for an event, communicate throughout the duration of an event, assess the impact of an event on essential functions in the unit, respond to the event, and detail what will be done to recover from the event.~~

The COOP shall account for the needs of all students and staff, including individuals with disabilities, English learners, and students requiring health and/or behavioral supports in compliance with the Individuals with Disabilities Education Improvement Act ("IDEA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and the Americans with Disabilities Act ("ADA").

Preparation for, response to, and recovery from a disaster affecting administrative, educational, and support functions of the District's operations requires the cooperative efforts of external organizations, in partnership with the functional areas supporting the business of the District. This includes local government agencies, law enforcement, emergency management, medical services, and vendors necessary to District operations. The COOP outlines and coordinates all efforts by the District, in cooperation with other local and State agencies and businesses, to restore the essential functions of the District ~~post-incident/event. post-disaster.~~

The Superintendent shall provide that all relevant staff receive ~~( ) annual ( ) periodic~~ **[END OF OPTIONS]** training on their roles in the COOP.

Key components of the COOP shall be communicated to employees, students, and families as appropriate.

The Superintendent shall develop and recommend the COOP for Board review and approval; however, the COOP shall be considered a confidential document not subject to release under State public records laws, and accordingly, no copies shall be provided for public review.

The Superintendent shall conduct an annual review of and update to, as necessary, the COOP. Additionally, the Superintendent shall conduct annual table-top exercises to assess the expected effectiveness of the COOP and after-action reviews post-incident/event. See Policy 8400 – School Safety Information and Policy 8402 - Emergency Operations Plan (which discusses the conduct of annual emergency management tests). ~~The Superintendent shall conduct ( ) an annual ( ) a periodic~~ **[END OF OPTION]** review of the COOP.

FEMA's Continuity Guidance Circular (2024 Update)

Guide for Developing High-Quality School Emergency Operation Plans

The Role of Districts in Developing High-Quality School Emergency Operation Plans: A Companion to the School Guide Readiness and Emergency Management for Schools (REMS): Technical Assistance Center

National Incident Management System (NIMS)

Legal

FEMA's Continuity Guidance Circular (2024 Update)

Guide for Developing High-Quality School Emergency Operation Plans

The Role of Districts in Developing High-Quality School Emergency Operation Plans:  
A Companion to the School Guide

Readiness and Emergency Management for Schools (REMS): Technical Assistance  
Center

National Incident Management System (NIMS)

Book	Policy Manual
Section	Board Review 40.1
Title	Vol. 40, No. 1 - September 2025 Revised INFORMATION SECURITY
Code	po8305
Status	
Adopted	June 19, 2017
Last Revised	November 20, 2023

### **Revised Policy - Vol. 40, No. 1**

#### **8305 - INFORMATION SECURITY**

The District collects, classifies, and retains data/information from and about students, staff, vendors/contractors, and other individuals, about programs and initiatives undertaken by the school system, and about and related to the business of the District. This data/information may be in hard copy or digital format and may be stored in the District or off-site with a third party provider.

Data/Information collected by the District shall be classified as Confidential, Controlled, or Published. **The Superintendent shall define "Confidential," "Controlled," and "Published" in administrative guidelines and provide examples of data/information in each classification.** Data/Information will be considered Controlled until identified otherwise.

Protecting District Information Resources (as defined in Bylaw 0100) is of paramount importance. Information security requires everyone's active participation to keep the District's data/information secure. This includes Board of Education members, staff members/employees, students, parents, contractors/vendors, and visitors who use District Information & Technology Resources (as defined in Bylaw 0100). **If an employee suspects, discovers, and/or determines that a security breach has occurred, the employee shall promptly notify the employee's immediate supervisor and the Superintendent. The employee should follow up their oral notification in writing. The Superintendent will determine and implement the steps necessary to correct the unauthorized access and, as applicable, provide notification to those individuals whose personal information may have been compromised.**

**Staff members, and individuals associated with the District through their affiliation with a District contractor/vendor, Individuals** who are granted access to data/information collected and retained by the District must follow established procedures so that the data/information is protected and preserved. Board members, administrators, and all District staff members, as well as contractors, vendors, and their employees, granted access to data/information retained by the District are required to certify annually that they shall comply with the established information security protocols pertaining to District data/information. Further, all **persons granted access by the District, individuals granted access** to Confidential Data/Information retained by the District must certify annually that they will comply with the information security protocols pertaining to Confidential Data/Information. **For staff members, completing** ~~Completing~~ the appropriate section of the Staff Technology Acceptable Use and Safety form (Form 7540.04 F1) shall provide this certification.

All Board members, staff members/employees, students, contractors/vendors, and visitors who have access to Board-owned or managed data/information must maintain the security of that data/information and the District Technology Resources on which it is stored. **The Superintendent shall conduct an annual risk assessment related to the access and security of the District's Data/Information. Further, the District will maintain audit logs for access to Confidential Data/Information and regularly review such logs to detect unauthorized activity.**

**District information security procedures shall comply with applicable Federal and State law including, but not limited to, the Family Educational Rights and Privacy Act ("FERPA"), Protection of Pupil Rights Amendment ("PPRA"), and Children's Online Privacy Protection Act ("COPPA") regarding data breaches.**

If an individual has any questions concerning whether this Policy and/or its related administrative guidelines apply to them or how they apply to them, the individual should contact the District's Technology Director or Information Technology Department/Office.

The Superintendent shall develop administrative guidelines that set forth the internal controls necessary to provide for the collection, classification, retention, access, and security of District Data/Information.

Further, the Superintendent is charged with developing a program and/or procedures that can be implemented in the event of a cybersecurity incident, whether it involves an inadvertent or intentional unauthorized release or breach of data/information. The program/procedures shall comply with the District's legal requirements as delineated below. In particular, in the event of a breach involving personally identifiable information, the District shall notify affected individuals and/or government officials in accordance with State and Federal law. ~~Further, the Superintendent is charged with developing procedures that can be implemented in the event of an unauthorized release or breach of data/information. These procedures shall comply with the District's legal requirements if such a breach of personally identifiable information occurs.~~

Cybersecurity incident" means any of the following:

- A. A substantial loss of confidentiality, integrity, or availability of a covered entity's information system or network;
- B. A serious impact on the safety and resiliency of a covered entity's operational systems and processes;
- C. A disruption of a covered entity's ability to engage in business or industrial operations, or deliver goods or services;  
or
- D. Unauthorized access to an entity's information system or network, or nonpublic information contained therein, that is facilitated through or is caused by:
  1. a compromise of a cloud service provider, managed service provider, or other third party data hosting provider; or
  2. a supply chain compromise.

"Cybersecurity incident" does not include mere threats of disruption as extortion; events perpetrated in good faith in response to a request by the system owner or operator; or lawfully authorized activity of a United States, State, local, tribal, or territorial government entity.

"Ransomware incident" means a malicious cybersecurity incident in which a person or entity introduces software that gains unauthorized access to or encrypts, modifies, or otherwise renders unavailable a political subdivision's information technology systems or data and thereafter, the person or entity demands a ransom to prevent the publication of the data, restore access to the data, or otherwise remediate the impact of the software.

### Cybersecurity Program

The District's cybersecurity program shall be designed to safeguard the District's data, information technology, and information technology resources to ensure availability, confidentiality, and integrity. The program shall be consistent with generally accepted best practices for cybersecurity, such as the National Institute of Standards and Technology's cybersecurity framework and the Center for Internet Security's cybersecurity best practices, and may include, but is not limited to, the following:

- A. Identify and address the critical functions and cybersecurity risks facing the District.
- B. Identify the potential impacts of a cybersecurity breach.
- C. Specify mechanisms to detect potential threats and cybersecurity events.
- D. Specify procedures for the District to establish communication channels, analyze incidents, and take actions to contain cybersecurity incidents.
- E. Establish procedures for the repair of infrastructure impacted by a cybersecurity incident and the maintenance of security after the incident.
- F. Establish cybersecurity training requirements for all Board employees; the frequency, duration, and detail of which shall correspond to the duties of each employee.

**[x ]** It is the policy of the Board – if the District is experiencing a ransomware incident - not to pay or otherwise comply with a ransom demand unless the Board formally adopts a resolution to approve such a payment or compliance with the ransom demand. If that occurs, the resolution will specifically state why the payment or compliance with the ransom

demand is in the District's best interest. **[END OF OPTION]**

**[DRAFTING NOTE: The Board need not include this option in its policy, but action consistent with this statement is required by law.]**

Following a cybersecurity incident or ransomware incident, the Superintendent shall notify:

- A. The Executive Director of the Division of Homeland Security within the Department of Public Safety, as soon as possible, but not later than seven (7) days after the District discovers the incident.
- B. The Auditor of State, as soon as possible, but not later than thirty (30) days after the District discovers the incident.

Any records, documents, or reports related to the District's cybersecurity program and framework, along with the reports of a cybersecurity incident or ransomware incident addressed in the preceding paragraph, are not public records. Similarly, a record identifying cybersecurity-related software, hardware, goods, and services that are being considered for procurement, have been procured, or are being used by the District, including the vendor name, product name, project name, or project description, is a security record.

All staff members (x) and contractors **[END OF OPTION]** with access to Controlled and/or Confidential Data/Information must complete training on data privacy, information security practices (e.g., internal controls applicable to the data/information that they collect and have access to and for which they are responsible for the security protocols), and breach response protocols. ~~The Superintendent shall require staff members to participate in training related to the internal controls applicable to the data/information that they collect and have access to and for which they are responsible for the security protocols.~~

Third party contractors/vendors who require access to Confidential Data/Information collected and retained by the District will be informed of relevant Board policies that govern access to and use of Information Resources, including the duty to safeguard the confidentiality of such data/information. Additionally, all contracts with third party contractors/vendors (e.g., technology providers) who access District Data/Information shall include provisions addressing data security, breach notification, data ownership, confidentiality, and destruction upon termination. Further, a contract between a technology provider and the District shall ensure appropriate security safeguards for education records and includes the following:

- A. a restriction on unauthorized access by the technology provider's employees or contractors;
- B. a requirement that the technology provider's employees or contractors may be authorized to access education records only as necessary to fulfill the official duties of the employee or contractor; and
- C. a stipulation that the District owns the data/information.

Failure to adhere to this Policy and its related administrative guidelines may put data/information collected and retained by the District at risk. Employees who violate this policy and/or its related administrative guidelines may be disciplined, up to and including termination of employment and/or referral to law enforcement. Students who violate this Policy and/or its related administrative guidelines will be disciplined, up to and including expulsion and/or referral to law enforcement. Contractors/Vendors who violate this Policy and/or its related administrative guidelines may face termination of their business relationships with and/or legal action by the District. Parents and visitors who violate this Policy and/or its related administrative guidelines may be denied access to the District's Information & Technology Resources.

At least annually, ~~the~~ Superintendent shall conduct ~~an ( ) an annual ( ) a periodic~~ **[END OF OPTION]** assessment of risk related to the access to and security of the data/information collected and retained by the District.

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Cross References            po0100 - DEFINITIONS

Book	Policy Manual
Section	Board Review 40.1
Title	Copy of STUDENT RECORDS
Code	po8330
Status	
Adopted	February 20, 1995
Last Revised	November 16, 2021

### 8330 - **STUDENT RECORDS**

In order to provide appropriate educational services and programming, the Board of Education must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard student's privacy and restrict access to student's personally identifiable inform

If the parent or legal guardian of a student provides the District with notice that s/he/they have received a participation card issued by the attorney general under the address confidentiality program act, the District shall not disclose the confidential address of the student, regardless of any other provision of this policy. The Superintendent, or his or her designee, shall develop a process to ensure that a student's participation in the address confidentiality program act is appropriately noted to avoid disclosure of this information to any person or entity.

Student "personally identifiable information" ("PII") includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as ~~the student's date of birth, place of birth, and~~ mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

The Board of Education is responsible for maintaining records of all students attending schools in this District. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the School District or specifically permitted by this Board will be compiled by Board employees. The Board hereby authorizes collection of the following student records, in addition to the membership record required by law:

- A. observations and ratings of individual students by professional staff members acting within their sphere of competency
- B. samples of student work
- C. information obtained from professionally acceptable standard instruments of measurement such as achievement tests and standardized intelligence tests
- D. authenticated information provided by a parent or eligible student concerning achievements and other school activities which the parent or student wants to make a part of the record
- E. verified reports of serious or recurrent behavior patterns
- F. rank in class and academic honors earned
- G. attendance records
- H. health records

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, and designated school officials who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law. The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" refers to a student who is eighteen (18) years of age or older or a student of any age who is enrolled in a postsecondary institution.

In situations in which a student has both a custodial and a noncustodial parent, both shall have access to the student's educational records unless stipulated otherwise by court order. In the case of eligible students, parents will be allowed access to the records without the student's consent, provided the student is considered a dependent under section 152 of the Internal Revenue Code.

A school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); and a person serving on the Board. The Board further designates the following individuals and entities as "school officials" for the purpose of FERPA:

- A. persons or companies with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, or medical consultant);
- B. contractors, consultants, volunteers or other parties to whom the Board has outsourced a service or function otherwise performed by the Board employees (e.g. a therapist, authorized information technology (IT) staff, and approved online educational service providers).

The above-identified outside parties must (a) perform institutional services or functions for which the Board would otherwise use its employees, (b) be under the direct control of the Board with respect to the use and maintenance of education records, and (c) be subject to the requirements of 34 C.F.R. 99.33(a) governing the use and re-disclosure of PII from education records.

Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) is also considered a "school official" for purposes of FERPA provided s/he meets the above-referenced criteria applicable to other outside parties.

"Legitimate educational interest" shall be defined as a "direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the District" or if the record is necessary in order for the school official to perform an administrative, supervisory or instructional task or to perform a service or benefit for the student or the student's family. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have legitimate educational interest.

The Board authorizes the administration to:

- A. forward student records, including any suspension and expulsion action against the student, on request to a school or school district in which a student of this District seeks or intends to enroll upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;
- B. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a public school or school district in which a student in foster care is enrolled. Such records shall be transferred within one (1) school day of the enrolling school's request;
- C. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
- D. report a crime committed by a child with or without a disability to appropriate authorities and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education records and disciplinary records including any suspension and expulsion action against the student to the authorities and school officials for their consideration;
- E. release de-identified records and information in accordance with Federal regulations;

- F. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the District for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the District will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14.) Further, the following personally identifiable information will not be disclosed to any entity: a student or his/her family member's social security number(s); religion; political party affiliation; voting history; or biometric information.

While the disclosure of personally identifiable information (other than social security numbers, religion, political party affiliation, voting record, or biometric information) is allowed under this exception, it is recommended that de-identified information be used whenever possible. This reduces the risk of unauthorized disclosure.

- G. disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as state and local educational authorities;

The disclosed records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (See Form 8330 F16)

The District will verify that the authorized representative complies with FERPA regulations.

- H. request each person or party requesting access to a student's record to abide by the Federal regulations concerning the disclosure of information.

The Board will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

The Board shall maintain a record of those persons to whom information about a student has been disclosed. Such disclosure records will indicate the student, person viewing the record, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required).

Upon written request by a student's parent or legal guardian, the District shall disclose to the parent or legal guardian any personally identifiable information concerning the student that is collected or created by the District as part of the student's education records.

If the District provides any personally identifiable information concerning the student that is collected or created by the District as part of the student's education records to any person, agency, or organization, then the District shall disclose to the student's parent or legal guardian upon his or her written request:

- A. the specific information that was disclosed;
- B. the name and contact information of each person, agency, or organization to which the information has been disclosed;
- C. the legitimate reason that the person, agency, or organization had in obtaining the information.

This information shall be provided without charge within thirty (30) days after the District receives the written request and without charge to the parent or legal guardian.

The District is not required to disclose to the parent or legal guardian, even upon written request, any personally identifiable information concerning the student that is collected or created by the District as part of the student's education records and is provided to any person, agency, or organization in any of the following situations:

- A. provision of such information to the Michigan Department of Education or CEPI
- B. provision of such information to the student's parent or legal guardian

- C. provision of such information to its authorizing body or to an educational management organization with which it has a management agreement
- D. provision of such information to or from its intermediate school district or to another intermediate school district providing services to the District or its students pursuant to a written agreement
- E. provision of such information to a person, agency, or organization with written consent from the student's parent or legal guardian or, if the student is at least age eighteen (18), the student
- F. provision of such information to a person, agency, or organization seeking or receiving records in accordance with an order, subpoena, or ex parte order issued by a court of competent jurisdiction
- G. provision of such information as necessary for standardized testing that measures the student's academic progress and achievement
- H. provision of such information that is covered by the opt-out form described above, unless the student's parent or legal guardian or, if the student is at least age eighteen (18) or is an emancipated minor, the student has signed and submitted the opt-out form referenced below

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent; or, if the student is an eligible student, the written consent of the student, except those persons or parties stipulated by the Board's policy and administrative guidelines and/or those specified in the law.

The Board shall exempt from disclosure directory information, as requested for the purpose of surveys, marketing, or solicitation, unless the Board determines that the use is consistent with the educational mission of the Board and beneficial to the affected students. The Board may take steps to ensure that directory information disclosed shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitations. Before disclosing the directory information, the Board may require the requester to execute an affidavit stating that directory information provided shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.

## **DIRECTORY INFORMATION**

Each year the Superintendent shall provide public notice to students and their parents of its intent to make available, upon request, certain information known as "directory information." The Board designates as student "directory information": a student's name; date and place of birth; major field of study; participation in officially recognized activities and sports; height and weight, if a member of an athletic team; height if member of an athletic team; weight, if member of an athletic team which requires disclosure to participate; dates of attendance; date of graduation; awards received; honor rolls; scholarships; and school photographs or videos of students participating in school activities, events or programs.

The Board designates school-assigned e-mail accounts as "directory information" for the limited purpose of facilitating students' registration for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes and for inclusion in internal e-mail address books. School-assigned e-mail accounts shall not be released as directory information beyond this/these limited purpose(s) and to any person or entity but the specific online educational service provider and internal users of the District's Education Technology.

The Superintendent will also develop a list of uses for which the District commonly would disclose a student's directory information and develop an opt-out form that lists all of the uses or instances and allows a parent or legal guardian to elect not to have his or her child's directory information disclosed for one (1) or more of these uses.

Each student's parent or legal guardian will be provided with the opt-out form within the first thirty (30) days of the school year. The form shall also be provided to a parent or legal guardian at other times upon request.

If an opt-out form is signed and submitted to the District by a student's parent or legal guardian, the District shall not include the student's directory information in any of the uses that have been opted out of in the opt-out form. A student who is at least age eighteen (18) or is an emancipated minor may act on his or her own behalf with respect to the opt-out form.

Parents and eligible students may also refuse to allow the District to disclose any or all of such "directory information" upon written notification to the District within ten (10) days after receipt of the District's public notice.

The Board shall provide United States Armed Forces recruiters with at least the same access to the high school campus and to student directory information (names, addresses, District-assigned email addresses (if available) (except for students participating in the address confidentiality program act), and telephone listings of secondary students) as is provided to other entities offering educational or employment opportunities to those students. "Armed forces of the United States" means the armed forces of the United States and their reserve components and the United States Coast Guard.

If a student or the parent or legal guardian of a student submits a signed, written request to the Board that indicates that the student or the parent or legal guardian does not want the student's directory information to be accessible to official recruiting representatives, then the officials of the school shall not allow that access to the student's directory information. The Board shall ensure that students and parents and guardians are notified of the provisions of the opportunity to deny release of directory information.

Public notice shall be given regarding right to refuse disclosure of any or all "directory information" including in the armed forces of the United States and the service academies of the armed forces of the United States.

A fee, not to exceed the actual costs incurred by the high school, for copying and mailing student directory information under this section, may be charged an official recruiting representative.

Directory information received under armed services authorization request shall be used only to provide information to students concerning educational and career opportunities available in the armed forces of the United States or the service academies of the armed forces of the United States. An official recruiting representative who receives student directory information under this section shall not release that information to a person who is not involved in recruiting students for the armed forces of the United States or the service academies of the armed forces of the United States.

Annually, the Board will notify male students age eighteen (18) or older that they are required to register for the selective service.

Request to the District records officer shall be presented on a standardized form developed by the armed forces of the United States requesting access to a high school campus and a time for the access. Request should bear the signature of the ranking recruiting officer of the armed service making the request.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's education records or for the release of directory information, either parent may provide such consent unless stipulated otherwise by court order. If the student is under the guardianship of an institution, the Superintendent shall appoint a person who has no conflicting interest to provide such written consent.

The Board may disclose "directory information" on former students without student or parental consent, unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

The Board shall not sell or otherwise provide to a for-profit business entity any personally identifiable information that is part of a student's education records. This does not apply to any of the following situations:

- A. providing the information as necessary for standardized testing that measures the student's academic progress and achievement
- B. providing the information as necessary to a person that is providing educational or educational support services to the student under a contract with the District

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of the city or town, unless a parent is prohibited from doing so due to a student's participation in the address confidentiality program act), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible students, must submit a written request to the building principal at least five (5) work days before the scheduled date of the activity. The instrument will be provided to the parent within one (1) business days of the principal receiving the request.

The Superintendent shall directly notify the parent(s) of a student and eligible students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure or use of personal information collected from students from the exclusive purpose of developing, evaluating, or providing educational products or service for, or to, students or educational institutions, such as the following:

- A. college or other postsecondary education recruitment, or military recruitment;
- B. book clubs, magazines, and programs providing access to low-cost literary products;
- C. curriculum and instructional materials used by elementary and secondary schools;
- D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- E. the sale by students of products or services to raise funds for school-related or education-related activities; and
- F. student recognition programs.

The Board may establish online access for the parents or the eligible student to the student's confidential academic and attendance record. To authorize such access, the parents or the eligible student must sign a release (see Form 8330 F10). This release shall remind the parents or eligible student that the account and confidential information about the student is only as secure as they keep their account information. Neither the District nor its employees will be held responsible for any breach of this policy by the parent/eligible student or any unauthorized party.

The Superintendent shall prepare administrative guidelines to ensure that students and parents are adequately informed each year regarding their rights to:

- A. inspect and review the student's education records;
- B. request amendments if the record is inaccurate, misleading, or otherwise in violation of the student's rights;
- C. consent to disclosures of personally-identifiable information contained in the student's education records, except to unauthorized disclosures allowed by the law;
- D. challenge the Board's noncompliance with a parent's request to amend the records through a hearing;
- E. file a complaint with the United States Department of Education;
- F. obtain a copy of the Board's policy and administrative guidelines on student records.

The Superintendent shall also develop procedural guidelines for the proper storage and retention of records including a list of the type and location of records and informing Board employees of the Federal and State laws concerning student records.

The Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving the records.

No liability shall attach to any member, officer, or employee of this District specifically as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board of Education delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be redisclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board of Education. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

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Legal

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Letter, April 6, 2004 Jeremy Hughes, Deputy Supt. Department of Education

34 C.F.R. Part 99, 2002

Section 444 of subpart of part C of the General Education Provisions Act

Title IV of Public Law 90-247

20 U.S.C., Section 1232f through 1232i (FERPA)

20 U.S.C. 1400 et seq., Individuals with Disabilities Education Improvement Act

20 U.S.C. 7165(b)

26 U.S.C. 152

20 U.S.C. 7908