



OWOSSO PUBLIC SCHOOLS
Ready for the World

Board of Education Agenda

January 28, 2019
5:30 pm Regular Meeting

Owosso High School Media Center
765 E. North Street
Owosso, Michigan 48867

1. Call to Order

2. Pledge of Allegiance

3. Oath of Office

4. Election of Officers

5. Building Reports:

- Celebrate Kids! – Bryant Elementary
- Recognition of Retiree Amy Siddock
- Owosso High School Career and Technical Education Showcase
- School Board Member Recognition Month
- Carson Bornefeld and Cayden Whiteherse – Board of Education Student Representative

6. Board Correspondence:

- Superintendent's Report
- Curriculum Director's Report

7. Public Participation

8. For Action

▪ **Consent Agenda:**

December 10, 2018 Minutes-----	Report 18-92	Page 1
January 14, 2019 Committee of the Whole Minutes-----	Report 18-92 A	Page 8
January 14, 2019 Closed Session Minutes-----	Report 18-92 B	At Place
Current Bills-----	Report 18-93	Page 13
Financials-----	Report 18-94	Page 24
Bylaws Resolution-----	Report 18-95	Page 27
Delegation of Election Duties-----	Report 18-96	Page 28
Retainer – School Attorneys-----	Report 18-97	Page 29
Authorization for Superintendent to Accept Resignations-----	Report 18-98	Page 30
Designation of Financial Institutions/Authorized Signers-----	Report 18-99	Page 31
SRES Designation of Representative-----	Report 18-100	Page 33
Revised Policies 1422, 3122, 4122, 1662, 3362, 4362, 2260, 5517, and 5517.02, Second Readings-----	Report 18-101	Page 35
Revised Policy 2271, Second Reading-----	Report 18-102	Page 189
Revised Policies 3120 and 3120.04, and New Policy 3130, Second Readings-----	Report 18-103	Page 192
Revised Policy 4162, Second Reading-----	Report 18-104	Page 203
Revised Policy 5330, Second Reading-----	Report 18-105	Page 211
Revised Policy 5540, Second Reading-----	Report 18-106	Page 215
Revised Policy 5630.01, Second Reading-----	Report 18-107	Page 219
Revised Policy 6325, Second Reading-----	Report 18-108	Page 237
Rescission of Policy 6350, Second Reading-----	Report 18-109	Page 248
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Replacement Policy 5610, Revised Policy 5611, and Rescinded Policy 5610.01, First Readings-----	Report 18-111	Page 255
Obsolete Material – Technology/Telecommunications Equipment-----	Report 18-112	Page 281
Obsolete Material – Operations Vehicle-----	Report 18-113	Page 282

9. For Future Action

General Fund Budget Revision I-----	Report 18-114	Page 283
School Service Budget Revision I-----	Report 18-115	Page 286

10. For Information

Personnel Update-----	Report 18-116	Page 288
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11. Public Participation

12. Board Reports: Board Member Comments/Updates

13. Upcoming Board Meeting Dates:

- February 11: Board Workshop, 5- 8 pm
- February 25: Regular Board Meeting, 5:30 pm
- March 11: Regular Board Meeting, 5:30 pm (date changed from March 18)

Important Upcoming Dates:

- January 29: Exchange Student Luncheon, OHS-Room 212, 11 am
- February 6: OHS Drama Performance, 6 pm
- February 9: OHS Winter Formal, 7-10 pm
- February 13: Spring Pupil Count Day
- February 15: Half Day for All Students: Teacher Work Day
- February 18: No School-President's Day
- February 19: OMS Choir Concert, 7 pm
- February 20: OHS Band Concert, 7 pm
- February 21: 8th Grade Parent Night at OHS, 6 pm
- February 23: Jazz Band Dinner Dance, 7-10 pm
- February 25: OHS Oscars, 7 pm

14. Adjournment:

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 the meeting

Board Policy 0166

BOARD GUARANTEE (Adopted May 2006)

We have been elected by the members of our community and choose to serve our fellow citizens to deliver the best possible programs and services to our children.

Therefore, we guarantee that:

We will serve with pride. We have been given the opportunity to make a difference in the lives of children and the quality of life in our community, and we are proud to accept that challenge.

We will treat students, parents, citizens, staff and fellow board members with dignity and respect.

We will be informed, knowledgeable and prepared before making decisions that affect the education of students. We will stay up-to-date so that our decisions will be based on the most recent information. We will model our belief that learning is a lifelong process.

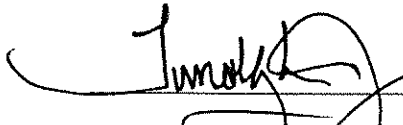
We will do our part to work as a team with administrators, teachers, support staff, parents, students and citizens so that the entire learning atmosphere of our school will be one of warmth and caring. We will do this by becoming a part of district committees such as cross-functional, professional governance council (PGC) and many more.

We will maintain the policy making role of the Board and represent this to the constituents of the district by informal communications and referral to the proper channels for consideration of concerns and suggestions.

We will be enthusiastic and energetic in our support of the work in our schools by students, staff and volunteers. We will model this behavior by attending school sponsored events and working toward board certification through class work.

We will represent and reflect all segments of the community and base our decisions on sound policy and ethical principle that is in the best interest of all students. We will do this by basing our decisions on data and survey work on an annual basis. We will also take the time to have formal and informal conversations with our community.

Timothy Jenc
President



Rick Mowen
Vice-President



Cheryl Paez
Treasurer



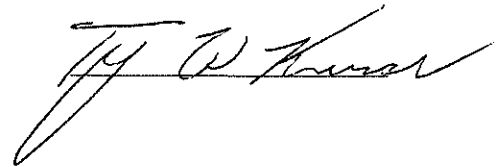
Shelly Ochodnicky
Secretary



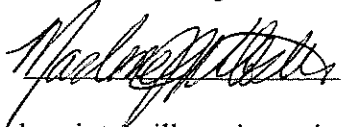
Sara Keyes
Trustee



Ty Krauss
Trustee



Marlene Webster
Trustee



Board Guarantee check points will run in conjunction with the Superintendent dialogue sessions.



OWOSSO PUBLIC SCHOOLS

Ready for the World

BOARD OF EDUCATION NORMS

- Open, Honest, and Timely Communication
- Prepared
- Committed
- Unified
- Disagree Without Conflict
- Punctual (notify if absent)
- Responsive (48 hour rule)
- Students First
- No Surprises



OWOSSO PUBLIC SCHOOLS

Ready for the World

Public Participation at Board Meetings

The Board of Education is a public body and recognizes the value of public comment on educational issues. Time has been included in the meeting's agenda for public participation. Members of the audience are reminded that they should announce their name and group affiliation when applicable and to limit their participation time to three minutes or less. Comments should be directed to the Board and be relevant to the business of the Board of Education. This is not an opportunity for dialogue with the Board of Education. The rules of common courtesy should also be observed.

**OWOSSO PUBLIC SCHOOLS
Board of Education Minutes
December 10, 2018
Report 18-92**

President Jenc called the meeting of the Board of Education to order at 5:30 pm. The meeting was held in the media center located at Owosso High School, 765 E. North Street, Owosso, Michigan.

Present: Jenc, Keyes, Krauss, Mowen, Ochodnicki, Paez, Webster
Absent: All members were present

Pledge of Allegiance

President Jenc explained that the meeting's agenda had been amended to remove the closed session and the addition of a purchase agreement authorization that was at place under "For Action." Secretary Ochodnicki motioned to amend the agenda, supported by Mowen. Motion carried unanimously.

Building Reports

As part of the Celebrate Kids! segment of the meeting, Superintendent Dr. Andrea Tuttle welcomed Ms. Jessie Anderson, Principal of Emerson Elementary School. Ms. Anderson introduced Emerson Elementary third grade teacher Mrs. Jamie West and her students to the meeting. In an attempt to introduce her students to the world on a global scale, Mrs. West informed the Board that she initiated a post-card project to her students. The project was recently featured on NBC Channel 25 news and since viewing, the students have received over 100 postcards from all over the world. Emma Maynard explained that the post-card project has helped her classmates learn many facts from all over the world. Mara DeLong commented that she likes the project and learned that Wisconsin is America's dairy land. Camden Cherry stated that she likes learning about different places and hearing what they are about. Her personal favorite is seeing the various landscapes of the locations they have received postcards from. KhiaLa Keyes stated that she likes learning facts about the different states and tracking where the postcards come from on a big map. Seth Parsons commented that Mrs. West reads each postcard that is received to their class and shares them with the students. The students watch a video to see where the postcards come from and listen to facts about the different locations. Caiden Nidefski stated that his class is learning about the 50 states from the postcards. The students are also learning what the state bird is for each state. Chance Cantu remarked that they have been doing the postcard project since the beginning of the school year. He stated that he likes learning about the 50 states. The students stated that their goal is to collect postcards from all 50 states. Chance Cantu thanked Mrs. West for showing his classmates that the world is bigger than their backyards.

Superintendent Dr. Andrea Tuttle applauded the students for their wonderful and articulate presentations in front of a large group of people. She also thanked the students' parents and Mrs. West for coming to the meeting.

Dr. Dallas Lintner, OHS Assistant Principal and Athletic Director recognized Katie Clevenger for her accomplishments as a Michigan High School Athletic Association All-State finisher in diving. Dr. Lintner reported that the OHS Girls' Varsity Swim team broke six school records this season and Katie was a participant in three of the records. Katie broke her own record in diving that she set last year, in addition to a diving record that was set in 1993. Katie was also a member of the Girls Varsity record breaking swimming relay team.

Board of Education Student Representative Cayden Whiteherse thanked Treasurer Cheryl Paez for her nine years of service as a member of the Board of Education. He stated that her dedication to the District and community should be honored. During her tenure, she helped pass the bond proposal and supported the creation of a wide array of classes at Owosso High School. Cayden presented Mrs. Paez with thank you cards from the students of OHS.

Cayden Whiteherse announced that the Canned Food Drive is currently in full swing and several fundraisers will take place to benefit the cause. The Board was invited to a chili cook-off that will be held on December 11th. Owosso High School teacher Kristen Bratschi will facilitate a Painting with a Twist class on December 13th. OHS students will have an opportunity to watch the Grinch movie on December 14th. A pasta bar will be held on December 18th and the Madrigals will also perform. Cayden stated that teachers have also organized their own initiatives to help raise money for the Canned Food Drive.

Cayden Whiteherse informed the Board that five of the thirteen students that qualified for Regional Honors Choir have qualified for the State Honors Choir competition.

Cayden Whiteherse reported that Ally Pumford and Katie Clevenger qualified for the State Swimming and Diving competition. Ally won 15th place in the 200 and Katie earned 7th place in the diving competition.

Board Correspondence

Superintendent Dr. Andrea Tuttle stated that the Board of Education has been presented with a variety of gifts from students in preschool through the high school. The gifts include Owosso gear, snacks, and student artwork. It was noted that one of the gifts is the book "Dear Mom and All: Letters from a Military Son and Brother," published by Owosso Public Schools teacher Karen Michalec.

Superintendent Dr. Tuttle thanked President Jenc for delivering 10 new backpacks filled with school supplies for the District's elementary and secondary students. The backpacks were donated by the employees of National Composites and organized by Paula Montayne.

Superintendent Dr. Tuttle thanked the participants of the annual Senior Citizen's Breakfast. The 400 guests were greeted by Vice President Rick Mowen. President Tim Jenc, Secretary Shelly Ochodnick, and Trustee Marlene Webster were thanked for attending the event and serving coffee to the guests. The Owosso High School Culinary Arts students and Madrigals were applauded for doing an outstanding job and mingling with the participants. Following the breakfast, the guests were entertained by the Madrigal singers, jazz band, and symphonic band. Communications Director Jessica Thompson was praised by Dr. Tuttle for organizing the great event.

Superintendent Dr. Tuttle reported that the Owosso Public Schools Foundation met earlier that day. The organization is working on a rubric for selecting the first teacher and team member of the year. Trustee Marlene Webster was recognized for representing the Board of Education at the meeting. Superintendent Dr. Tuttle remarked that the OPS Foundation is doing great things for the District.

Superintendent Dr. Tuttle thanked Secretary Shelly Ochodnick for attending several of the bond planning meetings. Trustee Marlene Webster was also thanked for participating in the performing arts center planning meeting. Construction at Central Elementary is on schedule; however, Consumers Energy gas line concerns have delayed the progress at Bryant and Emerson. The elementary construction is still on track for students to inhabit in the fall of 2019.

On behalf of the Transportation Director, Superintendent Dr. Tuttle thanked Vice President Rick Mowen for the Tim Horton's gift cards that he purchased for the District's bus drivers.

Superintendent Dr. Tuttle acknowledged student members of the Emerson Elementary Student Council and teachers Mark Clark, Tonja Ellis, and Angela Wertz for volunteering on the Polar Express.

On behalf of the Board of Education, Superintendent Dr. Tuttle read a resolution that acknowledged Treasurer Cheryl Paez as an invaluable member of the Board and to the administration, staff members, students, and community of the Owosso Public Schools, serving in various leadership capacities for the Board of Education since July 1, 2009, including Treasurer of the Board of Education and member of the Executive Committee.

Curriculum Director Steve Brooks reported that a welding program was added this past year to the list of CTE offerings at Owosso High School and is going very well. In coordination with the SRES and Baker College, the District is exploring a Welding II opportunity for students which is a college level class. Upon completion of the class, students will receive a welding certification that would assist them in job opportunities.

Curriculum Director Steve Brooks announced that the District has recently been awarded several grants that will extend offerings for students. OPS was awarded the VEX Robotics grant, an Extended Time grant that will provide before and after school opportunities for kindergarten through third grade students, a K-8 Assessments grant, and a financial literacy grant. Mr. Brooks stated that the grants amount to approximately \$50,000. Chief Financial Officer Julie Omer assisted Mr. Brooks with the Consolidated Application grant that provides funding for professional development. Mrs. Omer was praised by Mr. Brooks for her expertise and assisting him with the grant applications.

Public Participation

President Jenc stated that the Board of Education is a public body and recognizes the value of public comment on educational issues. Time has been included in the meeting's agenda for public participation. Members of the audience were reminded that they should announce their name and group affiliation when applicable and to limit their participation time to three minutes or less. Comments should be directed to the Board and be relevant to the business of the Board of Education. This is not an opportunity for dialogue with the Board of Education. The rules of common courtesy should also be observed.

There were no comments from the public.

For Action

- Moved by Mowen, supported by Krauss to approve the November 26, 2018 regular meeting minutes, November 26, 2018 closed session minutes, current bills, and financials as presented. Motion carried unanimously.
- Moved by Mowen, supported by Krauss to adopt Revised Bylaw 100 – Definitions pertaining to: Apps and Services; Due Process; Family Member; Principal; Shall, and Superintendent as a second reading. Motion carried unanimously.
- Moved by Mowen, supported by Krauss to adopt Revised Bylaw 0122 – Board Powers as a second reading. Motion carried unanimously.
- Moved by Mowen, supported by Krauss to adopt Revised Bylaw 0131.1 – Bylaws and Policies as a second reading. Motion carried unanimously.
- Moved by Mowen, supported by Krauss to adopt Revised Bylaw 143.1 – Public Expression of Board Members and Bylaw 144.1 – Compensation as second readings. Motion carried unanimously.
- Moved by Mowen, supported by Krauss to adopt Bylaws in the 160's as they pertain to Board Meetings: New Bylaw 165.6 – Cancellation and 167.6 – Use of Social Media; Revised Bylaw 166 – Agenda, 167.1 – Voting, 167.2 – Closed Session, and 167.3 – Public Participation at Board Meetings as second readings. Motion carried unanimously.
- Moved by Mowen, supported by Krauss to adopt Revised Policy 1220 – Employment of the Superintendent as a second reading. Motion carried unanimously.
- Moved by Mowen, supported by Krauss to adopt New Policy 2261.03 – District and School Report Card, Replacement Policy 2261.01 – Parent and Family Member Participation in Title I Programs; and Revised Policies 2112 – Parent and Family Engagement, 2261 – Title I Services and 2700 – P.A. Annual Reports as second readings. Motion carried unanimously.
- Moved by Mowen, supported by Krauss to adopt Revised Policies: 1422, 3122, 4122 – Non Discrimination and EEO (Administration, Professional and Support Staff); 1662, 3362, 4362 – Anti-Harassment (Administration, Professional and Support Staff); 2260 – Non Discrimination and EEO (Programs); 5517 – Anti-Harassment (Students); 5517.02 – Sexual Violence (Students) as first readings. Motion carried unanimously.

- Moved by Mowen, supported by Krauss to adopt Revised Policy 2271 – Postsecondary (dual) Enrollment Option Program as a first reading. Motion carried unanimously.
- Moved by Mowen, supported by Krauss to adopt Revised Policies 3120 – Employment of Professional Staff and 3120.04 – Employment of Substitutes; and New Policy 3130 – Assignment and Transfer as first readings. Motion carried unanimously.
- Moved by Mowen, supported by Krauss to adopt Revised Policy 4162 – Controlled Substance and Alcohol Policy for Commercial Vehicle (CMV) Drivers and Other Employees Who Perform Safety Sensitive Functions as a first reading. Motion carried unanimously.
- Moved by Mowen, supported by Krauss to adopt Revised Policy 5330 – Use of Medications as a first reading. Motion carried unanimously.
- Moved by Mowen, supported by Krauss to adopt Revised Policy 5540 – Interrogation of Students as a first reading. Motion carried unanimously.
- Moved by Mowen, supported by Krauss to adopt New Policy 5630.01 – Student Seclusion and Restraint as a first reading. Motion carried unanimously.
- Moved by Mowen, supported by Krauss to adopt Revised Policy 6325 – Procurement-Federal Grants/Funds as a first reading. Motion carried unanimously.
- Moved by Mowen, supported by Krauss to rescind Policy 6350 – Prevailing Wage Coordinator as its first confirmation. Motion carried unanimously.
- Moved by Mowen, supported by Krauss to adopt Revised Policy 8210 – School Calendar as a first reading. Motion carried unanimously.
- Moved by Keyes, supported by Mowen to authorize the Superintendent to sign a contract with Owosso Carpet Center not to exceed \$137,528.000 including \$25,000 for contingency for work at Emerson and Central for floor renovations. Motion carried unanimously.
- Moved by Mowen, supported by Ochodnicki to approve the purchase of a truck with towing package from Signature Ford-Lincoln for an amount not to exceed \$26,034.00 plus license fees. Motion carried unanimously.
- Moved by Ochodnicki, supported by Mowen to authorize the Superintendent to sign off the two permanent easements for the City of Owosso located behind the current Middle School located at 219 N. Water Street and through the amphitheater property. Motion carried unanimously.
- Moved by Jenc, supported by Mowen to adopt the completed year-end evaluation and contract extension for Superintendent Dr. Andrea Tuttle. President Jenc reported that the Board of Education met on November 26, 2018 in closed session to complete the year-end consensus based evaluation for Superintendent Dr. Andrea Tuttle. The Board collectively completed the summative evaluation after reviewing Superintendent Dr. Tuttle’s performance in seven domain areas. The areas evaluated were Governance & Board Relations, Community Relations, Staff Relations, Business and Finance, Instructional Leadership, Student Growth, and Progress Toward District-Wide Goals. Based on the summative evaluation, Superintendent Tuttle earned a cumulative score of 3.57 out of four possible points and received an overall highly effective evaluation. The Board of Education collectively agreed to extend Superintendent Tuttle’s contract of employment through June 30, 2024. President Jenc commented that Superintendent Dr. Tuttle has consistently earned highly effective evaluations throughout her tenure. Vice President Mowen mentioned that one of the categories that Superintendent Dr. Tuttle is evaluated on is student growth, which is difficult to measure. He noted that this was the only area that she received an effective score on. Trustee Keyes praised Superintendent Dr. Tuttle for continually seeking new and innovative ways to reach out to students. Superintendent Dr. Tuttle expressed her sincere appreciation for giving her a highly effective evaluation. She stated that she genuinely enjoys working with each and every Board member and values their individual strengths. Motion carried unanimously. Secretary Ochodnicki conducted a roll call vote. Ayes: Webster, Ochodnicki, Paez, Mowen, Jenc, Keyes, and Krauss. Nays: None. Motion carried unanimously.
- Moved by Mowen, supported by Keyes to authorize the Superintendent to sign the proposed purchase agreement which was “at place” for the Precision Electric property located at 1750 E. South Street. The property has been found to meet the needs for relocation of the Transportation facility in addition the potential to relocate and vacate the current Cass Street, Cedar Street, and Tahyio Road locations.

Superintendent Dr. Tuttle commented that the approval given by the Board to proceed with negotiations was based on the fact that the Board recognized that the District has been struggling with the need to replace or relocate the Transportation facility as well as address the repair needs at the Cass Street and Cedar Street locations due to the following factors:

- The Transportation garage, at its current location, is located in the flood plain and has significant deficiencies including but not limited to: 1) Flooding periodically throughout the year causing water damage to the interior of the building and making access to the buses difficult; 2) The current transportation garage does not have a lift or adequate space to provide a lift to do needed bus repairs. The mechanic is then located at the Cass St. warehouse resulting in inefficiencies when repairs are needed. 3) Buses are currently exposed to the elements throughout the year at the current transportation facility. This results in extra wear and tear on the buses as well as additional time to get the fleet ready to transport students when inclement weather arises. 4) The structure and roof of the facility have frequently been repaired but have been recommended for replacement by Spicer, the district's sinking fund architects and engineers, due to the diminishing returns of putting money into the facility with all of its deficiencies. The cost of such replacement in 2016 was, on average, \$550,000. This cost does not include additional costs associated with designing the facility, providing the space considerations afforded by the Precision Electric location or the significant inflationary factors that have arisen in the last two years.
- The Cedar Street and Cass Street locations are also in serious need of repair which, if performed, would not address the inadequacies in the structures nor the inefficiencies of having the functions of the District spread out throughout the city.
- The Tahyio location has been utilized for storage out of necessity due to space considerations and is not considered an integral part of the District. It was originally constructed as a classroom for the building trades center and since been put to use for the purpose of storage.

Secretary Ochodnický conducted a roll call vote. Ayes: Webster, Ochodnický, Paez, Mowen, Jenc, Keyes, and Krauss. Nays: None. Motion carried unanimously.

For Future Action

- The Board of Education will be asked to authorize the Technology Department to dispose of technology/telecommunications equipment that has been replaced or is no longer needed.
- The Board of Education will be asked to authorize the Operations Department to dispose of a vehicle that is no longer viable and has been proposed to be replaced.

For Information

Superintendent Tuttle reported that Heather Smith has accepted the 2.25-hour Monitor position at Central Elementary School. Angelina Manns has accepted the Food Service Supervisor position. Marcia Green has accepted the Paraprofessional position at Emerson Elementary. Julie Crackel has accepted the 1.75-hour Monitor position at Emerson Elementary. Samantha Pearce has accepted the 1.75-hour Monitor position at Emerson Elementary. Tara Gall has accepted the 7-hour Lead Cook II position at Owosso Middle School. Jill Siddens has accepted the Paraprofessional position at Bryant Elementary. Sharon Piotrowski has submitted her letter of resignation. Rashelle Torrey, Custodian II at Central Elementary has submitted her letter of resignation. Amy Siddock, Food Service Worker has submitted her letter of retirement after 18 years of service with the District.

Public Participation

There were no comments from the public.

Board Member Comments/Updates

President Tim Jenc commented that he always loves the gifts that the Board receives for Christmas and thanked students and staff. He remarked that he appreciates the cookies from the Food Service Department as well. Mr. Mowen was also thanked for his gift.

President Jenc stated that he truly enjoyed attending the Senior Citizen Breakfast and talking with the guests.

President Jenc announced that last year Crest Pontoons donated a boat to the CTE program. He stated that he believes they once again, plan to donate a boat this year. Tickets for the raffle will be \$50 each and will go on sale in February.

President Jenc stated that it has been an honor to work with Treasurer Cheryl Paez and she will be greatly missed.

Trustee Ty Krauss thanked everyone for the beautiful Christmas gifts. He wished the staff of OPS a very Merry Christmas.

Trustee Ty Krauss remarked that he was happy to be a part of Superintendent Dr. Tuttle's evaluation and contract extension. He expressed his appreciation for her service and dedication to the District.

Trustee Ty Krauss thanked Treasurer Cheryl Paez for her service to the Board of Education. He stated that it has been his pleasure working with her and wished her the very best.

Trustee Sara Keyes echoed the comments of the other Board members. She remarked that she will also miss Treasurer Cheryl Paez. She remarked that she appreciated Mrs. Paez's guidance and support when she initially became a new member of the Board.

Vice President Rick Mowen thanked Treasurer Cheryl Paez for her dedication to the District and Board.

Vice President Rick Mowen commented that the Senior Citizen Breakfast is always an enjoyable event which has grown from 37 people attending the first one. There were some concerns about not having enough seats for the guests at this year's breakfast. Mr. Mowen remarked that the student performances were enjoyed by everyone.

Vice President Rick Mowen expressed his gratitude to the food service department, students and staff for the Christmas gifts. He also thanked the staff of OPS for their gift of time and service to the District. He wished everyone a Merry Christmas and happy holidays.

Secretary Shelly Ochodnický stated that the Senior Citizen Breakfast was awesome and she loved the Grinch performance by the Madrigals.

Secretary Shelly Ochodnický commented that she has a daughter that is a senior this year and a granddaughter that is in the Young Fives program at Emerson. She stated that she enjoys visiting Emerson and meeting the new staff. Her visits remind her of the great things that are happening in the District. Mrs. Ochodnický also applauded the building secretaries for all that they do.

Treasurer Cheryl Paez also thanked everyone for the Christmas gifts. She remarked that the gifts are always appreciated and enjoys looking through the items from staff and students.

Treasurer Cheryl Paez expressed her appreciation for all of the kind words that were shared during the meeting. She stated that her tenure on the Board has been wild and crazy, which included two superintendent searches and a deficit spending budget, but through hard work and sacrifices by every District employee, we now have a relatively decent fund balance without cutting any programs and increasing student offerings. Mrs. Paez commented that she has always been very proud to be a member of the Board and not have an agenda other than making sure every student is treated fairly and receives the best education possible. She stated that she is very proud of Owosso Public Schools and work with each member of the Board of Education.

Trustee Marlene Webster stated that she thinks we live in a time and a world where dissention, disrespect, and instability have become the norms, particularly in politics. As a result, when members of the current OPS Board of Education function with unity; treat each other with respect; has civil discourse in conversations during meetings, while keeping the best interest of students in mind; and always trying to support staff, people look at this and think something is wrong. Mrs. Webster remarked that it truly is an honor and a privilege to serve with the entire OPS Board of Education, but her favorite gift is the fire starters that are created by the young entrepreneurs of Central Elementary. Mrs. Webster stated that because of Superintendent Dr. Tuttle's leadership, the entire Board of Education has learned how to become better leaders and this is a culture that she has created in the District.

Trustee Marlene Webster remarked that she has appreciated Mrs. Paez's steadiness and the wise insight she has always brought to the Board. She stated that Mrs. Paez will be missed but the Board will move forward in the same manner and culture that it has.

Mrs. Webster commented that the Board of Education is looking forward to working with Mrs. Olga Quick and welcoming her to the Board in January 2019.

Upcoming Board Meeting Dates:

January 14: Board Committee of the Whole Meeting, 5 pm

January 28: Regular Board Meeting, 5:30 pm

Important Upcoming Dates:

December 11: OMS Choir Concert, 7 pm

December 12: OHS Choir Concert, 7 pm

December 14: Owosso Cares Food Drive Ends

December 17: Second Grade Musical Program at Bryant Elementary, 7 pm

December 20: Second Grade Musical Program at Central Elementary, 7 pm

December 20: Second Grade Musical Program at Emerson Elementary, 7 pm

December 21: Half Day for All Students, Teacher Work Day and End of First Semester

December 24-January 4: No School-Holiday Recess

January 7: School Resumes and Second Semester Begins

January 17: LHS Parent/Teacher Conferences, 5:30 pm

January 19: Snow Globe Classic at OHS

January 23-25: Frankenmuth Snowfest

Adjournment

Moved by Mowen, supported by Webster to adjourn at 6:40 pm. Motion carried unanimously.

Minutes recorded by Clara Pitt

Respectfully submitted,

Shelly Ochodnicky, Secretary

OWOSSO PUBLIC SCHOOLS
Board of Education Committee of the Whole Meeting Minutes
January 14, 2019
Report 18-92A

President Jenc called the Board of Education Committee of the Whole Meeting to order at 5:00 pm. The meeting was held at the Washington Campus, 645 Alger Street, Owosso, MI 48867.

Present: Tim Jenc, Sara Keyes, Ty Krauss, Rick Mowen, Olga Quick, Shelly Ochodnicki, and Marlene Webster
 Absent: All members were in attendance

Pledge of Allegiance

President Jenc welcomed new member Olga Quick to the meeting.

President Jenc asked those in attendance to introduce themselves. The participants of the meeting included President Tim Jenc, Vice President Rick Mowen, Secretary Shelly Ochodnicki, Trustee Sara Keyes, Trustee Ty Krauss, Trustee Olga Quick, Superintendent Dr. Andrea Tuttle, Curriculum Director Steve Brooks, and Administrative Assistant Clara Pitt

Public Participation

President Jenc stated that the Board of Education is a public body and recognizes the value of public comment on educational issues. Time has been included in the meeting's agenda for public participation. Members of the audience were reminded that they should announce their name and group affiliation when applicable and to limit their participation time to three minutes or less. Comments should be directed to the Board and be relevant to the business of the Board of Education. This is not an opportunity for dialogue with the Board of Education. The rules of common courtesy should also be observed.

Mr. Gary Burke, Friends of the Shiawassee River Board member reported that the FOSR or The Friends is a local nonprofit organization committed to "Care, Share and Enjoy" the Shiawassee River. The organization has been in existence for approximately 20 years. Mr. Burke informed the Board that the "stream team" program helps document the water quality of the Shiawassee and tributaries through assessment of the aquatic insect community. The benefits for students include experiencing hands on science in the field and increasing resource appreciation and stewardship, while having fun. They would like to encourage continued participation in the annual river clean-up. The Friends desire to work with OPS to engage the community and develop support for such initiatives that could include native tree/shrub planting, rain gardens and other measures of storm water management to reduce peak runoff and pollution loads to the Shiawassee River from OPS facilities.

Mr. Burke stated that the Friends would like to encourage the Board to relocate the school bus garage to a new facility away from the existing site. He stated that the existing buildings and site are in the "floodway," not just the floodplain of the river. The Friends are willing to partner with OPS to seek grant funding and community volunteer involvement with the goal of structure demolition and greenbelt restoration at no taxpayer expense.

Mr. Phil Hathaway, Friends of the Shiawassee River member reported that he has done some homework on state trails and believes that Owosso will eventually be a water trail town. He stated that property owners along the river and the school system could become major players in this. He commented that the loop trail that runs along the river and is adjacent to the transportation facility is very popular. This was made possible through an easement with the District in 1996. Mr. Hathaway informed the Board that there is a ground water monitoring well on the transportation property and he is not certain if this well has been closed. He asked if a member of the OPS staff could look into closing the well. Mr. Hathaway reported that it is the desire of the Friends to remove the dams along the Shiawassee River within the county.

Mr. Gary Burke stated that they have completed an initial assessment on dam removal or modifications. They currently are focusing on the Shia town dam and then will move on to the Corunna dam. He remarked that if the removals go well, they plan to then focus on Owosso's dams. The goal is to achieve a clear passage for aquatic boats and fish with the removal of the dams. Mr. Burke encouraged everyone to become members of the Friends of the Shiawassee River and assist with the clean-up.

Property Transfer Hearing

Superintendent Dr. Tuttle informed the Board that the SRESA will be conducting a meeting on January 14th for the purpose of a property transfer hearing. The property in question has been owned by the same family for 30 years and after a survey was conducted, a small portion of the property was split and is in the Corunna School District.

Bond Expenditure Summary

Superintendent Dr. Tuttle provided the Board with a document containing bond expenditures through December 31, 2018. Upon review of the document, she explained that the District is doing very well with its expenditures up to this point; however, construction costs continue to escalate.

Foundation and Site Work:

Superintendent Dr. Tuttle reported that we were hoping to have all Kingscott Architectural plans ready to submit to Clark Construction to prepare the bid document by January 18th. Unfortunately, we did not hit the deadline for the entire package, but we are on schedule for the foundation and site work with the balance of the building on track to be submitted to Clark Construction on February 8th.

Sinking Fund/Safety Grant/cook Donation/Bond Proceeds

Superintendent Dr. Tuttle explained the complexity of working with various pots of money that are being used for the elementary and secondary campus bond work

Groundbreaking at Secondary Campus

Superintendent Dr. Tuttle informed the Board that the District is still on track for ground breaking in March or early April for the secondary campus. Clark has also been working with Consumers to try and get ahead of the game for the secondary campus so we do not experience the same delays that we did at the elementary buildings.

Superintendent Tuttle announced that Bryant is the furthest ahead in construction, then Central. Emerson is behind schedule because of the hold up by Consumers Energy. She stated that a tour of the elementary construction sites is scheduled for January 17th. New drone footage of the construction progress will be taken and be available on the District's Facebook page and website.

Precision Electric

Superintendent Dr. Tuttle reported that the Precision Electric inspection came in higher than expected. During the inspection it was realized that the buses could not be parked inside the building and would result in additional costs to allow this. There also were concerns with the bays and drainage. Superintendent Tuttle stated that it is her recommendation to not proceed with the purchase because it does not meet our needs. Prior to Christmas break a meeting was held with representatives of the transportation and maintenance departments. During the meeting, the representatives voiced their concerns with the Precision Electric building after touring the facility. Superintendent Dr. Tuttle stated that they shared some valid concerns and issues with the building.

Middleton Property

Superintendent Dr. Tuttle shared her thoughts about potentially placing the Transportation Department at the Middleton property. A huge concern is the traffic flow on North Street when the secondary campus is completed. She stated that she has spent hours with the City of Owosso and the Transportation Department and they now have a plan that would help avoid congestion. A document representing a proposed access drive and traffic flow to Middleton Road was shared with the Board. The road to the Middleton property would be used as an access drive for buses and completely eliminate the mixing of buses and cars. The road would be blacktop. Buses would enter off Middleton Road, turn around in what will be the bus loop and a restricted parking area during the day (will be used for pool event, youth

football, and softball/baseball parking after 4 pm), turn around and head back out to Middleton. Middle school students would exit the 600 hallway and high school students would exit in the hallway next to the cafeteria. People would not be allowed to park in the existing parking lot to the North of the school during the school day as this area would include some basketball hoops and maybe a plaza area for middle school students to use during lunch. The proposed plan would eliminate any homeland security issues by providing two entrances and exits to the secondary campus.

Superintendent Dr. Tuttle shared a site diagram and preliminary cost estimates for the high school access drive to Middleton Road. The cost for the total access drive project is estimated at \$875,000.00. It was her recommendation to at least go with the new access drive to Middleton Road.

Superintendent Dr. Tuttle informed the Board that the proposed new bus garage would include two bays, a lift system, an office, restrooms, and a breakroom. The preliminary cost for the transportation center is estimated at \$840,000.00. It was noted that this does not include an addition for the Maintenance Department.

Sinking Fund Update

Superintendent Dr. Tuttle reported that as of January 8, 2019, projects identified to be covered by the Sinking fund (not including OMS and OHS) amount to \$19,327,050.00. She stated that student and staff safety concerns continue to be a top priority when looking at the needs. It was noted that the bond does not cover all of the roof repairs that are needed at the high school. Structural work at Emerson needs to be addressed immediately. Other areas of concern include the elimination of asbestos floors, gymnasium improvements, bleacher improvements, high school parking lot, and the tennis courts.

Middle School Property

Superintendent Dr. Tuttle stated that potential parties have expressed an interest in the middle school property. She stated that the Board would be updated on this as soon as she receives additional information.

Education

Superintendent Dr. Tuttle explained that while attending the MASA Fall Conference in September she sat in a SMART Hour session. Fraser Public Schools is an innovative leader in education and they have had success with this concept. A class period would be added in every day extending our seven periods to eight within the same hourly confines of a school day. Superintendent Dr. Tuttle stated that she has shared information about SMART hour during meetings with Mr. Jeff Phillips and members of his staff. It is her belief that this would help kids that are struggling by giving them an opportunity to obtain assistance from their teachers during the SMART hour. The SMART hour would be a homeroom period and students could work on homework. The pros and cons of the concept were shared with the Board.

Superintendent Dr. Tuttle provided the Board with information about Hybrid Classes or anytime/anywhere education. She explained that it is similar to the seat time waiver program at Lincoln High School. A Hybrid class is a class that combines meeting with students face to face (FF) for some class periods and students working on-line (OL) at an alternate location (media center, home, etc.) on other days. Prior to the first class, students would be provided a schedule from their hybrid teacher delineating which days of the semester would be designated as FF and which would be designated as OL. Although these days may vary depending on circumstances, ideally, they would remain constant from what the teacher provides at the beginning of a semester. Teachers would choose if they wanted to teach a Hybrid class and they would have to plan their whole year prior to the start of school. The entire class syllabus would be completed and lessons would be available on a program similar to Blackboard. Teachers can choose if they want to teach at least one Hybrid class. Students must have parent permission and at least a B average in all of their courses to qualify for a Hybrid class. Superintendent Dr. Tuttle shared the pros and cons of Hybrid classes. She stated that she would like to continue discussions about SMART Hour and Hybrid classes with teachers.

Potential New Classes

Superintendent Dr. Tuttle shared a lists of potential new classes for the high school. The classes include: Natural Resources/Agri Science Year 3; Family Living and Interior Design, 9-12 grade; and Construction Trades III (MC3).

Marshall Plan

Superintendent Dr. Tuttle informed the Board that a Marshall Plan meeting is scheduled for January 23. She along with Curriculum Director Steve Brooks plan to attend the meeting.

Legislation

Superintendent Dr. Tuttle reported that a Bill recently passed changing teacher and administrator evaluations to now be based on 40% of student growth and assessment data. She commented that the school aid fund is also being raided to fund roads.

Organizational Meeting

Superintendent Tuttle provided the Board with an explanation about the January 28th organizational meeting.

Teacher/Staff Member of the Year

Superintendent Tuttle reported that the Foundation Board is working on a rubric for the selection of a teacher and staff member of the year.

Board Member Terms

Superintendent Dr. Tuttle explained that she would like to change the Board Policy for Board member terms. She stated that it is not good for a District to have four members seeking reelection at the same time. Examples of Board member rotation schedules was discussed with the Board.

Alumni Directory

Superintendent Dr. Tuttle reported that the District is working on updating a new Alumni Directory. The last one was updated in 2006.

Board Comments

Olga Quick commented that she is glad to be a member of the Board and eager to learn.

Shelly Ochodnicky remarked that she is happy that the District continues to seek innovative and creative ways to educate students. She stated that she likes the SMART Hour and Hybrid class concepts.

Ty Krauss welcomed Olga Quick to the Board of Education and stated that he looks forward to her participation.

Rick Mowen presented Olga Quick with a gift and welcomed her to the OPS Board.

Tim Jenc expressed his interested in attending MASB CBA classes that will be offered in February.

Shelly Ochodnicky commented that she highly recommends attending the CBA classes. She stated that she has had some great experiences and enjoys talking to Board members from other school districts.

Steve Brooks informed the Board that the potential new classes that were shared earlier in the meeting will be taught by our current staff. The new classes will add an extra layer for students that have interests in specific areas. He remarked that Construction Trades is going very well.

Upcoming Meeting Dates

January 28: Board of Education Meeting, 5:30 pm

February 11: Board of Education Workshop, 5-8 pm

Adjournment

Moved by Jenc, supported by Mowen to go into closed session at 7:20 pm for the purpose of discussing a student discipline issue. Motion carried unanimously.

Moved by Mowen, supported by Jenc to return to open session at 7:26 pm. Motion carried unanimously.

Moved by Mowen, supported by Krauss to adjourn at 7:27 pm. Motion carried unanimously.

Minutes recorded by Clara Pitt

Respectfully submitted,

Shelly Ochodnicki, Secretary

OWOSSO PUBLIC SCHOOLS
EXPENDITURE REPORT
DECEMBER 3, 2018 - JANUARY 20, 2019
REPORT 18-93

CHECK RUN ACTIVITY BY FUND

GENERAL FUND	\$623,585.73
SERVICE FUND	\$60,817.04
SINKING FUND	\$18,672.00
CAPITAL PROJECTS - BOND FUND	\$1,284,312.46
CAPITAL PROJECTS - NON-BOND FUND	\$22,537.23
CHECK RUN TOTAL	<u>\$2,009,924.46</u>

CREDIT CARD ACTIVITY BY FUND (12/04/18-1/3/19 - Posting date)

GENERAL FUND (DECEMBER ACTIVITY)	\$ 11,533.21
SERVICE FUND (DECEMBER ACTIVITY)	\$ 266.24
ORGANIZATIONAL FUND (DECEMBER ACTIVITY)	\$ 610.59

CREDIT CARD TOTAL \$ 12,410.04

GORDON FOOD SERVICE ACTIVITY (SERVICE FUND)

PAYMENT 12/04/2018	\$ 20,126.78
PAYMENT 12/17/2018	\$ 44,608.40
PAYMENT 1/7/2019	\$ 19,361.07
PAYMENT 1/14/2019	\$ 8,210.36
DIRECT DRAW FROM BANK ACCOUNT	<u>\$ 92,306.61</u>

PAYROLL (#12) 12/7/18	\$ 814,064.63
PAYROLL (#13) 12/21/18	\$ 826,723.09
PAYROLL (#14) 1/4/19	\$ 772,675.95
PAYROLL (#15) 1/18/19	\$ 758,338.84
STABILIZATION PAYMENT - DECEMBER - 12/21/2018	\$ 192,455.38
PAYROLL TOTAL	<u>\$ 3,364,257.89</u>

GRAND TOTAL \$ 5,478,899.00

Check Register for Bank Account ID CHEM1

From 12/03/2018 to 01/20/2019

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099124	12/06/2018	1 Comp	Cleared	12/31/2018 102363 GRAHAM, TERESA	MS/GRAHAM/POSTAGE	126.64
099125	12/06/2018	1 Comp	Cleared	12/31/2018 000554 GRAND LEDGE HIGH SCHOOL	ATH/SMITH/10-13 CROSS COUN	200.00
099126	12/06/2018	1 Comp	Cleared	12/31/2018 002810 HI-QUALITY GLASS	OPER/KLAPKO/PLEXIGLAS	45.12
099127	12/06/2018	1 Comp	Cleared	12/31/2018 006696 I60 MEDIA	ADM/THOMPSON/INVITES	85.00
099128	12/06/2018	1 Comp	Cleared	12/31/2018 008359 KINNECT ENERGY INC.	ENERGY MANAGEMENT FEE	315.00
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099133	12/06/2018	1 Comp	Cleared	12/31/2018 003711 MSPRA	ADM/THOMPSON/18-19 DUES	125.00
099134	12/06/2018	1 Comp	Open	008519 MSU MUSEUM	MS/MICHALEC/FIELD TRIP	175.00
099135	12/06/2018	1 Comp	Cleared	12/31/2018 100001 OFFICE DEPOT INC.	OHS/NEWELL/SUPPLIES	767.65
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099139	12/06/2018	1 Comp	Cleared	12/31/2018 004590 OWOSSO PUB. SCH. ATHLETIC FUND	ATH/SMITH/OFFICIALS	5,000.00
099140	12/06/2018	1 Comp	Cleared	12/31/2018 004652 PCMI - WEST	BB STAFF PAYMENT	20,887.91
099141	12/06/2018	1 Comp	Cleared	12/31/2018 005027 PORTLAND HIGH SCHOOL	ATH/SMITH/5-25-19 SOFTBALL	150.00
099142	12/06/2018	1 Comp	Cleared	12/31/2018 004860 POSTMASTER	HS/PILONE/POSTAGE	43.88
099143	12/06/2018	1 Comp	Cleared	12/31/2018 000323 ROTARY CLUB OF OWOSSO	ADM/TUTTLE/DUES 8 MONTHS	394.50
099144	12/06/2018	1 Comp	Cleared	12/31/2018 005420 SCHOOL SPECIALTY INC.	OMS/BICKLEY/SUPPLIES	5,130.73
099145	12/06/2018	1 Comp	Cleared	12/31/2018 003087 SNYDER, KELLY	HS/SNYDER/TREE	54.04
099146	12/06/2018	1 Comp	Cleared	12/31/2018 008301 STINSON, GUNNAR	ADM/STINSON/MILEAGE	49.64
099147	12/06/2018	1 Comp	Cleared	12/31/2018 006250 TIRE FACTORY	OPER/KLAPKO/TIRES	850.00
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099163	12/13/2018	1 Comp	Cleared	12/31/2018 001202 CONSUMERS ENERGY	UTIL/GAS&ELEC/DEC 2018	42,012.11
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099168	12/13/2018	1 Comp	Cleared	12/31/2018 102344 LINDEN HIGH SCHOOL	ATH/SMITH/9-22 CC ENTRY	150.00
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099171	12/13/2018	1 Comp	Cleared	12/31/2018 008615 NATIONAL BUSINESS FURNITURE	EM/VOGL/DESK	1,594.00
099172	12/13/2018	1 Comp	Open	004600 OPS FOOD SERVICE FUND	BB/ROWELL/GSRP LUNCHES	342.00

01/22/2019 1:09 pm

Owosso Schools

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From 12/03/2018 to 01/20/2019

From Check First to Last

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099215	12/20/2018	1 Comp	Cleared	12/31/2018 003780 MESSA	JAN 2019 BILL/NON-UNION	14,996.88
099216	12/20/2018	1 Comp	Cleared	12/31/2018 002224 MHSBCA	ATH/SMITH/DUES	30.00
099217	12/20/2018	1 Comp	Open	008158 MICHIGAN COLLEGE ACCESS NETWORK	HS/KURZT/CONF REG	170.00
099218	12/20/2018	1 Comp	Cleared	12/31/2018 007971 MID AMERICA ADMIN	JULY, AUG, SEPT ADMIN FEE	450.63
099219	12/20/2018	1 Comp	Cleared	12/31/2018 008627 MOSHER, CHAD	MS/LITTLE/LEAGUE FEES	250.00
099220	12/20/2018	1 Comp	Open	001018 OMER, JULIE	ADM/OMER/CONF MILEAGE	34.55
099221	12/20/2018	1 Comp	Open	004600 OPS FOOD SERVICE FUND	MS/GRAHAM/TESTING FOOD	1,872.00
099222	12/20/2018	1 Comp	Cleared	12/31/2018 007851 OREILLY AUTO PARTS	OPER/KLAPKO/SUPPLIES	239.95
099223	12/20/2018	1 Comp	Open	004553 OWOSSO HITCH & PLOW CENTER INC	OPER/KLAPKO/SUPPLIES	1,136.39
099224	12/20/2018	1 Comp	Open	008010 OWOSSO MEDICAL GROUP	DOT PHYSICAL PAUL CLARK	85.00
099225	12/20/2018	1 Comp	Cleared	12/31/2018 001705 PHILLIPS, JEFF	HS/PHILLIPS/MILEAGE	50.47
099226	12/20/2018	1 Comp	Open	004860 POSTMASTER	HS/PILON/POSTAGE	75.18

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From 12/03/2018 to 01/20/2019

From Check First to Last

Check#	Date	Run Type	Status	Vendor Name	Invoice Description	Amount
099227	12/20/2018	1 Comp	Open	008309 PRO COMM INC.	ALT/PARSONS/RADIOS	750.00
099228	12/20/2018	1 Comp	Cleared 12/31/2018	008350 PUMFORD, ALEXANDRIA	COMM ED LIFE GUARD	99.75
099229	12/20/2018	1 Comp	Open	000323 ROTARY CLUB OF OWOSSO	HS/PHILLIPS/NOV DUES	88.00
099230	12/20/2018	1 Comp	Cleared 12/31/2018	102443 SCHOLASTIC INC.	ALT/PARSONS/SUBSCRIPTION	185.63
099231	12/20/2018	1 Comp	Cleared 12/31/2018	100017 SET-SEG	JAN 2019 BILL/GF STAFF	5,754.10
099232	12/20/2018	1 Comp	Cleared 12/31/2018	002661 SHIA. AREA TRANSPORTATION AGENCY	HS/DIGNAN/TUTORING	10.50
099233	12/20/2018	1 Comp	Cleared 12/31/2018	002623 TASC-CLIENT INVOICES	1/1-1/31/19 ADMIN FEE	371.68
099234	12/20/2018	1 Comp	Cleared 12/31/2018	001119 UNITED PARCEL SERVICE	HS/POSTAGE	26.89
099235	12/20/2018	1 Comp	Cleared 12/31/2018	100267 UNUM LIFE INSURANCE	JAN 2019 BILL/ADMIN STAFF	1,090.31
099236	12/20/2018	1 Comp	Cleared 12/31/2018	100267 UNUM LIFE INSURANCE	JAN 2019/GEN FUND STAFF	1,106.50
099237	12/20/2018	1 Comp	Cleared 12/31/2018	006510 VALLEY LUMBER COMPANY	HS/FREEMAN/SUPPLIES	1,056.66
099238	12/20/2018	1 Comp	Open	006264 VEX ROBOTICS	EM/NIDEFSKI/ROBOT BRAIN	1,788.08
099239	12/20/2018	1 Comp	Cleared 12/31/2018	007788 WAKELAND OIL	OPER/KLAPKO/FUEL	757.02
099240	12/20/2018	1 Comp	Cleared 12/31/2018	006845 WIN'S CORPORATE OFFICE	OPER/KLAPKO/ELECTRICAL SUP	4.39
099241	12/20/2018	2 Comp	Cleared 12/31/2018	007515 DANIELE LAB	COMM ED INSTRUCTOR PMT	58.20
099242	12/20/2018	2 Comp	Cleared 12/31/2018	002093 NEOLA INC.	BOARD POLICY UPDATES	1,243.40
099243	01/10/2019	1 Comp	Open	006502 ACCO BRANDS USA	BR/HARTNAGLE/LAMINATE	72.60
099244	01/10/2019	1 Comp	Open	004208 AMWAY GRAND PLAZA	HS/KRUEGER/CONF LODGING	521.02
099245	01/10/2019	1 Comp	Open	000278 APPLEBEE OIL COMPANY	TRANS/SECOR/PROPANE	2,100.56
099246	01/10/2019	1 Comp	Open	008407 APPLIED IMAGING	ADM/COPIER RENTAL	42.40
099247	01/10/2019	1 Comp	Open	000300 ARGUS-PRESS CO.	ADM/THOMPSON/TROJAN TIMES	1,850.00
099248	01/10/2019	1 Comp	Open	008459 ATHERTON ROAD SALES	OPER/KLAPKO/GENERATOR MAIN	165.50
099249	01/10/2019	1 Comp	Open	007465 CINTAS CORPORATION # 308	OPER/KLAPKO/UNIFORM RENT	280.84
099250	01/10/2019	1 Comp	Open	001050 CITY OF OWOSSO	ADM/7/1-12/31/18 LIASON OF	33,172.58
099251	01/10/2019	1 Comp	Open	003248 CRYSTAL CLEAN WATER	ADM/WATER	118.00
099252	01/10/2019	1 Comp	Open	005924 DELUX TROPHIES	ADM/PITT/PRINCIAL RECOGNI	10.75
099253	01/10/2019	1 Comp	Open	008461 FAIRVIEW PET CENTER	HS/DIGNAN/AG SUPPLIES	579.83
099254	01/10/2019	1 Comp	Open	004753 FREEMAN, GREG	HS/FREEMAN/MILEAGE	58.66
099255	01/10/2019	1 Comp	Open	006197 FRONTIER	JAN 2019 PHONE/FAX BILL	93.53
099256	01/10/2019	1 Comp	Open	002916 GCR TIRE CENTER	TRANS/SECOR/TIRES	4,101.48
099257	01/10/2019	1 Comp	Open	002330 GENESSEE INTER.SCHOOL DISTRICT	OHS/ONLINE LEARNING/FALL/G	480.00
099258	01/10/2019	1 Comp	Open	006861 GRAHAM, ANGELA	EM/GRAHAM/CONF REIMB	44.69
099259	01/10/2019	1 Comp	Open	100065 GRAINGER	OPER/KLAPKO/AIR FILTERS	227.28
099260	01/10/2019	1 Comp	Open	001763 GUTE, REBEKAH	BR/GUTE/MILEAGE	11.20
099261	01/10/2019	1 Comp	Open	000070 H. K. ALLEN PAPER COMPANY	OPER/KLAPKO/CUSTODIAL SUPP	1,686.79
099262	01/10/2019	1 Comp	Open	100069 HEINEMANN	ADM/BROOKS/BOOKS	5,395.50
099263	01/10/2019	1 Comp	Open	008634 HILLARD, ZEPHIE	BR/HILLARD/MILEAGE	11.95
099264	01/10/2019	1 Comp	Open	002959 INDEPENDENT AD-VISOR INC.	ADM/THOMPSON/ADVERTISING	446.00
099265	01/10/2019	1 Comp	Open	002962 INDUSTRIAL SUPPLY OF OWOSSO INC.	OPER/KLAPKO/BELTS	12.10
099266	01/10/2019	1 Comp	Open	004863 JENC, TIMOTHY	ADM/2018 BOARD STIPEND	595.00
099267	01/10/2019	1 Comp	Open	008181 KEYES, SARA	ADM/2018 BOARD STIPEND	595.00
099268	01/10/2019	1 Comp	Open	007104 KLAPKO, JOHN	OPER/KLAPKO/MILEAGE	79.13
099269	01/10/2019	1 Comp	Open	008195 KRAUSS, TY	ADM/2018 BOARD STIPEND	595.00
099270	01/10/2019	1 Comp	Open	102408 LANSING SANITARY SUPPLY INC.	OPER/KLAPKO/EQUIP REPAIR	330.40
099271	01/10/2019	1 Comp	Open	100037 MICHAEL'S PLUMBING REPAIR INC.	OPER/KLAPKO/INSPECTIONS	990.00
099272	01/10/2019	1 Comp	Open	003871 MICHIGAN ALT. ATHLETIC ASSOC.	ALT/BAUGHMAN/VBALL TOURNE	200.00
099273	01/10/2019	1 Comp	Open	003756 MICHIGAN COMPANY, INC.	OPER/KLAPKO/CUSTODIAL SUPP	409.90
099274	01/10/2019	1 Comp	Open	007158 MOMAR, INCORPORATED	OPER/KLAPKO/BOILER SERVICE	318.00
099275	01/10/2019	1 Comp	Open	004050 MORRIS MECHAN. CONTRACTING INC.	OPER/KLAPKO/BOILER WORK	2,535.00
099276	01/10/2019	1 Comp	Open	007195 MOTT COMMUNITY COLLEGE	ALT/PARSONS/COLLEGE TOUR	162.00
099277	01/10/2019	1 Comp	Open	003297 MOWEN, RICK	ADM/2018 BOARD STIPEND	595.00
099278	01/10/2019	1 Comp	Open	004121 NAPA AUTO PARTS	OPER/KLAPKO/OIL	41.46
099279	01/10/2019	1 Comp	Open	007540 OCHODNICKY, SHELLY	ADM/2018 BOARD STIPEND	595.00
099280	01/10/2019	1 Comp	Open	004600 OPS FOOD SERVICE FUND	HS/POYNER/SUPPLIES	1,613.85

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From Check First to Last

Check#	Date	Run Type	Status	Vendor Name	Invoice Description	Amount
099281	01/10/2019	1 Comp	Open	007851 OREILLY AUTO PARTS	OPER/KLAPKO/CARB CLEANER	6.98
099282	01/10/2019	1 Comp	Open	004480 OWOSSO BOLT & BRASS COMPANY	HS/DIGAN/CONST TRADES SUPP	30.96
099283	01/10/2019	1 Comp	Open	007539 PAEZ, CHERYL	ADM/2018 BOARD STIPEND	595.00
099284	01/10/2019	1 Comp	Open	004652 PCMI - WEST	BB STAFF PAYMENT	14,047.43
099285	01/10/2019	1 Comp	Open	004790 PITNEY BOWES	ADM/METER RENTAL	297.00
099286	01/10/2019	1 Comp	Open	004860 POSTMASTER	MS/GRAHAM/POSTAGE	250.00
099287	01/10/2019	1 Comp	Open	100240 PRECISION DATA PRODUCTS	ALT/HEADPHONES FOR COMPUTE	206.70
099288	01/10/2019	1 Comp	Open	100135 QUILL CORPORATION	CE/KLAPKO/CONST PAPER, CLIP	223.50
099289	01/10/2019	1 Comp	Open	100803 RAFFAELLI, DANIELE	BR/RAFFAELLI/MILEAGE	11.20
099290	01/10/2019	1 Comp	Open	000323 ROTARY CLUB OF OWOSSO	HS/PHILLIPS/DEC DUES	35.50
099291	01/10/2019	1 Comp	Open	006641 ROWELL, AMANDA	BB/ROWELL/MILEAGE	134.07
099292	01/10/2019	1 Comp	Open	005420 SCHOOL SPECIALTY INC.	EM/MORENO/SUPPLIES	688.32
099293	01/10/2019	1 Comp	Open	005520 SECURITY ALARM COMPANY INC.	OPER/KLAPKO/ALARM REPAIR	600.00
099294	01/10/2019	1 Comp	Open	002661 SHIA. AREA TRANSPORTATION AGENCY	HS/DIGNAN/STUDENT TRANSPOR	1.50
099295	01/10/2019	1 Comp	Open	100810 SHIA. COUNTY ROAD COMMISSION	OPER/KLAPKO/ROAD SALT	811.99
099296	01/10/2019	1 Comp	Open	005625 SHIawassee RESD	12/2-12/15-18 EDUSTAFF	39,721.32
099297	01/10/2019	1 Comp	Open	006491 SOMERS, JOHN	ADM/FINGERPRINTS	65.00
099298	01/10/2019	1 Comp	Open	008301 STINSON, GUNNAR	ADM/STINSON/MILEAGE	41.62
099299	01/10/2019	1 Comp	Open	008226 STUDIO 52 FRAME SHOP	ADM/BROOKS/FRAME & MAT	110.75
099300	01/10/2019	1 Comp	Open	002623 TASC-CLIENT INVOICES	2/1-2/28-19 ADMIN FEE	375.36
099301	01/10/2019	1 Comp	Open	100596 TSFFT, DENISE	BR/TEFFT/MILEAGE	21.67
099302	01/10/2019	1 Comp	Open	006230 THRUN LAW FIRM, P.C.	18-19 RETINER FEE	2,200.00
099303	01/10/2019	1 Comp	Open	001119 UNITED PARCEL SERVICE	HS/POSTAGE	11.36
099304	01/10/2019	1 Comp	Open	007457 US BANK EQUIPMENT FINANCE	JAN 2019 LEASE PAYMENT	2,755.62
099305	01/10/2019	1 Comp	Open	006511 WASTE MANAGEMENT OF FLINT	UTIL/TRASH SVC/JAN 2019	2,271.17
099306	01/10/2019	1 Comp	Open	007985 WATSON, JOE	ADM/WATSON/MILEAGE	67.30
099307	01/10/2019	1 Comp	Open	007541 WEBSTER, MARLENE	ADM/2018 BOARD STIPEND	595.00
099308	01/10/2019	1 Comp	Open	006882 WHEELER, JEREMY	ADM/WHEELER/MILEAGE	60.97
099309	01/17/2019	1 Comp	Open	007465 CINTAS CORPORATION # 308	OPER/KLAPKO/UNIFORM RENT	70.21
099310	01/17/2019	1 Comp	Open	001197 CLEVINGER, DEB	ATH/SMITH/FAT TESTING	150.00
099311	01/17/2019	1 Comp	Open	007793 DETROIT MARRIOTT, RENAISSANCE	MACUL CONF LODGING	1,308.00
099312	01/17/2019	1 Comp	Open	002966 FRED FERNETTE	OPER/FERNETTE/MILEAGE	22.67
099313	01/17/2019	1 Comp	Open	004974 HC RYAN & COMPANY LLC.	ADM/GARBER/W-2's	177.44
099314	01/17/2019	1 Comp	Open	100069 HEINEMANN	EM/CICALO/books	90.75
099315	01/17/2019	1 Comp	Open	008359 KINECT ENERGY INC.	ADM/JAN 19 ENERGY MGT FEE	315.00
099316	01/17/2019	1 Comp	Open	008292 KONICA MINOLTA BUSINESS SOLUTION	QUARTERLY MAINT PAYMENT	10,021.31
099317	01/17/2019	1 Comp	Open	003660 MEDLER ELECTRIC COMPANY	OPER/KLAPKO/ELECTRICAL SUP	185.30
099318	01/17/2019	1 Comp	Open	008643 MEI TOTAL ELEVATOR SOLUTIONS	OPER/KLAPKO/ELEVATOR REPAI	305.00
099319	01/17/2019	1 Comp	Open	004600 OPS FOOD SERVICE FUND	CE/SPIELMAN/STUDENT BREAKF	103.50
099320	01/17/2019	1 Comp	Open	007851 OREILLY AUTO PARTS	OPER/KLAPKO/REPAIR PARTS	34.25
099321	01/17/2019	1 Comp	Open	004570 OWOSSO H.S. ORGANIZATION ACCT.	ADM/REIMBURSE ORG ACCT	40.00
099322	01/17/2019	1 Comp	Open	004652 PCMI - WEST	BB STAFF PAYMENT	7,373.48
099323	01/17/2019	1 Comp	Open	006230 THRUN LAW FIRM, P.C.	DEC 2018 LEGAL FEES	343.00
099324	01/17/2019	1 Comp	Open	100267 UNUM LIFE INSURANCE	FEB 2019/GF STAFF	1,234.51
099325	01/17/2019	1 Comp	Open	100267 UNUM LIFE INSURANCE	FEB 2019 BILL/ADMIN	1,090.31
099326	01/17/2019	1 Comp	Open	006510 VALLEY LUMBER COMPANY	HS/MALLORY/SUPPLIES	1,242.32
099327	01/17/2019	1 Comp	Open	006845 WIN'S CORPORATE OFFICE	OPER/KLAPKO/ELECTRICAL SUP	69.60
CHECK TOTAL						623,721.73
LESS VOIDS						136.00
GRAND TOTAL						623,585.73

Check Register for Bank Account ID CHEM1

From 12/03/2018 to 01/20/2019

From Check First to Last

Check#	Date	Run Type	Status	Vendor Name	Invoice Description	Amount
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Check Summary

Check Status	Count	Amount	Check Type	Count	Amount
Open	111	164,906.00	Computer	207	623,585.73
Cleared	96	458,679.73	Prepaid		
Void	2	136.00			
Scratch					
TOTAL	209	623,721.73	TOTAL	207	623,585.73

Check Register for Bank Account ID SERVIC

From 12/03/2018 to 01/03/2019

From Check First to Last

Check#	Date	Run Type	Status	Vendor Name	Invoice Description	Amount
007430	12/06/2018	1 Comp	Cleared	12/31/2018 006782 ROBINSON, KAREN	FS/ROBINSON/MILEAGE	49.60
007431	12/06/2018	1 Comp	Cleared	12/31/2018 004679 TOBEY, CHRISTINE	FS/TOBEY/MILEAGE	140.40
007432	12/13/2018	1 Comp	Cleared	12/31/2018 007480 BANANA BROTHERS PRODUCE	FS/MANNS/FOOD PURCHASE	16,176.25
007433	12/13/2018	1 Comp	Cleared	12/31/2018 007104 KLAPKO, JOHN	FS/KLAPKO/MILEAGE	123.52
007434	12/13/2018	1 Comp	Cleared	12/31/2018 100017 SEG WORKERS COMP FUND	SEG WORKERS COMP FUND	8,909.00
007435	12/20/2018	1 Comp	Cleared	12/31/2018 004621 AUNT MILLIE'S BAKERIES	FS/MANNS/FOOD PURCHASE	1,269.49
007436	12/20/2018	1 Comp	Cleared	12/31/2018 007480 BANANA BROTHERS PRODUCE	FS/MANNS/FOOD PURCHASE	8,909.50
007437	12/20/2018	1 Comp	Cleared	12/31/2018 008258 GREAT LAKES COCA-COLA DISTRIBUTI	FS/MANNS/FOOD PURCHASE	4,115.28
007438	12/20/2018	1 Comp	Cleared	12/31/2018 003780 MESSA	JAN 2018 BILL/FS STAFF	3,480.34
007439	12/20/2018	1 Comp	Open	003807 PRAIRIE FARMS DAIRY	FS/MANNS/FOOD PURCHASE	16,976.66
007440	12/20/2018	1 Comp	Cleared	12/31/2018 100017 SET-SEG	JAN 2019 BILL/FS STAFF	165.98
007441	12/20/2018	1 Comp	Open	007689 THEODORES SUPERIOR COFFEE ROASTE	FS/MANNS/FOOD PURCHASE	212.50
007442	12/20/2018	1 Comp	Cleared	12/31/2018 100267 UNUM LIFE INSURANCE	JAN 2019 BILL/FS STAFF	17.88
007443	12/20/2018	1 Comp	Cleared	12/31/2018 007788 WAKELAND OIL	FS/KLAPKO/FUEL	270.64
CHECK TOTAL						60,817.04
LESS VOIDS						0.00
GRAND TOTAL						60,817.04

Check Summary

Check Status	Count	Amount	Check Type	Count	Amount
Open	2	17,189.16	Computer	14	60,817.04
Cleared	12	43,627.88	Prepaid		
Void					
Scratch					
TOTAL	14	60,817.04	TOTAL	14	60,817.04

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Check Register for Bank Account ID SF#1

From 12/03/2018 to 01/20/2019

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Check#	Date	Run Type	Status	Vendor Name	Invoice Description	Amount
600890	12/13/2018	1 Comp	Cleared 12/31/2018	001274 SPICER GROUP INC.	SINKING FUND MANAGEMENT	13,672.00
600891	12/14/2018	2 Comp	Cleared 12/31/2018	008625 RE/MAX OF OWOSSO	EARNEST DEPOSIT SOUTH ST.	5,000.00
CHECK TOTAL						18,672.00
LESS VOIDS						0.00
GRAND TOTAL						18,672.00

Check Summary

Check Status	Count	Amount	Check Type	Count	Amount
Open			Computer	2	18,672.00
Cleared	2	18,672.00	Prepaid		
Void					
Scratch					
TOTAL		2		2	18,672.00

Check Register for Bank Account ID BOND

From 12/03/2018 to 01/20/2019

From Check First to Last

Check#	Date	Run Type	Status	Vendor Name	Invoice Description	Amount
900028	12/13/2018	1 Comp	Cleared	12/31/2018 008619 IMAGEMASTER, LLC	STATEMENT DISTRIBUTION COS	2,250.00
900029	12/13/2018	1 Comp	Open	008446 KINGSCOTT ASSOCIATES INC.	ARCHITECTURAL FEES OCT	143,378.44
900030	12/14/2018	2 Comp	Void	12/20/2018 005142 CLARK CONSTRUCTION	OCT 2018 CONST MGT FEES	99,658.35
900031	12/20/2018	1 Comp	Cleared	12/31/2018 008594 CHAMPAGNE & MARX EXCAVATING INC.	APP#2 THRU 11-30-18	160,096.50
900032	12/20/2018	1 Comp	Cleared	12/31/2018 005142 CLARK CONSTRUCTION	OCT 2018 CM SERVICES	181,901.68
900033	12/20/2018	1 Comp	Cleared	12/31/2018 008633 DEE CRAMER, INC.	APP #2 THRU 11-30-18	13,978.10
900034	12/20/2018	1 Comp	Cleared	12/31/2018 008632 DICKERSON MECHANICAL, INC.	APP #2THRU 11-30-18	14,560.00
900035	12/20/2018	1 Comp	Open	005197 GREAT LAKES POWER & LIGHTING, INC	APP #2 THRU 11-30-2018	5,400.00
900036	12/20/2018	1 Comp	Cleared	12/31/2018 008596 MOORE TROSPER CONSTRUCTION CO.	APP #2 THRU 11-30-18	46,146.87
900037	12/20/2018	1 Comp	Cleared	12/31/2018 008598 XTREME MASON CONTRACTORS	APP# 2 THRU 11-30-18	69,631.65
900038	01/17/2019	1 Comp	Open	008594 CHAMPAGNE & MARX EXCAVATING INC.	APP # 3THRU 12/31/2018	89,849.25
900039	01/17/2019	1 Comp	Open	005142 CLARK CONSTRUCTION	DECEMBER 18 CM SERVICES	71,924.05
900040	01/17/2019	1 Comp	Open	008633 DEE CRAMER, INC.	APP # 3 THRU 12/31/2018	675.00
900041	01/17/2019	1 Comp	Open	008632 DICKERSON MECHANICAL, INC.	APP # 3 THRU 12/31/2018	19,300.50
900042	01/17/2019	1 Comp	Open	005197 GREAT LAKES POWER & LIGHTING, INC	APP #3 THRU 12/31/2018	44,910.00
900043	01/17/2019	1 Comp	Open	002810 HI-QUALITY GLASS	APP # 3 THRU 12/31/2018	6,300.00
900044	01/17/2019	1 Comp	Open	008595 J. PEREZ CONSTRUCTION INC.	APP # 3 THRU 12/31/2018	14,940.00
900045	01/17/2019	1 Comp	Open	008446 KINGSCOTT ASSOCIATES INC.	NOV 2018 ARCHITECT FEES	91,323.50
900046	01/17/2019	1 Comp	Open	008596 MOORE TROSPER CONSTRUCTION CO.	APP # 3 THRU 12/31/2018	110,772.72
900047	01/17/2019	1 Comp	Open	008597 STRUCTURAL STANDARDS, INC.	APP # 3 THRU 12/31/2018	121,590.00
900048	01/17/2019	1 Comp	Open	008598 XTREME MASON CONTRACTORS, LLC	APP # 3 THRU 12/31/2018	75,364.20
CHECK TOTAL						1,383,970.81
LESS VOIDS						99,658.35
GRAND TOTAL						1,284,312.46

Check Summary

Check Status	Count	Amount	Check Type	Count	Amount
Open	13	795,727.66	Computer	20	1,284,312.46
Cleared	7	488,584.80	Prepaid		
Void	1	99,658.35			
Scratch					
TOTAL	21	1,383,970.81	TOTAL	20	1,284,312.46

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Check Register for Bank Account ID CPF#01

From 12/03/2018 to 01/20/2019

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Check#	Date	Run Type	Status	Vendor Name	Invoice Description	Amount
000405	01/10/2019	1	Comp Open	008607 BSB COMMUNICATIONS INC.	FINAL TELECOM PROJECT EXPE	22,537.23
CHECK TOTAL						22,537.23
LESS VOIDS						0.00
GRAND TOTAL						22,537.23

Check Summary

Check Status	Count	Amount	Check Type	Count	Amount
Open	1	22,537.23	Computer	1	22,537.23
Cleared			Prepaid		
Void					
Scratch					
TOTAL	1	22,537.23	TOTAL	1	22,537.23

Date Range: From: To:
 Date Type:
 Data available starting: 01/22/2016

SEARCH RESULTS

Search Total: (4,848.27

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<u>Account Name</u>	<u>Account Number</u>	<u>Transaction Amount</u>	<u>Adjustment Amount</u>	<u>Total Transaction Amount</u>
EMERSON ELEMENTARY	XXXX-XXXX-0517-2354	302.05	0.00	302.0
MIKE GRAHAM	XXXX-XXXX-0530-1557	1,984.55	0.00	1,984.5
FRED LAB	XXXX-XXXX-0532-9202	365.13	0.00	365.1
ED VAN STRATE	XXXX-XXXX-0532-9277	571.42	0.00	571.4
LINCOLN HIGH SCHOOL	XXXX-XXXX-0593-9232	940.90	0.00	940.9
BRIGHT BEGINNINGS OFFICE	XXXX-XXXX-1097-9983	693.92	0.00	693.9
OWOSSO SCHOOLS	XXXX-XXXX-1253-3820	266.24	0.00	266.2
CTE CULINARY ARTS	XXXX-XXXX-1311-0891	883.18	0.00	883.1
CTE CONSTRUCTION TRADES	XXXX-XXXX-1311-0933	205.13	0.00	205.1
OWOSSO PUBLIC SCHOOLS	XXXX-XXXX-0002-6361	0.00	(17,258.31)	(17,258.31)
SWIM PROGRAM	XXXX-XXXX-0173-5686	190.34	0.00	190.3
BRYANT ELEMENTARY	XXXX-XXXX-0177-1509	456.92	0.00	456.9
DAN CLARK	XXXX-XXXX-0188-5846	6.43	0.00	6.4
OWOSSO HIGH SCHOOL	XXXX-XXXX-0223-2881	2,793.64	0.00	2,793.6
TECHNOLOGY DEPT	XXXX-XXXX-0270-9854	43.91	0.00	43.9
OWOSSO MIDDLE SCHOOL	XXXX-XXXX-0316-8175	417.02	0.00	417.0
CENTRAL ELEMENTARY	XXXX-XXXX-0358-7523	636.53	0.00	636.5
DISTRICT TRAVEL	XXXX-XXXX-7790-7151	80.00	0.00	80.0
CENTRAL OFFICE	XXXX-XXXX-3097-2556	1,920.31	0.00	1,920.3
CENTRAL OFFICE	XXXX-XXXX-6404-7812	(25.64)	(951.63)	(977.27)
OWOSSO HIGH SCHOOL 2	XXXX-XXXX-6679-7711	610.59	0.00	610.5
BRIGHT BEGINNINGS	XXXX-XXXX-8945-7020	19.10	0.00	19.1

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Search Total: (4,848.27

Currently logged in as: Julie Omer (OMER_81101, Company Program Administrator)
 Last Visit: 01/17/2019

OWOSSO PUBLIC SCHOOLS
BOARD OF EDUCATION
December 31, 2018
Report 18-94

Statement of Deposits and Investments
As of 12/31/2018
Unaudited

	General Fund	School Service	Building & Site	Capital Projects Bond Fund	Debt Service Fund	Total
Summary of Deposits and Investments						
Cash on hand	\$ 223,792	\$ 32,352	\$ 862,631	\$ 16,342	\$ -	\$ 1,135,117
Investments	<u>3,581,398</u>		<u>3,567,236</u>	<u>43,817,218</u>	<u>8,443</u>	<u>\$ 50,974,295</u>
Total Deposits and Investments	<u>\$ 3,805,190</u>	<u>\$ 32,352</u>	<u>\$ 4,429,867</u>	<u>\$ 43,833,560</u>	<u>\$ 8,443</u>	<u>\$ 52,109,412</u>
 Detail of Deposits and Investments						
Cash on hand	\$ 223,792	\$ 31,575	\$ 862,631	\$ 16,342	\$ -	\$ 1,134,340
Petty Cash on hand	-	<u>777</u>	-	-	-	
Total Cash on hand	<u>\$ 223,792</u>	<u>\$ 32,352</u>	<u>\$ 862,631</u>	<u>\$ 16,342</u>	<u>\$ -</u>	<u>\$ 1,118,775</u>
Chemical Bank Savings Account	\$ 9,601	-	\$ 343,860			\$ 353,461
Mich Class Investment	3,571,797	-	3,223,377	43,817,218	8,443	\$ 50,620,834
Total Investments	<u>\$ 3,581,398</u>	<u>\$ -</u>	<u>\$ 3,567,237</u>	<u>\$ 43,817,218</u>	<u>\$ 8,443</u>	<u>\$ 50,974,295</u>
Total Deposits and Investments	<u>\$ 3,805,190</u>	<u>\$ 32,352</u>	<u>\$ 4,429,867</u>	<u>\$ 43,833,560</u>	<u>\$ 8,443</u>	<u>\$ 52,109,412</u>

OWOSSO PUBLIC SCHOOLS
BOARD OF EDUCATION
December 31, 2018
Report 18-94

Combined Statement of Revenue, Expenditures, and Fund Balance
General, School Service, and Capital Projects Funds
As of 12/31/2018
Unaudited

	General Fund			School Service Fund			Capital Projects Fund-Sinking Fund			% Rec'd/Used
	ORIGINAL BUDGET	YTD Actual	Over (Under) Budget	ORIGINAL BUDGET	YTD Actual	Over (Under) Budget	ORIGINAL BUDGET	YTD Actual	Over (Under) Budget	
REVENUE										
Local sources	3,607,249	333,425	(3,173,824)	313,584	76,899	(236,685)	1,633,917	32,947	(1,600,970)	2%
State sources	25,081,204	6,986,620	(18,114,584)	62,547	20,232	(42,315)	-	-	-	-
Federal sources	1,296,701	245,931	(1,050,770)	1,850,000	667,819	(982,181)	-	-	-	-
Interdistrict sources-RESD	557,963	12,012	(545,951)	-	-	-	-	-	-	-
Interdistrict sources-transfers in and other sources	91,633	30,774	(60,859)	-	-	-	-	-	-	-
Total revenue and other sources	\$ 30,534,750	\$ 7,598,762	\$ (22,945,988)	\$ 2,026,131	\$ 784,950	\$ (1,261,181)	\$ 1,633,917	\$ 85,564	\$ (1,548,353)	5%
EXPENDITURES										
INSTRUCTION										
BASIC PROGRAMS:										
ELEMENTARY	6,781,145	2,401,769	(4,379,376)	313,584	76,899	(236,685)	1,633,917	32,947	(1,600,970)	2%
MIDDLE SCHOOL	3,539,832	1,214,782	(2,325,050)	62,547	20,232	(42,315)	-	-	-	-
HIGH SCHOOL	3,930,648	1,343,145	(2,587,503)	1,850,000	667,819	(982,181)	-	-	-	-
ALTERNATIVE EDUCATION	591,373	205,118	(386,255)	-	-	-	-	-	-	-
PRESCHOOL	133,858	64,814	(69,042)	-	-	-	-	-	-	-
PRESCHOOL (MICHIGAN READINESS) GRANT	176,818	61,951	(115,267)	-	-	-	-	-	-	-
TOTAL BASIC PROGRAMS	\$ 15,153,672	\$ 5,291,179	\$ (9,862,493)	\$ 2,026,131	\$ 784,950	\$ (1,261,181)	\$ 1,633,917	\$ 85,564	\$ (1,548,353)	5%
ADDED NEEDS:										
SPECIAL EDUCATION	3,204,321	1,173,854	(2,030,467)	-	-	-	-	-	-	-
CHILDCARE PROGRAM	296,836	102,819	(193,817)	-	-	-	-	-	-	-
TITLE I GRANT	970,683	364,875	(605,818)	-	-	-	-	-	-	-
VOCATIONAL EDUCATION	658,211	208,061	(450,150)	-	-	-	-	-	-	-
AT RISK GRANT	1,414,916	373,950	(1,041,066)	-	-	-	-	-	-	-
ROBOTICS/CITE COUNSELOR/ADULT EDITING										
GRANTS	66,878	21,537	(45,341)	-	-	-	-	-	-	-
EARLY LITERACY GRANT/LITERACY COACH GRANT	50,150	16,098	(34,052)	-	-	-	-	-	-	-
TOTAL ADDED NEEDS	\$ 6,659,845	\$ 2,259,074	\$ (4,400,771)							
CONTINUING EDUCATION:										
COMMUNITY EDUCATION	143,262	71,382	(71,880)	-	-	-	-	-	-	-
TOTAL CONTINUING EDUCATION	\$ 143,262	\$ 71,382	\$ (71,880)							
TOTAL INSTRUCTION	\$ 21,956,779	\$ 7,621,635	\$ (14,335,144)							
SUPPORTING SERVICES:										
PUPIL SERVICES:										
GUIDANCE SERVICES	461,642	184,890	(276,752)	-	-	-	-	-	-	-
TOTAL PUPIL SERVICES	\$ 461,642	\$ 184,890	\$ (276,752)							
INSTRUCTIONAL STAFF:										
TITLE II, PART A/RURAL EDUCATION GRANT/TITLE IV	270,698	58,324	(212,374)	-	-	-	-	-	-	-
IMPROVEMENT OF INSTRUCTION	311,915	113,781	(198,134)	-	-	-	-	-	-	-
MEDIA SERVICES	148,867	64,385	(84,482)	-	-	-	-	-	-	-
TOTAL INSTRUCTIONAL STAFF	\$ 731,480	\$ 236,490	\$ (494,990)							
GENERAL ADMINISTRATION:										
BOARD OF EDUCATION	101,018	39,305	(61,713)	-	-	-	-	-	-	-
EXECUTIVE ADMINISTRATION	352,641	173,698	(179,043)	-	-	-	-	-	-	-
HUMAN RESOURCES	207,884	94,451	(113,433)	-	-	-	-	-	-	-
TOTAL GENERAL ADMINISTRATION	\$ 661,543	\$ 307,454	\$ (354,089)							
SCHOOL ADMINISTRATION:										
SCHOOL ADMINISTRATION	2,424,820	1,103,095	(1,321,725)	-	-	-	-	-	-	-
TOTAL SCHOOL ADMINISTRATION	\$ 2,424,820	\$ 1,103,095	\$ (1,321,725)							

OWOSSO PUBLIC SCHOOLS
 BOARD OF EDUCATION
 December 31, 2018
 Report 18-94

Combined Statement of Revenue, Expenditures, and Fund Balance
 General, School Service, and Capital Project Funds
 As of 12/31/2018
 Unaudited

	General Fund			School Service Fund			Capital Projects Fund- Sinking Fund					
	ORIGINAL BUDGET	YTD Actual	Over (Under) Budget	% Rec'd/ Used	ORIGINAL BUDGET	YTD Actual	Over (Under) Budget	% Rec'd/ Used	ORIGINAL BUDGET	YTD Actual	Over (Under) Budget	% Rec'd/ Used
BUSINESS SERVICES:												
FISCAL SERVICES	\$ 341,342	\$ 170,108	\$ (171,236)	50%								
TECHNOLOGY MANAGEMENT	\$ 398,556	\$ 145,431	\$ (253,125)	36%								
TOTAL BUSINESS SERVICES	\$ 739,898	\$ 315,539	\$ (424,359)	43%								
OPERATIONS AND MAINTENANCE:												
PUPIL TRANSPORTATION SERVICES	\$ 2,778,216	\$ 1,271,299	\$ (1,506,917)	46%								
OPERATIONS AND MAINTENANCE	\$ 2,778,216	\$ 1,271,299	\$ (1,506,917)	46%								
TOTAL PUPIL TRANSPORTATION	\$ 893,267	\$ 373,461	\$ (519,806)	42%								
OTHER SERVICES:												
COMMUNICATION SERVICES	\$ 55,117	\$ 19,791	\$ (35,326)	36%								
ATHLETICS	\$ 468,408	\$ 204,731	\$ (263,677)	45%								
PRINTING AND OTHER SUPPORT SERVICES	\$ 78,936	\$ 14,292	\$ (64,644)	18%								
TOTAL OTHER SERVICES	\$ 592,461	\$ 238,814	\$ (353,647)	40%								
TOTAL SUPPORTING SERVICES	\$ 9,283,327	\$ 4,030,940	\$ (5,252,387)	43%								
OUTGOING TRANSFERS/FUND MODIFICATIONS:												
OTHER	\$ 96,688	\$ 8,119	\$ (88,569)	8%								
TOTAL OUTGOING TRANSFERS/FUND MODIFICATIONS	\$ 96,688	\$ 8,119	\$ (88,569)	8%								
FOOD SERVICE EXPENDITURES												
CAPITAL PROJECT EXPENDITURES												
TOTAL EXPENDITURES	\$ 31,336,794	\$ 11,713,911	\$ (19,622,883)	37%	\$ 1,855,647	\$ 862,746	\$ (1,092,901)	44%	\$ 557,924	\$ 200,624	\$ (357,300)	36%
REVENUE OVER or (UNDER) EXPENDITURES	\$ (802,044)	\$ (4,124,648)	\$ (3,322,604)		\$ 1,855,647	\$ 862,746	\$ (1,092,901)	44%	\$ 557,924	\$ 200,624	\$ (357,300)	36%
AUDITED FUND BALANCE, JULY 1, 2018	3,621,357				101,477	101,477			4,527,464	4,527,464		
PROJECTED FUND BALANCES - June 30, 2018	2,719,313				171,961	171,961			5,603,457	5,603,457		

**OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2018
Report 18-95**

FOR ACTION

Subject:

Bylaws Resolution

Recommendation:

Resolve that the Owosso Board of Education Adopt the Bylaws for Owosso Public Schools as presented in this resolution.

WHEREAS, the Revised School Code changes the classification of the Owosso School District from a district of the third class to a general powers district under the code, and

WHEREAS, the Revised School Code requires that a general powers school district shall adopt bylaws to establish or change Board procedures, and

WHEREAS, under the Revised School Code current board procedures, bylaws, and policies in effect on January 1, 2018, shall continue in effect until changed by an action of the Board.

THEREFORE BE IT RESOLVED, that the Owosso Board of Education shall continue to operate under existing policies and procedures.

Motion
Seconded
Vote – Ayes Nays Motion

**OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019
18-96**

FOR ACTION

Subject:

Delegation of Election Duties

Recommendation:

Resolve that the Owosso Board of Education authorize the Superintendent of Schools or his/her designee to conduct and manage any school elections for the calendar year 2019.

Facts:

The Board secretary is responsible for the management of the school election – customarily, the Board of Education authorizes the Superintendent or his/her designee to manage school election activity. This allows for an easier flow of election procedures. However, the Board still must adopt any resolution authorizing any elections that may take place throughout the year.

Motion

Seconded

Vote – Ayes

Nays

Motion

**OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019**

Report 18-97

FOR ACTION

Subject:

Retainer – School Attorneys

Recommendation:

Resolve that the Owosso Board of Education retain Thrun Law Firm, P.C. as the District’s attorneys.

Facts:

Owosso Public Schools have a long-standing association with this law firm. The majority of school districts in Michigan retain the Thrun Law Firm. Thrun has proven to be a valuable resource to the Board and the Administration over the course of the relationship.

Motion
Seconded
Vote – Ayes Nays Motion

OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019

Report 18-98

FOR ACTION

Subject:

Resignations of Professional Staff

Recommendation:

Resolve that the Board of Education authorize the superintendent or a Board designee to accept professional staff resignations on behalf of the Board.

Rationale:

The Board is the only body to hire, discharge or release professional staff. Because resignations are a formality and for the efficiency of the organization, the superintendent accepts professional staff resignations. The Board is notified of such resignations through an informational report.

Motion

Seconded

Vote – Ayes

Nays

Motion

OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019
Report 18-99

FOR ACTION

Subject:

Designated Financial Institution Accounts and Authorized Signers for the calendar year 2019

Recommendation:

Resolve that the depository and withdrawal authorized signers for the Owosso Public Schools' financial and banking transactions for the 2019 calendar year be approved as presented including authorization for necessary ACH transactions and/or bank transfers.

Rationale:

Every fiscal year it is necessary for the Board to approve the authorized individuals to transact banking business for the various accounts held in the name of the District.

Facts and Statistics:

- The only changes to the list has been to include each building organization account as part of the authorization process. These accounts have been in existence for a number of years but have not formally been included on the list for authorization. Due to the fact that these accounts were originally opened utilizing the tax i.d. of the District, it was deemed prudent to include them in the annual process. It should be noted that these accounts are subject to the same review and audit process as the other accounts that are routinely utilized for District business.
- Positions, rather than actual names, have been presented for authorization to expedite any needed changes that may occur in staffing throughout the fiscal year.
- This is a routine business item that appears before the Board on an annual basis.

Motion

Seconded

Vote – Ayes

Nays

Motion

Owosso Public School
Financial Institution Accounts and Authorized Individuals to transact
banking on behalf of the District for the specified accounts
Calendar Year 2018

CHEMICAL BANK:

ACCOUNT	AUTHORIZED SIGNERS/INITIATORS
General Account	Chief Financial Officer Board Treasurer
Payroll Account	Chief Financial Officer Board Treasurer
Sinking Fund	Chief Financial Officer Board Treasurer
Capital Projects Fund	Chief Financial Officer Board Treasurer
School Service Fund	Chief Financial Officer Board Treasurer
Durant Fund	Chief Financial Officer Board Treasurer
High School Organization	Chief Financial Officer Board Treasurer
Middle School Organization	Chief Financial Officer Board Treasurer
Lincoln Organization account	Chief Financial Officer Board Treasurer Principal/Building Executive Secretary
Bryant Organization account	Chief Financial Officer Board Treasurer Principal/Building Executive Secretary
Central Organization account	Chief Financial Officer Board Treasurer Principal/Building Executive Secretary
Emerson Organization account	Chief Financial Officer Board Treasurer Principal/Building Executive Secretary
Athletic Officials	Chief Financial Officer Board Treasurer Athletic Secretary Athletic Director
Community Education Account	Chief Financial Officer Board Treasurer

CHEMICAL BANK SAVINGS ACCOUNTS:

ACCOUNT	AUTHORIZED SIGNERS/ INITIATORS
General Account	Chief Financial Officer Board Treasurer
Capital Projects Fund	Chief Financial Officer Board Treasurer
Durant	Chief Financial Officer Board Treasurer
Sinking Fund	Chief Financial Officer Board Treasurer

MICHIGAN CLASS ACCOUNTS:

ACCOUNT	AUTHORIZED SIGNERS/INITIATORS
General Account	Chief Financial Officer Board Treasurer
Sinking Fund	Chief Financial Officer Board Treasurer

OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019
Report 18-100

FOR ACTION

Subject:

SRES Designation of Representative Resolution

Recommendation:

Resolve that the Board of Education appoint one member of their board as a representative of the Shiawassee County School Board Executive Board and at the SRES Designation of Representative Resolution.

Rationale:

According to Public Act 234 of 2004, it is required that a meeting be held to submit a proposed general operating fund budget of the Shiawassee Regional Education Service District (SRES) to the constituent boards of education.

Facts:

Also pursuant to Public Act 234 of 2004, constituent Boards are required to adopt a resolution in support for or disapproval of the proposed budget, which will be presented on Monday, May 6, 2019. If the budget is not approved the district shall submit to Shiawassee RESD any specific objections and proposed changes the constituent district board has to the budget.

Motion

Seconded

Vote – Ayes

Nays

Motion

<p>DESIGNATION OF REPRESENTATIVE For the Proposed General Fund Operating Budget of the Shiawassee RESD for 2019-2020</p>

A regular meeting of the Board of Education of the Owosso Public School District was held at the Owosso High School on January 28, 2019 at 5:307 pm.

Members present were: Tim Jenc, Sara Keyes, Ty Krauss, Rick Mowen, Shelly Ochodnicky, Olga Quick, and Marlene Webster.

The following preamble and resolution were offered by Member _____ and seconded by Member_____.

WHEREAS:

The Shiawassee Regional Education Service District (SRES) Board has called a regular meeting on Monday, May 6, 2019 in the lower level Conference Room A of the Shiawassee RESD, 114 W. North Street, Owosso, Michigan. The purpose of the meeting will be to review the 2019-2020 Proposed General Fund Operating Budget of the Shiawassee Regional Education Service District.

THEREFORE BE IT RESOLVED THAT:

Rick Mowen be designated to represent the Board of Education of the Owosso Public School District at said meeting in Conference Room A (lower level) of the Shiawassee RESD, 114 W. North Street, Owosso, Michigan, on Monday, May 6, 2019 at 7:00 p.m.

Ayes:	Members
Nays:	Members

Motion declared unanimously.

Signed:

Secretary

OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019
Report 18-101

FOR ACTION

Subject:

Revised policies: 1422, 3122, 4122 – Non Discrimination and EEO (Administration, Professional and Support Staff); 1662, 3362, 4362 – Anti-Harassment (Administration, Professional and Support Staff); 2260 – Non Discrimination and EEO (Programs); 5517 – Anti-Harassment (Students); 5517.02 – Sexual Violence (Students), 2nd readings

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 2nd readings: 1422, 3122, 4122 – Non Discrimination and EEO (Administration, Professional and Support Staff); 1662, 3362, 4362 – Anti-Harassment (Administration, Professional and Support Staff); 2260 – Non Discrimination and EEO (Programs); 5517 – Anti-Harassment (Students); 5517.02 – Sexual Violence (Students)

Facts / Statistics:

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

These revisions are strongly recommended for adoption by NEOLA but not required.

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

policy

**BOARD OF EDUCATION
OWOSSO PUBLIC SCHOOLS**

ADMINISTRATION
1422/page 1 of 15

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The Board of Education does not discriminate on the basis of race, color, national origin, sex, (including sexual orientation or transgender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information, or any other legally protected category, (collectively, "Protected Classes"), in its programs and activities, including employment opportunities.

District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

Cathy Dwyer
Assistant Principal OMS
219 North Water St.
Owosso, MI 48867

Jeff Phillips
Principal OHS
765 E. North St.
Owosso, MI 48867

989-723-3460
dwyc@owosso.k12.mi.us

989-723-8231
phillips@owosso.k12.mi.us

The names, titles, and contact information of these individuals will be published annually on the School District's web site.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. Any sections of the District's collective bargaining agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

policy

**BOARD OF EDUCATION
OWOSSO PUBLIC SCHOOLS**

ADMINISTRATION
1422/page 2 of 15

Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other District-level official so that the Board may address the conduct. Any administrator, supervisor, or other District-level employee or official who receives such a complaint shall file it with the CO within two (2) school days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any District employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any District employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other District employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the employee within two (2) business days to advise him/her of the District's intent to investigate the wrongdoing.

policy

**BOARD OF EDUCATION
OWOSSO PUBLIC SCHOOLS**

ADMINISTRATION
1422/page 3 of 15

Investigation and Complaint Procedure (See Form 1422 F2)

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights or Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop quickly inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been unlawfully discriminated or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Employees who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community against a student will be formally investigated.

policy

**BOARD OF EDUCATION
OWOSSO PUBLIC SCHOOLS**

ADMINISTRATION
1422/page 4 of 15

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the CO may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to one of the COs; and/or (3) to the Superintendent or other District-level employee.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide employees who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 1422 – Non-Discrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works.
- C. If both parties agree, the CO may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

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While there are no set time limits within which an informal complaint must be resolved, the CO or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

~~All materials generated as part of the informal complaint process will be retained by the COs in accordance with the District's records retention policy. (See Policy 8310)~~

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

An individual who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with a principal, the CO, Superintendent, or other District-level employee. Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a principal, Superintendent, or other District-level employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview,

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and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

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Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 1422 - Non-Discrimination. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

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At the conclusion of the investigation, the CO or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the District's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

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The Complainant may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

~~All public records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the CO in accordance with the District's records retention policy.~~

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Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

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Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;**
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;**

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- C. any documentation that memorializes the actions taken by District personnel related to the investigation and/or the District's response to the alleged violation of this policy;**
- D. written witness statements;**
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;**
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);**
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;**
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;**
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;**
- J. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;**

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- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;**
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct);**
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;**

[DRAFTING NOTE: The following options should be selected if the District concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- () documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**
- () documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;**

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- (X) copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;**
- () copies of any notices sent to the complainant and alleged perpetrator in advance of any interview or hearing;**
- (X) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the complainant or the alleged perpetrator.**

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

M.C.L. 37.2101 et seq., 37.1101 et seq.
 Fourteenth Amendment, U.S. Constitution
 20 U.S.C. Section 1681, Title IX of Education Amendment Act
 20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
 20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
 42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
 42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
 34 C.F.R. Part 110 (7/27/93)
 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
 42 U.S.C. 2000e et seq., Civil Rights Act of 1964
 29 U.S.C. 701 et seq., Rehabilitation Act of 1973 as amended
 29 C.F.R. Part 1635

Adopted 5/12/14
Revised 1/28/19

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REVISED POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The Board of Education does not discriminate on the basis of race, color, national origin, sex, (including sexual orientation and transgender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information or any other legally protected category, (collectively, "Protected Classes"), in its programs and activities, including employment opportunities.

District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinator") (hereinafter referred to as the "COs").

Cathy Dwyer
Assistant Principal OMS
219 North Water St.
Owosso, MI 48867

Jeff Phillips
Principal OHS
765 E. North St.
Owosso, MI 48867

989-723-3460
dwyerc@owosso.k12.mi.us

989-723-8231
phillips@owosso.k12.mi.us

The names, titles, and contact information of these individuals will be published annually on the School District's web site.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II, of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, and Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members, and the general public. Any sections of the District's collective bargaining agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

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Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other District-level official so that the Board may address the conduct. Any administrator, supervisor, or other District-level employee or official who receives such a complaint shall file it with the CO within two (2) school days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any District employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any District employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the employee within two (2) business days to advise him/her of the District's intent to investigate the alleged wrongdoing.

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Investigation and Complaint Procedure (See Form 3122 F2)

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights or Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to quickly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been unlawfully discriminated or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Employees who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community against a student will be formally investigated.

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As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful misconduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the CO may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to one of the COs; and/or (3) to the Superintendent or other District-level employee.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide employees who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concern to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 3122 – Non-Discrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works.
- C. If both parties agree, the CO may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

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While there are no set time limits within which an informal complaint must be resolved, the CO or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

~~All materials generated as part of the informal complaint process will be retained by the COs in accordance with the Board's records retention policy. (See Policy 8310)~~

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

An individual who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with a Principal, the CO, Superintendent, or other District-level employee. Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a Principal, Superintendent, or other District-level employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in; the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview,

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and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

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Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deem appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 3122 - Non-Discrimination. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

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At the conclusion of the investigation, the CO or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provide recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the District's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, she/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Superintendent's final decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

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The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee alleging the misconduct pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

~~All public records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the CO in accordance with the District's records retention policy.~~

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Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

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Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;**
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;**

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- C. any documentation that memorializes the actions taken by District personnel related to the investigation and/or the District's response to the alleged violation of this policy;**
- D. written witness statements;**
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;**
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);**
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;**
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;**
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;**
- J. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;**

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- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;**
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct);**
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;**

[DRAFTING NOTE: The following options should be selected if the District concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- () documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**
- () documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;**

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REVISED POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018

**NONDISCRIMINATION AND
EQUAL EMPLOYMENT OPPORTUNITY**

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information, or any other legally protected category, (collectively, "Protected Classes") in its programs and activities, including employment opportunities.

District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinator") (hereinafter referred to as the "COs").

Cathy Dwyer
Assistant Principal OMS
219 North Water St.
Owosso, MI 48867

Jeff Phillips
Principal OHS
765 E. North St.
Owosso, MI 48867

989-723-3460
dwyerc@owosso.k12.mi.us

989-723-8231
phillips@owosso.k12.mi.us

The names, titles, and contact information of these individuals will be published annually on the School District's web site.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, and Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975, is provided to staff members, and the general public. Any sections of the District's collective bargaining agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the District's statement above. In addition, any gender-specific terms should be eliminated from such contracts. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

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Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other District-level official so that the Board may address the conduct. Any administrator, supervisor, or other District-level employee or official who receives such a complaint shall file it with the CO within two (2) school days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any District employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any District employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the employee within two (2) business days to advise him/her of the District's intent to investigate the alleged wrongdoing.

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Investigation and Complaint Procedure (See Form 4122 F2)

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights or Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to quickly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been unlawfully discriminated or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Employees who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community against a student will be formally investigated.

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As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful misconduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the CO may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to one of the COs; and/or (3) to the Superintendent or other District-level employee.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide employees who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concern to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 4122 – Non-Discrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works.
- C. If both parties agree, the CO may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

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While there are no set time limits within which an informal complaint must be resolved, the CO or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

~~All materials generated as part of the informal complaint process will be retained by the COs in accordance with the Board's records retention policy. (See Policy 8310)~~

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

An individual who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with a Principal, the CO, Superintendent, or other District-level employee. Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a Principal, Superintendent, or other District-level employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

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If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deem appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 4122 - Non-Discrimination. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;

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- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the District's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, she/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

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- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the District's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, she/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

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A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Superintendent's final decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee alleging the misconduct pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

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During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

~~All public records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the CO in accordance with the District's records retention policy.~~

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

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Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;**
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;**

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- C. any documentation that memorializes the actions taken by District personnel related to the investigation and/or the District's response to the alleged violation of this policy;**
- D. written witness statements;**
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;**
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);**
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;**
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;**
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;**
- J. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;**

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- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;**
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct);**
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;**

[DRAFTING NOTE: The following options should be selected if the District concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- () documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**
- () documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;**

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- (X) copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;**
- () copies of any notices sent to the complainant and alleged perpetrator in advance of any interview or hearing;**
- (X) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the complainant or the alleged perpetrator.**

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

M.C.L. 37.2101 et seq., 37.1101 et seq.
 Fourteenth Amendment, U.S. Constitution
 20 U.S.C. Section 1681, Title IX of Education Amendment Act
 20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
 20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
 42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
 42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
 34 C.F.R. Part 110 (7/27/93)
 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
 42 U.S.C. 2000e et seq., Civil Rights Act of 1964
 29 U.S.C. 701 et seq., Rehabilitation Act of 1973 as amended
 29 C.F.R. Part 1635

Revised 1/10/11
 Revised 5/12/14
 Revised 1/28/19

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REVISED POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018

ANTI-HARASSMENT

General Policy Statement

It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, or genetic information (collectively, "Protected Classes") that are protected by Federal civil rights laws (hereinafter referred to as "unlawful harassment"), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means students, administrators, and professional and support staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "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 School District property).

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Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Definitions

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;

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- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or school employee that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

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- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

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- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- J. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.
- K. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

NOTE: Sexual conduct/relationships with students by District employees or any other adult member of the School District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery". The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

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Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancstry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

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Reports and Complaints of Harassing Conduct

Members of the School District community, which includes all staff, and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a complaint shall file it with the District's Anti-Harassment Compliance Officer at his/her first convenience.

Members of the School District community or third parties who believe they have been unlawfully harassed by another member of the School District community or a third party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal will report the act of bullying, aggressive behavior and/or harassment to one of the Anti-Harassment Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Principal informed of the status of the Policy 1662 investigation and provide him/her with a copy of the resulting written report.

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Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers" for the District. They are hereinafter referred to as the "Compliance Officers".

Cathy Dwyer
Assistant Principal OMS
219 North Water St.
Owosso, MI 48867

Jeff Phillips
Principal OHS
765 E. North St.
Owosso, MI 48867

989-723-3460
dwyerc@owosso.k12.mi.us

989-723-8231
phillips@owosso.k12.mi.us

The names, titles, and contact information of these individuals will be published annually on the School District's web site.

The Compliance Officers will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School District community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

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Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) business days to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Investigation and Complaint Procedure (See Form 1662 F1)

Any employee or other member of the School District community or third party (e.g., visitor to the District) who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights or Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the School District community, or third party who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint and will only be utilized where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

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Employees, other members of the School District community, or third parties who believe that they have been unlawfully harassed or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving a District employee, any other adult member of the School District community, or a third party against a student will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (2) directly to one of the Compliance Officers; and/or (3) to the Superintendent or other District-level employee.

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide employees, other members of the School District community, or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.

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- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

~~All materials generated as part of the informal complaint process will be retained by the Compliance Officers in accordance with the Board's records retention policy and/or Student Records policy. (See Policy 8310 and Policy 8330)~~

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

An individual who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing, with a teacher, Principal, the Compliance Officer, Superintendent, or other District employee. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, Superintendent, or other District employee, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer or designee within two (2) business days.

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Throughout the course of the process, the Compliance Officer should keep the parties informed of the status of the investigation and the decision making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation.

Simultaneously, the Compliance Officer will inform the individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant Administrative Guidelines, including the Board's Anti-Harassment Policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

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Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the date of the Superintendent's final decision.

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In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the School District community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

~~All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the School Board's records retention policy. Any records that are considered student education records in accordance with the Family Educational Rights and Privacy Act or under Michigan's student records law will be maintained in a manner consistent with the provisions of the Federal and State laws.~~

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Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any school teacher or school employee who knows or suspects that a child ~~with a disability under the age of twenty one (21) or that a child~~ under the age of eighteen (18) ~~or that a person with a disability receiving services as a student from the school regardless of age~~ has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

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Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by District personnel related to the investigation and/or the District's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or

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constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);

- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;**
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;**

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- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;**
- J. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;**
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;**
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct);**

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- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;**

[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- () documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**
- () documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;**
- (X) copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;**

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- () copies of any notices sent to the complainant and alleged perpetrator in advance of any interview or hearing;
- (X) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the complainant or the alleged perpetrator.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.
 20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
 29 U.S.C. 621 et seq, Age Discrimination in Employment Act of 1967
 29 U.S.C. 6101, The Age Discrimination Act of 1975
 42 U.S.C. 2000e et seq.
 42 U.S.C. 1983
 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
 29 C.F.R. Part 1635
 Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.
 29 U.S.C. 794, Rehabilitation Act of 1973, as amended
 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
 The Handicappers' Civil Rights Act, M.C.L. 37.1101 et seq.
 The Elliott-Larsen Civil Rights Act, M.C.L. 37.2101, et seq.
 Policies on Bullying, Michigan State Board of Education, 7-19-01
 Model Anti-Bullying Policy, Michigan State Board of Education, 09-2006
 National School Boards Association Inquiry and Analysis – May 2008

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REVISED POLICY- VOL. 33, NO. 1 – SEPTEMBER 2018

ANTI-HARASSMENT

General Policy Statement

It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and transgender identity), disability, age (except as authorized by law), religion, height, weight, marital or family status, military status ancestry, or genetic information (collectively, "Protected Classes") that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means students, administrators, and professional and support staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "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 School District property).

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Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Definitions

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;

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- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or school employee that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

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- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

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- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- J. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.
- K. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

NOTE: Sexual conduct/relationships with students by District employees or any other adult member of the School District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery". The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

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Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

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Reports and Complaints of Harassing Conduct

Members of the School District community, which includes all staff, and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a complaint shall file it with the District's Anti-Harassment Compliance Officer at his/her first convenience.

Members of the School District community or third parties who believe they have been unlawfully harassed by another member of the School District community or a third party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal will report the act of bullying, aggressive behavior and/or harassment to one of the Anti-Harassment Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Principal informed of the status of the Policy 3362 investigation and provide him/her with a copy of the resulting written report.

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Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers" for the District. They are hereinafter referred to as the "Compliance Officers".

Cathy Dwyer
Assistant Principal OMS
219 North Water St.
Owosso, MI 48867

Jeff Phillips
Principal OHS
765 E. North St.
Owosso, MI 48867

989-723-3460
dwyerc@owosso.k12.mi.us

989-723-8231
phillips@owosso.k12.mi.us

The names, titles, and contact information of these individuals will be published annually on the School District's web site.

The Compliance Officers will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School District community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

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Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) business days to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Investigation and Complaint Procedure (See Form 3362 F1)

Any employee or other member of the School District community or third party (e.g., visitor to the District) who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights or Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the School District community, or third party who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint and will only be utilized where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

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Employees, other members of the School District community, or third parties who believe that they have been unlawfully harassed or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving a District employee, any other adult member of the School District community, or a third party against a student will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (2) directly to one of the Compliance Officers; and/or (3) to the Superintendent or other District-level employee.

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

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The School District's informal complaint procedure is designed to provide employees, other members of the School District community, or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

~~All materials generated as part of the informal complaint process will be retained by the Compliance Officers in accordance with the Board's records retention policy and/or Student Records policy. (See Policy 8310 and Policy 8330)~~

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

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An individual who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing, with a teacher, Principal, the Compliance Officer, Superintendent, or other District employee. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, Superintendent, or other District employee, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties informed of the status of the investigation and the decision making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Superintendent.

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Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation.

Simultaneously, the Compliance Officer will inform the individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant Administrative Guidelines, including the Board's Anti-Harassment policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used.

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Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Superintendent's final decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the School District community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent.

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During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

~~All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the School Board's records retention policy. Any records that are considered student education records in accordance with the *Family Educational Rights and Privacy Act* or under Michigan's student records law will be maintained in a manner consistent with the provisions of the Federal and State laws.~~

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

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Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any school teacher or school employee who knows or suspects that a child ~~with a disability under the age of twenty-one (21) or that a child~~ under the age of eighteen (18) **or that a person with a disability receiving services as a student from the school regardless of age** has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

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Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;**
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;**
- C. any documentation that memorializes the actions taken by District personnel related to the investigation and/or the District's response to the alleged violation of this policy;**
- D. written witness statements;**
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;**
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);**

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- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;**
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;**
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;**
- J. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;**
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;**
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct);**
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;**

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[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- () documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**
- () documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;**
- (X) copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;**
- () copies of any notices sent to the complainant and alleged perpetrator in advance of any interview or hearing;**
- (X) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the complainant or the alleged perpetrator.**

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The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.
20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
29 U.S.C. 621 et seq, Age Discrimination in Employment Act of 1967
29 U.S.C. 6101, The Age Discrimination Act of 1975
42 U.S.C. 2000e et seq.
42 U.S.C. 1983
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635
Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.
29 U.S.C. 794, Rehabilitation Act of 1973, as amended
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
The Handicappers' Civil Rights Act, M.C.L. 37.1101 et seq.
The Elliott-Larsen Civil Rights Act, M.C.L. 37.2101, et seq.
Policies on Bullying, Michigan State Board of Education, 7-19-01
Model Anti-Bullying Policy, Michigan State Board of Education, 09-2006
National School Boards Association Inquiry and Analysis – May 2008

Revised 7/12/10
Revised 5/12/14

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REVISED POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018

ANTI-HARASSMENT

General Policy Statement

It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, or genetic information (collectively, "Protected Classes") that are protected by Federal civil rights laws (hereinafter referred to as "unlawful harassment"), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means students, administrators, and professional and support staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "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 School District property).

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Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Definitions

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;

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- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or school employee that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

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- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

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- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- J. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.
- K. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

NOTE: Sexual conduct/relationships with students by District employees or any other adult member of the School District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery". The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

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Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

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Reports and Complaints of Harassing Conduct

Members of the School District community, which includes all staff, and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a complaint shall file it with the District's Anti-Harassment Compliance Officer at his/her first convenience.

Members of the School District community or third parties who believe they have been unlawfully harassed by another member of the School District community or a third party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal will report the act of bullying, aggressive behavior and/or harassment to one of the Anti-Harassment Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Principal informed of the status of the Policy 4362 investigation and provide him/her with a copy of the resulting written report.

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Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers" for the District. They are hereinafter referred to as the "Compliance Officers".

Cathy Dwyer
Assistant Principal OMS
219 North Water St.
Owosso, MI 48867

Jeff Phillips
Principal OHS
765 E. North St.
Owosso, MI 48867

989-723-3460
dwycrc@owosso.k12.mi.us

989-723-8231
phillips@owosso.k12.mi.us

The names, titles, and contact information of these individuals will be published annually on the School District's web site.

The Compliance Officers will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School District community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

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Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) business days to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Investigation and Complaint Procedure (See Form 4362 F1)

Any employee or other member of the School District community or third party (e.g., visitor to the District) who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights or Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the School District community, or third party who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint and will only be utilized where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

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Employees, other members of the School District community, or third parties who believe that they have been unlawfully harassed or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving a District employee, any other adult member of the School District community, or a third party against a student will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (2) directly to one of the Compliance Officers; and/or (3) to the Superintendent or other District-level employee.

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

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The School District's informal complaint procedure is designed to provide employees, other members of the School District community, or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

~~All materials generated as part of the informal complaint process will be retained by the Compliance Officers in accordance with the Board's records retention policy and/or Student Records policy. (See Policy 8310 and Policy 8330)~~

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

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An individual who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing, with a teacher, Principal, the Compliance Officer, Superintendent, or other District employee. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, Superintendent, or other District employee, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties informed of the status of the investigation and the decision making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Superintendent.

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Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation.

Simultaneously, the Compliance Officer will inform the individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant Administrative Guidelines, including the Board's Anti-Harassment policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent.

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Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Superintendent's final decision

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the School District community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent.

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During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

~~All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the School Board's records retention policy. Any records that are considered student education records in accordance with the Family Educational Rights and Privacy Act or under Michigan's student records law will be maintained in a manner consistent with the provisions of the Federal and State laws.~~

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

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Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any school teacher or school employee who knows or suspects that a child ~~with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18)~~ **or that a person with a disability receiving services as a student from the school regardless of age** has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

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Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;**
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;**
- C. any documentation that memorializes the actions taken by District personnel related to the investigation and/or the District's response to the alleged violation of this policy;**
- D. written witness statements;**
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;**
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);**

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- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;**
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;**
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;**
- J. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;**
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;**
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct);**
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;**

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[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- () documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]
- () documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;
- (X) copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;
- () copies of any notices sent to the complainant and alleged perpetrator in advance of any interview or hearing;
- (X) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the complainant or the alleged perpetrator.

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The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.
20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
29 U.S.C. 621 et seq, Age Discrimination in Employment Act of 1967
29 U.S.C. 6101, The Age Discrimination Act of 1975
42 U.S.C. 2000e et seq.
42 U.S.C. 1983
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635
Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.
29 U.S.C. 794, Rehabilitation Act of 1973, as amended
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
The Handicappers' Civil Rights Act, M.C.L. 37.1101 et seq.
The Elliott-Larsen Civil Rights Act, M.C.L. 37.2101, et seq.
Policies on Bullying, Michigan State Board of Education, 7-19-01
Model Anti-Bullying Policy, Michigan State Board of Education, 09-2006
National School Boards Association Inquiry and Analysis – May 2008

Revised 7/12/10
Revised 5/12/14
Revised 1/28/19

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REVISED POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018

**NONDISCRIMINATION AND
ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship and/or personal sense of self-worth.

As such, the Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities.

The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students, and does not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the Superintendent shall:

A. Curriculum Content

review current and proposed courses of study and textbooks to detect any bias based upon Protected Classes, ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;

B. Staff Training

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon Protected Classes in all aspects of the program;

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C. Student Access

1. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;
2. verify that facilities are made available, in accordance with Board Policy 7510 - Use of District Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

This language does not prohibit the District from establishing and maintaining a single-gender school, class, or program within a school if a comparable school, class, or program is made available to students of each gender.

D. District Support

verify that like aspects of the District program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. Student Evaluation

verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of Protected Classes.

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District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

Cathy Dwyer
Assistant Principal OMS
219 North Water St.
Owosso, MI 48867

Jeff Phillips
Principal OHS
765 E. North St.
Owosso, MI 48867

989-723-3460
dwycrc@owosso.k12.mi.us

989-723-8231
phillips@owosso.k12.mi.us

The names, titles, and contact information of these individuals will be published annually on the School District's web site.

The District will accommodate the use of certified service animals when there is an established need for such supportive aid in the school environment. Certain restrictions may be applied when necessary due to allergies, health, safety, disability or other issues of those in the classroom or school environment. The goal shall be to provide all students with the same access and participation opportunities provided to other students in school. Confirmation of disability, need for a service animal to access the school programming, and current certification/training of the service animal may be required.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination Act of 1975 is provided to students, their parents, staff members, and the general public. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

The Superintendent shall annually attempt to identify children with disabilities, ages 0-25, who reside in the District but do not receive public education.

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In addition, s/he shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in District programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis (also see Policy 2225).

Reports and Complaints of Unlawful Discrimination and Retaliation

Students and all other members of the School District community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other District official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the CO within two (2) school days.

Members of the School District community, which includes students or third parties, who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a Protected Class, the Principal shall report the act to one of the COs who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the CO's written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide him/her with a copy of the resulting written report.

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The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the student, if age eighteen (18) or older, or the student's parents if the student is under the age eighteen (18), within two (2) school days to advise s/he/them of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedure

Any student who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

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The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"). The Cleveland Office of the OCR can be reached at 1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44115; Telephone: (216) 522-4970; Fax: (216) 522-2573; TDD: (216) 522-4944; E-mail: ocr.cleveland@ed.gov; Web: <http://www.ed.gov/ocr>.

Informal Complaint Procedure

The goal of the informal complaint procedure is to quickly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully discriminated or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

The informal process is only available in those circumstances where the parties (the alleged target of the discrimination and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Students who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community against a student will be formally investigated.

As an initial course of action, if a student feels that s/he is being unlawfully discriminated/retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the CO may advise against the use of the informal complaint process.

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A student who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other District-level employee; and/or (3) directly to one of the COs.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide students who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the student about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 2260 – Non-Discrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the CO may arrange and facilitate a meeting between the student claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

~~All materials generated as part of the informal complaint process will be retained by the COs in accordance with the Board's records retention policy and/or student records policy. (See Policy 8310 and Policy 8330)~~

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Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one (1) of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the student elects to file a formal complaint initially, the formal complaint process shall be implemented.

A student who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant") may file a formal complaint, either orally or in writing, with a teacher, Principal, or other District employee at the student's school, the CO, Superintendent, or another District employee who works at another school or at the District level. Due to the sensitivity surrounding complaints of unlawful discrimination, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a teacher, Principal, or other District employee at the student's school, Superintendent, or other District employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in; the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person alleged to have engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

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Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent") that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260 - Nondiscrimination. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if unlawful discrimination or retaliation occurred, a preponderance of evidence standard will be used.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

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If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Superintendent's final decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the student alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant may be represented, at his/her own cost, at any of the above described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a Complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

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Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

~~All records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the CO in accordance with the Board's records retention policy. Any records that are considered student education records in accordance with the Family Educational Rights and Privacy Act or under Michigan's student records law will be maintained in a manner consistent with the provisions of the Federal and State law.~~

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

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Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information, provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

The District will endeavor to assist the student and/or his/her parents in their access to District programs by providing notices to the parents and students in a language and format that they are likely to understand.

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Materials approved by the State Department of Education describing the benefits of instruction in Braille reading and writing shall be provided to each blind student's individualized planning committee. The District shall not deny a student the opportunity for instruction in Braille, reading, and writing solely because the student has some remaining vision.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315) created and received as part of an investigation, which may include, but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;**
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;**
- C. any documentation that memorializes the actions taken by District personnel related to the investigation and/or the District's response to the alleged violation of this policy;**
- D. written witness statements;**
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;**
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);**
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;**

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- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;**
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;**
- J. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;**
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;**

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- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct);**
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;**

[DRAFTING NOTE: The following options should be selected if the District concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- () documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**
- () documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;**
- (X) copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;**

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- () **copies of any notices sent to the complainant and alleged perpetrator in advance of any interview or hearing;**
- (X) **copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the complainant or the alleged perpetrator.**

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

These investigative records and materials created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

M.C.L. 380.1146, 380.1704, 37.1101 et seq., 37.2402, 37.1402, 37.2101-37.2804
Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1681, Title IX of Education Amendments Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

29 U.S.C. Section 794, Rehabilitation Act of 1973, as amended

29 C.F.R. Part 1635

42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964

42 U.S.C. Section 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

34 C.F.R. Part 110 (7/27/93)

Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended

Title III of the No Child Left Behind Act of 2001

Revised 12/11/06

Revised 1/10/11

Revised 6/23/14

Revised 1/28/19

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REVISED POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018

ANTI-HARASSMENT

General Policy Statement

It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and transgender identity), disability, age (except as authorized by law), religion, height, weight, marital or family status, military status, ancestry, or genetic information (collectively, "Protected Classes") that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means students, administrators, and professional and support staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "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 School District property).

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Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's supervisory duties.

Definitions

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and the bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation, or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;

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- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

Harassment

Harassment means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or school employee that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

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- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

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- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.
- J. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

NOTE: Sexual conduct/relationships with students by District employees or any other adult member of the School District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery." The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

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Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

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Reports and Complaints of Harassing Conduct

Students and other members of the School District community and third parties are encouraged to promptly report incidents of harassing conduct to a teacher, administrator, supervisor or other District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the District's Anti-Harassment Compliance Officer within two (2) school days.

Members of the School District community, which includes students, or third parties who believe they have been unlawfully harassed are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal 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 shall report the act of bullying, aggressive behavior and/or harassment to one of the Anti-Harassment Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Principal informed of the status of Policy 5517 investigation and provide him/her with a copy of the resulting written report.

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Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers" for the District. They are hereinafter referred to as the "Compliance Officers."

Cathy Dwyer
Assistant Principal OMS
219 North Water St.
Owosso, MI 48867

Jeff Phillips
Principal OHS
765 E. North St.
Owosso, MI 48867

989-723-3460
dwyerc@owosso.k12.mi.us

989-723-8231
phillips@owosso.k12.mi.us

The names, titles, and contact information of these individuals will be published annually on the School District's web site.

The Compliance Officers will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student, other member of the School District community or third party in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the person alleging the harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

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Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) school days to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Investigation and Complaint Procedure

Any student who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment or retaliation and a process for rendering a decision regarding whether the claim of legally prohibited harassment or retaliation was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

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Students who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.

Students who believe that they have been unlawfully harassed or retaliated may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving a District employee or any other adult member of the School District community against a student will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated.

As an initial course of action, if a student feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A student who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other District-level employee; and/or (3) directly to one of the Compliance Officers.

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

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The School District's informal complaint procedure is designed to provide students who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the student about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the student claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

~~All materials generated as part of the informal complaint process will be retained by the Compliance Officers in accordance with the School Board's records retention policy and/or Student Records policy. (See Policy 8310 and Policy 8330.)~~

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the student elects to file a formal complaint initially, the formal complaint process shall be implemented.

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A student who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the "Complainant," may file a formal complaint, either orally or in writing, with a teacher, principal, or other District employee at the student's school, the Compliance Officer, Superintendent, or another District employee who works at another school or at the district level. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, or other District employee at the student's school, Superintendent, or other District employee, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Superintendent.

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Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation.

Simultaneously, the Compliance Officer will inform the individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent," that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant administrative guidelines, including the Board's Anti-Harassment policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used.

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Absent extenuating circumstances, within ten (10) school days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) school days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Superintendent's final decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the student alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent.

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During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

~~All records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the Board's records retention policy. Any records that are considered student education records in accordance with the Family Educational Rights and Privacy Act or under Michigan's student records law will be maintained in a manner consistent with the provisions of the Federal and State law.~~

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

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Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any school teacher or school employee who knows or suspects that a student with a disability who is twenty-six (26) years or younger or a student under the age of eighteen (18) has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

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Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;**
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;**
- C. any documentation that memorializes the actions taken by District personnel related to the investigation and/or the District's response to the alleged violation of this policy;**
- D. written witness statements;**
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;**
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);**
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other**

policy

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documents;**

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- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;**

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- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;**
- J. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;**
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;**
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct);**
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;**

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[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- () documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**
- () documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;**
- (X) copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;**
- () copies of any notices sent to the complainant and alleged perpetrator in advance of any interview or hearing;**
- (X) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the complainant or the alleged perpetrator.**

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The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.
 20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
 20 U.S.C. 1681 et seq.
 29 U.S.C. 794, Rehabilitation Act of 1973, as amended
 29 U.S.C. 6101, The Age Discrimination Act of 1975
 42 U.S.C. 2000d et seq.
 42 U.S.C. 2000e et seq.
 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
 42 U.S.C. 1983
 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
 29 C.F.R. Part 1635
 Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.
 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794
 The Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.
 The Handicappers' Civil Rights Act, M.C.L. 37.1101 et seq.
 The Elliott-Larsen Civil Rights Act, M.C.L. 37.2101, et seq.
 Policies on Bullying, Michigan State Board of Education, 7-19-01
 Model Anti-Bullying Policy, Michigan State Board of Education, 09-2006
 National School Boards Association Inquiry and Analysis – May 2008

Revised 8/23/10
 Revised 6/23/14
Revised 1/28/19

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REVISED POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018

SEXUAL VIOLENCE

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its education programs and activities. The Board is committed to maintaining an education and work environment that is free from all forms of unlawful harassment, including sexual harassment.

Sexual harassment, including sexual violence, interferes with students' rights to receive an education free from discrimination, and, in the case of sexual violence, is a crime. Pursuant to its Title IX obligations, the Board is committed to eliminating sexual violence in all forms and will take appropriate action against any individual found responsible for violating this policy. To further its commitment against sexual violence, the Board provides reporting options, an investigative and disciplinary process, and other related services as appropriate.

This policy applies to all student complaints, whether filed by a student, his/her parent, an employee, or third party on the student's behalf. It applies to all District operations, programs, and activities, as well as to unlawful conduct occurring on school property or during a Board-sponsored activity. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment.

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Definitions

Sexual Harassment

As detailed further in Policy 5517, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature. Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Examples include, but are not limited to:

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. unwanted physical and/or sexual contact;
- C. threats or insinuations implying that a person's conditions of education may be adversely affected by not submitting to sexual advances;
- D. unwelcome sexual verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; unwelcome sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- H. speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;

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- I. inappropriate boundary invasions into a student's personal space and personal life; and
- J. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual Violence

Sexual violence, as used in this policy, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age, intellectual or other disability, or use of drugs or alcohol).

Sexual violence includes rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sexual harassment and, in turn, sex discrimination prohibited by Title IX.

Harassing conduct creates a hostile environment when it interferes with or limits a student's ability to participate in or benefit from the school's program. A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. For example, a single instance of rape is sufficiently severe to create a hostile environment.

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Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers" for the District. They are hereinafter referred to as the "Compliance Officers."

Jeff Phillips
(Name)

Cathy Dwyer
(Name)

Principal Owosso High School
(School District Title)

Assistant Principal Owosso Middle School
(School District Title)

989-723-8291
(Telephone Number)

989-723-3460
(Telephone Number)

765 E. North St.
Owosso, MI 48867
(Office Address)

218 N. Water St.
Owosso, MI 48867
(Office Address)

phillips@owosso.k12.mi.us
(E-mail Address)

dwyerc@owosso.k12.mi.us
(E-mail Address)

The names, titles, and contact information of these individuals will be published annually in the student, parent, and staff handbooks; and on the School District's web site.

The Compliance Officers are available during regular school/work hours to discuss Title IX questions, sexual violence concerns, and to assist students, other members of the School District community, and third parties. Compliance Officers shall accept sexual violence complaints directly from any members of the School District community or a visitor to the District, as well as those initially filed within a school building administrator. Upon receiving a complaint, the Compliance Officer or designee will discuss confidentiality issues with the complainant (and his/her parent, if the complainant is a minor), and open an investigation as described below.

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Complaint Procedures

Reporting

Students and Board employees are required, and parents, community members, and third parties are encouraged, to report sexual violence promptly to a teacher, administrator, supervisor, or other school official. Reports can be made orally or in writing, and should be as specific as possible. The person making the report shall identify the alleged victim, perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s). The District, however, will investigate and address all reports to the extent possible.

A student has a right to file criminal and/or Title IX complaints simultaneously. A student does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to sexual violence or any other Title IX concerns may also be filed with the U.S. Department of Education's Office for Civil Rights.

Any teacher, administrator, supervisor, or other school employee or official who receives such a complaint shall file it with the District's Compliance Officer within two (2) school days, and shall comply with his/her mandatory reporting responsibilities. The Compliance Officer will oversee the District's investigation and response to any Title IX-related complaints, but s/he may delegate the investigative process to another individual ("Designee"). The Board reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy.

Confidentiality

The District respects students' privacy and will only disclose information regarding alleged sexual violence to individuals who are responsible for handling the school's response, the student's parents (if the student is a minor or is considered a dependent under Section 152 of the Internal Revenue Code), or as otherwise required by law. During the course of a formal investigation, the Compliance Officer/designee will instruct all interviewees about the importance of maintaining confidentiality. Interviewees will be directed not to disclose any information that s/he learns or that s/he provides during the course of the investigation to third parties.

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Students or their parents sometimes ask that the students' names not be disclosed to the alleged perpetrators or that no investigation or disciplinary action be pursued to address the alleged sexual violence. Upon such a request, the Compliance Officer/designee will inform the student and his/her parent that honoring the request may limit the District's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. The official will also explain that Title IX includes protections against retaliation, and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

Should the student or his/her parents continue to request complete confidentiality, the Compliance Officer/designee will balance the student's privacy request with the District's obligation to provide a safe and non-discriminatory environment for all students. Should the official determine that the District can honor the student's or parent's request and remain in compliance with its Federal and State obligations, the District may limit its investigation and/or formal action against the alleged perpetrator. The District will, however, take other action to address the sexual violence. This may include increasing monitoring and security, offering schedule changes, and conducting climate surveys.

If the Compliance Officer/designee determines that the District must disclose the student's identity to an alleged perpetrator, s/he will inform the student and his/her parents prior to disclosure. The District will then afford interim protection measures to the student as appropriate.

Investigation

The District is committed to investigating all sexual violence complaints in an adequate, reliable, impartial, and prompt manner. The investigation will seek to determine whether the conduct occurred, and if so, what actions the school will take to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and remedy its effects.

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The investigation may include:

- A. interviewing the complainant, perpetrator, and any witnesses;
- B. reviewing law enforcement investigation documents;
- C. reviewing student and personnel files;
- D. gathering and examining other relevant documents or evidence; and
- E. providing a disciplinary hearing as needed.

The District affords both parties a balanced and fair process. Specifically, the complainant has the same rights throughout the proceeding as the alleged perpetrator. Both parties, for example, will have an equal opportunity to present relevant witnesses and other evidence at a disciplinary hearing. Likewise, the District's appeal process is available to both parties. The District, however, does not require complainants to be present for the hearing or appeal. Further, the District will not permit parties to personally question or cross-examine each other directly.

In resolving a complaint, the District uses a preponderance of the evidence standard, determining whether it is more likely that not that sexual violence occurred.

Timeline

The Compliance Officer/designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) school days after receipt of a report of sexual violence to advise s/he/them of the Board's intent to investigate the alleged misconduct. The Compliance Officer/designee will also inform the alleged perpetrator of the opportunity to submit a written response to the complaint within five (5) business days. The District's investigation, including a disciplinary hearing process (but not appeal), may take up to sixty (60) calendar days to complete. This timeframe may be extended on a case-by-case basis, depending on the complexity and severity of the matter, criminal investigation requirements, and school breaks. During this period, the District will provide the complainant with periodic updates on the status of the investigation.

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Interim Measures

During the investigation, the District will take interim steps to facilitate the complainant's equal access to its education programs. These steps may include, but are not limited to: (1) notifying the complainant of his/her options to avoid contact with the alleged perpetrator; (2) allowing the complainant to change his/her academic, extracurricular, transportation, dining, and working situation as appropriate; and (3) informing complainant of other available resources, such as counseling, legal assistance, and victim advocacy. Specific interim measures will be considered and offered on a case-by-case basis.

Notice

Upon completing its investigation, the District will notify both parties in writing about the outcome of the complaint and any appeal. Specifically, the District will notify the complainant: (1) as to whether the investigation substantiated the allegations; (2) of individual remedies offered to the complainant; (3) of sanctions imposed on the perpetrator that directly relate to the complainant; and (4) other steps the District has taken to eliminate the hostile environment and prevent recurrence. The alleged perpetrator will be notified of the investigation's result and disciplinary consequence to him/her, if any. The District will not notify the alleged perpetrator about the individual remedies afforded to the complainant. All aforementioned notifications will comply with Federal and State privacy laws, including the Family Education Rights and Privacy Act (FERPA).

Remedies

The District will provide a prompt and equitable resolution. If the investigation substantiates the complaint, the District will take steps to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and remedy its effects. In addition to imposing disciplinary consequences on the perpetrator, the District will consider the following individual and global remedies, on a case-by-case basis:

- A. providing medical, counseling, and academic support services to the complainant and/or perpetrator;
- B. re-arranging schedules at the complainant's request;

policy

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- C. affording the complainant extra time to complete or retake classes without academic penalty;
- D. reviewing any disciplinary proceedings against the complainant;
- E. training or retraining employees;
- F. developing materials on sexual violence;
- G. conducting sexual violence prevention programs; and
- H. conducting climate checks.

The District will not offer mediation in cases involving sexual violence. Disciplinary consequences against offenders may include suspension, expulsion, termination, and any other sanctions the Board deems appropriate. Any discipline meted out to offenders will comply with special education and Section 504 laws and regulations.

Appeals Process

Both complainants and perpetrators may appeal the outcome of the investigation. Any appeal opportunities afforded to the alleged perpetrator are also afforded to the complainant. Any party wishing to appeal the outcome of the investigation must submit a written appeal to the Board within ten (10) school days after receipt of the written notice of the outcome of the investigation. The Board shall, within twenty (20) work days, conduct a hearing concerning the appeal. The Board shall provide a written decision to the appealing individual within ten (10) work days following completion of the hearing.

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Retaliation

Federal law strictly prohibits retaliation against a complainant or witness. The District will inform complainant of this prohibition and direct him/her to report retaliation, whether by students or school officials, to the Compliance Officer. Upon learning of retaliation, school officials will take strong responsive action as appropriate.

Training

All staff will be trained so they know to report harassment to appropriate school officials. This training will include practical information about how to identify and report sexual harassment, including sexual violence. The training will be provided to any employees likely to witness or receive complaints involving sexual harassment and/or sexual violence, including teachers, school law enforcement unit employees or school resource officers, school administrators, school counselors, and health personnel. Further, school administrators responsible for investigating allegations of sexual harassment and sexual violence will be trained how to conduct such investigations and respond properly to such charges.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;**
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;**
- C. any documentation that memorializes the actions taken by District personnel related to the investigation and/or the District's response to the alleged violation of this policy;**
- D. written witness statements;**

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- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;**
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);**

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- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;**
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;**
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;**
- J. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;**
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;**
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct);**
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;**

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[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- () documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**
- () documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;**
- (X) copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;**
- () copies of any notices sent to the complainant and alleged perpetrator in advance of any interview or hearing;**
- (X) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the complainant or the alleged perpetrator.**

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The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

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

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

Improvement Act of 2004 (IDEIA)

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.

42 U.S.C. 1983

34 C.F.R. Part 106

Dear Colleague Letter on Sexual Violence (Office for Civil Rights, 2011)

OCR's Revised Sexual Harassment Guidance (2001)

Adopted 1/25/16

Revised 1/28/19

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OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019
Report 18-102

FOR ACTION

Subject:

Revised Policy 2271 – Postsecondary (Dual) Enrollment Option Program, 2nd reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 2nd reading: **Revised Policy 2271 – Postsecondary (Dual) Enrollment Option Program**

Facts / Statistics:

Revisions to this policy are a result of HB 4735 (P.A. 11-2018), which became effective in May 2018. This legislation amends the Postsecondary Enrollment Options Act to expand the eligible postsecondary institutions with which a student may participate in dual enrollment programs to include out-of-state institutions for pupils in districts, for public school academies on nonpublic schools located in districts, that border other states. It should be noted that such options still must follow the protocol of approval through the school district to assure compliance with district policies, procedures and graduation requirements.

These revisions reflect the current state of law and are recommended for adoption by NEOLA in order to maintain accurate policies.

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

**BOARD OF EDUCATION
OWOSSO PUBLIC SCHOOLS**

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REVISED POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018

POSTSECONDARY (DUAL) ENROLLMENT OPTION PROGRAM

The Board of Education recognizes the value to students and to the District for students to participate in courses offered by accredited and degree-granting colleges and universities **in Michigan**. Eligible postsecondary institutions shall include state universities, community colleges, and independent nonprofit degree-granting colleges or universities located in Michigan and that choose to comply with the Postsecondary Enrollment Options Act **and out-of-state colleges satisfying the requirements of M.C.L. 388.513 that choose to comply with the Postsecondary Enrollment Options Act.**

The Board will allow eligible high school students who meet the criteria established in the Superintendent's guidelines to enroll in eligible postsecondary courses while in attendance in the District. The Superintendent shall allow student, upon written request of his/her parent to take the approved readiness assessments in order to establish eligibility for postsecondary enrollment. Any tests are to be administered free of charge in accordance with the District's testing schedule. Students will be eligible to receive appropriate credit for completing any of these courses providing they meet all requirements for the type of credit they wish to earn.

The Superintendent shall establish the necessary administrative guidelines to ensure that such courses are in accord with State law and are properly communicated to both the students and their parents. The Superintendent shall also establish guidelines and procedures for the awarding of credit and the proper entry on a student's transcript and other records of his/her participation in a postsecondary program.

Upon receipt of a bill from the postsecondary institution itemizing the charges for a student's participation in a particular course, the District shall either pay the bill or the prorated percentage of the State portion of the foundation allowance for that student, whichever is lower.

If a student participating in the postsecondary (dual) enrollment program fails to successfully complete an eligible course, the student and his/her parents are responsible for reimbursing the District for such charges incurred by the District for such enrollment. In the event reimbursement is not made in a reasonable period of time, the Superintendent is authorized to file claim against the student and/or his/her parents in Small Claims Court for collection.

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The Superintendent is to submit annually to the Intermediate School District the following information:

- A. the amount of money paid to postsecondary institutions for this program
- B. the number of students in the high school and the number who participated in at least one (1) postsecondary program and received payment for all or part of the eligible charges under this program both in the aggregate and by grade level
- C. the percentage of the District's enrollment represented by eligible students both in the aggregate and by grade level
- D. the total number of postsecondary courses for which the District made payment, the number of courses for which postsecondary credit was granted, the number of courses for which high school credit was granted, and the number of courses that were not completed by eligible students

M.C.L.A. 380.1279g, 380.1473, 380.1481, 388.513, 388.513a, 388.514, 388.1930a,
M.C.L.A. 388.1621(b)

Revised 4/06

Revised 2/25/13

Revised 1/28/19

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OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019
Report 18-103

FOR ACTION

Subject:

Revised policies: 3120 – Employment of Professional Staff and 3120.04 – Employment of Substitutes; and New Policy 3130 – Assignment and Transfer, 2nd readings

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 2nd readings: **Revised policies: 3120 – Employment of Professional Staff and 3120.04 – Employment of Substitutes; and New Policy 3130 – Assignment and Transfer**

Facts / Statistics:

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

These revisions reflect the current state of the law and recommended for adoption by NEOLA in order to maintain accurate policies.

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

policy

**BOARD OF EDUCATION
OWOSSO PUBLIC SCHOOLS**

PROFESSIONAL STAFF
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REVISED POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018

EMPLOYMENT OF PROFESSIONAL STAFF

The Board of Education recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with highly-qualified and competent personnel. Further, pursuant to the Administrative Rules Governing the Certification of Michigan Teachers, the Board requires that anyone employed as a professional staff member with instructional responsibilities in an elementary or secondary school in this District hold a certificate, permit, or vocational authorization valid for the positions to which s/he is assigned, and that the individual meets the established criteria to be highly qualified in his/her assignment.

The Board shall approve the employment, and also, when not covered by the terms of a negotiated, collectively-bargained agreement, fix the compensation, and establish the term of employment for each professional staff member employed by the Board.

Such approval shall be given only to those candidates for employment recommended by the Superintendent.

When any recommended candidate has been rejected by the Board, the Superintendent shall make a substitute recommendation.

All applications for employment shall be referred to the Human Resources Department.

All professional staff are subject to a criminal history record check. See Policy 3121.

Relatives of Board members may be employed by the Board, provided the Board member does not participate in any way in the discussion or vote on the employment when a conflict of interest is involved.

Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which s/he would be supervised directly by the relative staff member.

policy

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NEPOTISM

No District employee shall be placed in a position in which s/he would be in a direct supervisory relationship with a member of his/her immediate family.

For purposes of supervision, members of the immediate family shall be defined as husband, wife, father, mother, brother, sister, son, daughter, son-in-law, daughter-in-law, sister-in-law and brother-in-law.

All employees hired prior to January 2001 shall be exempt from this policy while in their current position.

Applications for employment will not be accepted from any current District Board member. If a Board member wishes to apply for a position, his/her resignation must be accepted by the Board prior to submitting an application.

Any professional staff member's intentional misstatement of fact or omission material to his/her qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

The temporary employment of professional staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in the educational program. Employment shall be recommended to the Board at the next regular meeting.

No candidate for employment to the professional staff as a nonadministrator shall receive recommendation for such employment without having proffered visual evidence of proper certification or that application for such certification is in process, except under the following circumstances:

- A. The Superintendent may employ noncertificated, nonendorsed teachers to teach, in grades 9-12, a course in computer science, foreign language, mathematics, biology, chemistry, engineering, physics, robotics, or any other course approved by the State Board, providing they meet all of the conditions established by law and by the Superintendent.

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- B. The Superintendent may also employ a teacher without a valid teaching as a substitute teacher, on a day-to-day basis certificate as a substitute teacher, on a day-to-day basis, if the person has at least ~~ninety (90)~~ **sixty (60)** semester hours of college credit **or an associate degree** from a college, ~~or~~ university or **community college and, for substitute teaching in grades 9 to 12, is at least twenty-two (22) years of age, or for a full school year if the person ~~has at least a bachelor's or higher degree from a college or university, and~~** has met all other conditions established by law and by the Superintendent.
- C. The Superintendent may hire an individual who does not hold a valid teaching certificate to serve in a counseling, social worker, or speech pathologist role provided s/he meets all the requirements established by law. Policy 3120 and Policy 3121 shall apply with respect to that individual in the same manner required for employing a person with a teaching certificate.
- D. **The Superintendent may employ noncertificated, substitutes to teach in an industrial technology education program or career and technical education program providing they meet all of the conditions established by law and by the Superintendent.**

Prior to hiring an applicant, the Superintendent shall obtain from the applicant a signed Consent to Obtain Records (Form 3120 F2) and shall obtain from the applicant's current or immediately-previous employer any records, including the applicant's personnel file relating to unprofessional conduct in which the applicant engaged. Any such records are to be reviewed prior to a recommendation for employment and may be disclosed to those individuals directly involved in evaluating the applicant's qualifications.

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all professional staff.

REQUIREMENTS FOR HIGHLY QUALIFIED STATUS

Pursuant to State law, "Highly Qualified" means:

- A. full State certification as a teacher or passed State teacher licensing exam and holds current license to teach; certification or license requirements may not be waived on emergency, temporary, or provisional basis;

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B. for elementary teachers new to the profession, this also requires:

1. at least a bachelor's degree;
2. passing a rigorous State test on subject knowledge and teaching skills in reading, writing, math, and other areas of elementary curriculum (State certification test may suffice);

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- C. for secondary or middle school teachers new to the profession this also requires:
 - 1. at least a bachelor's degree, and
 - 2. passing a rigorous State test in each of the subject areas s/he will teach (State certification test may suffice), or
 - 3. for each academic subject taught, having an academic major, course work equivalent to an undergraduate major, a graduate degree, or advanced certification or credentialing;

- D. for elementary, middle, or secondary school teachers with prior experience, this also requires:
 - 1. at least a bachelor's degree, and
 - 2. meets standards for new teachers (above), or
 - 3. demonstrates competence in all academic subjects s/he teaches based on a uniform State standard of evaluation (standard for academic subject matter and teaching skills set by the State).

REQUIREMENTS FOR TEACHERS IN DISTRICT RECEIVING TITLE I FUNDING

All teachers hired for a Title I supported program or a core subject area must be "highly qualified."

As a condition of employment, all newly-hired teachers in a Title I supported program or in core subject areas shall be "highly qualified" as described above.

As designated by Federal law, core subject areas shall include the following: English, reading or language arts, science (which includes physics, chemistry, biology, earth science, and physical science), mathematics, arts (which includes instrumental music, vocal music, visual arts, dance, and drama/theater), foreign languages, government and civics, history, economics and geography.

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The Superintendent shall prepare a plan that will result in all teachers who are employed in professional staff positions with instructional responsibilities in Title I supported programs and/or core subject areas to be highly qualified by a date specific, and the Superintendent shall show annual progress towards meeting these teacher qualification requirements.

M.C.L.A. 380.1229 – 1231, 380.1233, **380.1233b**, 380.1237, 380.1531d, 380.623
20 U.S.C. 6319 & 7801
R 390.1105

Revised 2/13/06
Revised 4/06
Revised 5/11/15
Revised 1/28/19

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policy

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REVISED POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018

EMPLOYMENT OF SUBSTITUTES

The Board of Education recognizes the need to procure the services of substitutes in order to continue the operation of the schools as a result of the absence of regular personnel.

Substitute personnel are subject to a criminal history record check. See Policy 3121.

The Superintendent shall employ substitutes for assignment as services are required to replace temporarily-absent regular staff members and fill new positions. Such assignment of substitutes may be terminated when their services are no longer required. Any substitute, however, who is employed directly by the District for 150 days or more during a school year of not less than 180, except under circumstances identified in statute, days shall be given, during the balance of that year as well as during the succeeding school year, the first opportunity to accept or reject a contract for which the person is certified and qualified, provided that all other District teachers have been reemployed in accordance with the negotiated, collectively-bargained agreement.

Substitutes must possess a valid Michigan professional certificate and a permit, if substitute teaching in a subject for which s/he is not certified, except under the following circumstances:

- A. The Superintendent may employ noncertificated, nonendorsed substitutes to teach, in grades 9-12, a course in computer science, foreign language, mathematics, biology, chemistry, engineering, physics, robotics, or any other course approved by the State Board, providing they meet all of the conditions established by law and by the Superintendent.

policy

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- B. The Superintendent may also employ a substitute without a valid teaching certificate if the person has at least ~~ninety (90)~~ **sixty (60)** semester hours of college credit **or an associate degree** from a college or university **or community college and, for substitute teaching in grades 9 to 12, is at least twenty-two (22) years of age.**
- C. **The Superintendent may employ noncertificated, substitutes to teach in an industrial technology education program or career and technical education program providing they meet all of the conditions established by law and by the Superintendent.**

In order to retain well-qualified substitutes for service in this District, the Board will offer competitive compensation at a rate set annually by the Board.

policy

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A substitute, employed directly by the District in one (1) specific teaching position, shall, after sixty (60) consecutive days in that assignment, be paid a salary not less than the minimum salary on the current salary schedule and granted the privileges provided regular staff.

A substitute shall be paid a minimum of four (4) hours once the substitute is called.

M.C.L.A. 380.1230, 380.1230a, 380.1230g, 380.1233, **380.1233b**, 380.1531

M.C.L.A. 380.1236, 380.1236a

A.C. Rule 390.1105(1), 390.1141(2), 390.1146

Revised 4/06

Revised 6/26/17

Revised 1/28/19

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NEW POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018

ASSIGNMENT AND TRANSFER

The Board of Education believes that the appropriate placement of qualified and competent staff is essential to the successful functioning of the District.

The Superintendent shall be responsible for the proper assignment and transfer of all professional staff members and shall attempt to effect the optimum assignment of the professional staff in conformance with any applicable contractual or legal requirements, State certification requirements, and Federal requirements. S/He shall establish an audit procedure to ensure that each instructional staff member's teaching certificate is currently in compliance with appropriate State certification criteria and has not been nullified or, if applicable, that the professional staff member is otherwise qualified to teach as allowed by law.

M.C.L. 380.1231, 1233, 1233b
E.S.E.A./N.C.L.B. - 20 U.S.C. 6319

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OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019
Report 18-104

FOR ACTION

Subject:

Revised Policy 4162 – Controlled Substance and Alcohol Policy for Commercial Vehicle (CMV) Drivers and Other Employees Who Perform Safety Sensitive Functions, 2nd reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 2nd reading: **Revised Policy 4162 – Controlled Substance and Alcohol Policy for Commercial Vehicle (CMV) Drivers and Other Employees Who Perform Safety Sensitive Functions**

Facts / Statistics:

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

These revisions reflect the current state of Federal regulations and have been recommended for adoption by NEOLA in order to maintain accurate policies.

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

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REVISED POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018

**CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR
COMMERCIAL MOTOR VEHICLE (CMV) DRIVERS**

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, 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 expects all Drivers 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 Drivers should be free of any influence of alcohol or controlled substance while on duty. Therefore, participation in the alcohol and controlled substances testing program is a condition of employment for all Drivers.

Covered Employees

This policy covers all commercial driver's 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.

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. This term is a volume breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test as described herein.

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- B. The term *controlled substance* includes any illegal drug, the possession or use of which is unlawful pursuant to Federal, State and local laws and regulations, 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. This term includes, but is not limited to, marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, phencyclidine (PCP).
- C. 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.
- D. The term *safety-sensitive functions* includes waiting to be dispatched, inspecting equipment, servicing, driving, loading or unloading District vehicles, as well as repairing, obtaining assistance, or remaining in attendance upon a disabled District vehicle. 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.
- E. The term *CDL license holder* means all *Driver* CDL holders and regular and substitute bus drivers who operate a commercial motor vehicle while on duty, as well as other staff members who operate, inspect, service and condition a commercial motor vehicle (CMV) while on duty, regardless of whether they are required to hold a CDL.
- F. The term *while on duty* means all time from the time the *Driver* 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 *Driver* is tested for the presence of alcohol in his or her system as well as for the presence of the following controlled substances:

- A. Marijuana
- B. Cocaine

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- C. Opiates
- 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.) after any accident, e.) on a random basis, and f.) on a follow-up basis.

Any staff member who tests positive as defined in the guidelines shall be:

- A. immediately prohibited from driving any District vehicle or conducting a safety sensitive function;
- B. evaluated by a substance abuse professional;
- C. provided information regarding drug/alcohol counseling; or referred to the District's Employee Assistance Program;
- D. 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), completed any required treatment program, and passed 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:

- (X) 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.**
- () the employee will be re-tested with an observed collection to prevent the addition of an adulterant to the specimen.

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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 training for all employees, including Drivers 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/Fitness for Duty, Policy 4170 - Substance Abuse, and Policy 4170.01 - Employee Assistance Program;
- D. the sanctions that may be imposed for violations of Policy 4122.01.

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 Drivers 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.

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

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shall explain the requirements of applicable Federal regulations and the Board's policies and District's procedures with respect to meeting these Federal regulations. The Board designates () _____ 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 () _____, 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 49 C.F.R. 382, which is a Federal regulation that addresses 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

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- 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 49 C.F.R. Part 382 be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse**

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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.

Return-to-Duty (Safety-Sensitive Positions)

Employees who are removed from performing safety-sensitive functions as a result of this policy must take and pass return-to-duty test before returning to performing safety-sensitive functions. The return-to-duty test will not occur until after a Substance Abuse Professional (SAP) has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

Employees must also comply with the SAP's written follow-up testing plan, which will be administered by the District, or they will not be permitted to perform safety-sensitive duties.

Subject to any collective bargaining agreement or other legal requirements, employees who are eligible to return to performing safety-sensitive functions may not do so without the approval of the Superintendent.

49 C.F.R. 382.101 ~~et. seq.~~
34 C.F.R. Part 40

Revised 10/28/13
Revised 1/28/19

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OWOSSO PUBLIC SCHOOLS
Board of Education
January 28, 2019
Report 18-105

FOR ACTION

Subject:

Revised Policy 5330 – Use of Medications, 2nd reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 2nd reading: **Revised Policy 5330 – Use of Medications**

Facts / Statistics:

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

These revisions reflect the current state of law and have been recommended for adoption by NEOLA in order to maintain accurate policies.

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

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REVISED POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018

USE OF MEDICATIONS

The Board of Education shall not be responsible for the diagnosis and treatment of student illness. The administration of prescribed medication and/or medically-prescribed treatments to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or the child is disabled and requires medication to benefit from his/her educational program.

For purposes of this policy, "medication" shall include all medicines including those prescribed by a physician and any nonprescribed (over-the-counter) drugs, preparations, and/or remedies. "Treatment" refers both to the manner in which a medication is administered and to health-care procedures which require special training, such as catheterization.

Before any prescribed medication or treatment may be administered to any student during school hours, the Board shall require the written prescription from the child's physician accompanied by the written authorization of the parent. Both must also authorize any self-medication, such as inhalers, by the student.

Before any nonprescribed medication or treatment may be administered, the Board shall require the prior written consent of the parent. Medications will be administered by the District in accordance with the Superintendent's guidelines.

Only medication in its original container; labeled with the date, if a prescription; the student's name; and exact dosage will be administered. Parents, or students authorized in writing by their physician and parents, may administer medication or treatment.

Staff members are to administer medication or treatment only in the presence of another adult, except in the case of an emergency that threatens the life or health of the student. Staff licensed as professional registered nurses are exempt from this requirement.

All staff authorized to administer medication or treatment will receive training on this policy and the Superintendent's guidelines, as well as appropriate procedures for administering the medication or treatment. This training shall be provided by qualified individuals with both knowledge of the District's policy and procedures and the administration of medications or treatment. Where possible, this training should be provided by a licensed registered nurse, a licensed physician's assistant, or a licensed physician.

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All medication shall be kept in a locked storage case in the school office.

The Board shall permit the administration by staff of any medication requiring intravenous or intramuscular injection or the insertion of a device into the body when both the medication and the procedure are prescribed by a physician and the staff member has completed any necessary training.

Students who may require administration of an emergency medication may have such medication in accord with the Superintendent's administrative guidelines.

Students may possess and self-administer a metered dose or dry powder inhaler for relief of asthma, or before exercise to prevent onset of asthma symptoms, while at school, on school-sponsored transportation, or at any school-sponsored activity in accord with the Superintendent's guidelines, if the following conditions are met:

- A. There is written approval from the student's physician or other health care provider and the student or parent/guardian (if student is under eighteen (18)) to possess and use the inhaler (Form 5330 F1c)

and

- B. the school has received a copy of the written approvals from the physician and the parent/guardian.

Students with a need for emergency medication may also be allowed to self possess and self administer such medication, provided that they meet the same conditions established above. Students who are prescribed epinephrine to treat anaphylaxis shall be allowed to self possess and administer the medication if they meet the conditions stated above.

Students shall be permitted to possess and self-administer U.S. Food and Drug Administration (FDA) approved, over-the-counter topical products while on school property or at a school-sponsored event provided the student has submitted prior written approval of his/her parent/guardian to the Principal (X) or other chief administrator of the student's school.

This policy and the administrative guidelines developed to establish appropriate procedures shall be implemented in such a manner to comply with District's obligations and the student's needs under any Individualized Education Plan, Section 504 Plan, or other legally required accommodation for individuals with disabilities.

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The Superintendent shall prepare administrative guidelines to ensure the proper implementation of this policy.

M.C.L.A. 380.1178, 380.1178a, 380.1179
Michigan Department of Education, Model Policy and Guidelines for Administering Medications to Pupils at School, Policy on Management of Asthma in Schools

Revised 4/06
Revised 1/28/19

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OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019
Report 18-106

FOR ACTION

Subject:

Revised Policy 5540 – Interrogation of Students, 2nd reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 2nd reading: **Revised Policy 5540 – Interrogation of Students**

Facts / Statistics:

This revision clarifies procedures for law enforcement/Children’s Protective Services (CPS) interrogation of students and more clear delineation of the school’s responsibilities regarding parental/guardian notification.

These revisions reflect best practices and have been recommended for adoption by NEOLA.

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

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REVISED POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018

INTERROGATION OF STUDENTS

The Board of Education is committed to protecting students from harm that may or may not be directly associated with the school environment but also recognizes its responsibility to cooperate with law enforcement and **public children's services agencies** State's child protection agency.

~~Such agencies should be encouraged to investigate alleged violations of the law off school property if at all possible. An investigation can take place immediately on school property at the request of the building administrator if the alleged violation of law took place on school property or in emergency situations.~~

When **law enforcement police** or other authorities arrive at the school and wish to interview a student or investigate an alleged violation of law, they must contact the building administrator indicating the nature of their investigation and their desire to question a student or students.

Investigation of Child Abuse/Neglect Under the Child Protection Act by a Public Children's Services Agency or Law Enforcement Agency

Every Board official and employee who, in connection with his/her position, knows of or suspects child abuse or neglect must immediately report that knowledge or suspicion to a public children's services or law enforcement agency in accordance with Board Policy 8462.

An official of a public children's services agency or law enforcement agency may interview a student on school property during school hours in order to investigate a claim of child abuse/neglect involving such student or a member of the student's family. If neither the student nor a member of his/her family is the subject of the child abuse/neglect investigation, such agency shall be encouraged to contact the student during non-school hours and investigate the matter off school property, if at all possible.

~~Before the student(s) is (are) questioned as a witness to or suspect in an alleged violation of law, the building administrator shall attempt to contact the parent prior to questioning and shall request to remain in the room during the questioning.~~

~~If the student is the subject of a child abuse/neglect investigation, the~~ The building administrator shall *ask the investigator whether s/he may contact the parents prior to the interview and document the response.* ~~attempt to contact the parent prior to questioning, Unless the investigator specifically requests that s/he not contact the parents, the building administrator shall attempt to~~

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~~contact the parents prior to questioning. and s/he~~ The building administrator or a designated guidance counselor will ~~make every effort to~~ remain in the room during questioning of the student unless prohibited by the agency investigator. ~~If an agency investigating child abuse/neglect indicates that the parent or a family member is believed to be the perpetrator, the building administrator will not contact either parent prior to the interview if so requested by the investigator.~~

Investigations of Violations of Law by Law Enforcement Agencies

Law enforcement agencies investigating complaints other than under the Child Protection Act should contact a student during non-school hours and investigate alleged violations of the law off school property if at all possible. An investigation can take place immediately on school property during school hours at the request of the building administrator if the alleged violation of law took place on school property, involves other situations affecting school safety or in emergency situations.

Before the student(s) is (are) questioned as a witness to or suspect in an alleged violation of law, the building administrator shall attempt to contact the parent prior to questioning and shall remain in the room during the questioning unless compelling reasons for exclusion are provided by the law enforcement agency.

- [X] In those circumstances when an interrogation may expose a student to criminal charges, the building principal should also attempt to verify with the officer/investigator that the student(s) has been or will be informed of his/her right to refuse to answer questions, to be informed that anything s/he says may be used against him/her in court, and to consult with and be advised by legal counsel.

Notification and Release of Records

All ~~a~~Attempts to notify the parents regarding investigations of child abuse/neglect and other law enforcement investigations shall ~~should~~ be documented.

When an authorized law enforcement officer or child protection agency removes a student, the building administrator shall ~~record the name of the investigator, the public agency involved and the destination of the student if possible. S/He~~ shall also notify the parent(s) and the Superintendent.

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No school official may release personally identifiable student information in education records to the police or children's services agency without prior written permission of the parent, a lawfully-issued subpoena, ~~or a court order, unless it is an emergency situation involving the~~ or a health or safety **emergency of the involved student or other students. Proper directory information may be disclosed upon request.** (See Board Policy 8330).

M.C.L.A. 722.627
Attorney General's Opinion No. 6869, September 6, 1995
34 C.F.R. 99.36

Revised 12/11/06
Revised 1/28/19

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OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019
Report 18-107

FOR ACTION

Subject:

New Policy 5630.01 – Student Seclusion and Restraint, 2nd reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 2nd reading: New Policy 5630.01 – Student Seclusion and Restraint

Facts / Statistics:

This policy is based on provision of P.A. 260 and revisions to P.A. 260 during 2018 which added the definition of “Law Enforcement personnel” and added to the definition of “School Personnel”. For NEOLA purposes, this was considered a revision but for Owosso this is a new policy.

The proposed policy and its revision reflect the current state of the law and is recommended for adoption by NEOLA.

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

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NEW POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018

STUDENT SECLUSION AND RESTRAINT

This policy is intended to provide the framework for organizational supports that result in effective interventions based on team-based leadership, data-based decision-making, continuous monitoring of student behavior, regular universal screening and effective on-going professional development. The District is committed to investing in prevention efforts and to teach, practice and reinforce behaviors that result in positive academic and social outcomes for students.

In the event that staff members need to restrain and/or seclude students, it must be done in accordance with this policy, which is intended to:

- A. promote the care, safety, welfare and security of the school community and the dignity of each student;
- B. encourage the use of proactive, effective, evidence and research based strategies and best practices to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint, and increase meaningful instructional time for all students; and
- C. ensure that seclusion and restraint are used only as a last resort in an emergency situation and are subject to diligent assessment, monitoring, documentation and reporting by trained personnel.

In furtherance of these objectives, the District will utilize Positive Behavioral Interventions and Supports (PBIS) to enhance academic and social behavior outcomes for all students. PBIS implemented by the District will include socially valued and measurable outcomes, empirically validated and practical practices, systems that efficiently and effectively support implementation of these practices, and continuous collection and use of data for decision-making.

EMERGENCY SECLUSION**A. Prohibited Practices and Limitations on Use**

The following practices are prohibited under all circumstances, including emergency situations:

1. confinement of students who are severely self-injurious or suicidal
2. corporal punishment, as defined in M.C.L. 380.1312(1) of the revised school code, 1976 PA 451
3. the deprivation of basic needs
4. anything constituting child abuse
5. seclusion of pre-school children
6. seclusion that is used for the convenience of school personnel
7. seclusion as a substitute for an educational program
8. seclusion as a form of discipline or punishment
9. seclusion as a substitute for less restrictive alternatives, adequate staffing or school personnel training in PBIS
10. when contraindicated based on (as documented in a record or records made available to the school) a student's disability, health care needs, or medical or psychiatric condition

B. Definition of Emergency Seclusion

Seclusion means the confinement of a student in a room or other space from which the student is physically prevented from leaving. Seclusion does not include the general confinement of students if that confinement is an integral part of an emergency lockdown drill required under Section 19(5) of the Fire Prevention Code, 1941 PA 207, M.C.L. 29.19, or of another emergency security procedure that is necessary to protect the safety of students.

Emergency seclusion is a last resort emergency safety intervention involving seclusion that is necessitated by an ongoing emergency situation and that provides an opportunity for the student to regain self-control while maintaining the safety of the student and others.

To qualify as emergency seclusion, there must be continuous observation by school personnel of the student and the room or area used for confinement:

1. must not be locked
2. must not prevent the student from exiting the area should staff become incapacitated or leave that area
3. must provide for adequate space, lighting, ventilation, viewing, and the safety of the student
4. must comply with State and local fire and building codes

C. Time and Duration Emergency seclusion should not be used any longer than necessary, based on research and evidence, to allow a student to regain control of his/her behavior to the point that the emergency situation necessitating the use of emergency seclusion is ended, but generally no longer than:

1. fifteen (15) minutes for an elementary school student;
2. twenty (20) minutes for a middle school or high school student

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If an emergency seclusion lasts longer than the suggested maximum times above, the following are required:

1. additional support (which may include change of staff, introducing a nurse or specialist, or additional key identified personnel)
2. documentation to explain the extension beyond the time limit

Additional procedures and requirements applicable to both seclusion and restraint are set out below.

EMERGENCY RESTRAINT

A. Prohibited Practices

The following procedures are prohibited under all circumstances, including emergency situations:

1. mechanical restraint
2. chemical restraint
3. corporal punishment as defined in 380.1312(1) of the revised school code, 1976 PA 451, otherwise known as the Corporal Punishment Act
4. the deprivation of basic needs
5. anything constituting child abuse
6. restraint that is used for the convenience of school personnel
7. restraint as a substitute for an educational program
8. restraint as a form of discipline or punishment

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9. restraint as a substitute for less restrictive alternatives, adequate staffing or school personnel training in PBIS
10. when contraindicated based on (as documented in a record or records made available to the school) a student's disability, health care needs, or medical or psychiatric condition
11. any restraint that negatively impacts breathing, including any positions, whether on the floor, facedown, seated or kneeling, in which the student's physical position (e.g., bent over) is such that it is difficult to breathe, including situations that involve sitting or lying across an individual's back or stomach
12. prone restraint (the restraint of a person face down)

NOTE: School personnel who find themselves involved in the use of a prone restraint as the result of responding to an emergency must take immediate steps to end the prone restraint.

13. the intentional application of any noxious substance(s) or stimuli that results in physical pain or extreme discomfort

A noxious substance or stimuli can either be generally acknowledged or specific to the student.

14. physical restraint, other than emergency physical restraint
15. any other type of restraint not expressly allowed

B. Definition of Restraint

Restraint means an action that prevents or significantly restricts a student's movement. Physical restraint is intended for the purposes of emergency situations only, in which a student's behavior poses imminent risk to the safety of the individual student or to the safety of others. An emergency situation requires an immediate intervention.

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Emergency physical restraint is a last resort emergency safety intervention involving physical restraint that is necessitated by an ongoing emergency situation and that provide an opportunity for the student to retain self-control while maintaining the safety of the student and others. An emergency situation requires an immediate intervention. Emergency physical restraint may not be used in place of appropriate less restrictive interventions.

There are three (3) types of restraint: physical, chemical, and mechanical.

1. **Physical restraint** involves direct physical contact.

Restraint does not include actions undertaken for the following reasons:

- a. to break up a fight
- b. to take a weapon away from a student
- c. to briefly hold the student (by an adult) in order to calm or comfort him/her
- d. to have the minimum contact necessary to physically escort a student from one area to another
- e. to assist a student in completing a task/response if the student does not resist or if resistance is minimal in intensity or duration
- f. to hold a student for a brief time in order to prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car)
- g. to stop a physical assault as defined in M.C.L. 380.1310
- h. actions that are an integral part of a sporting event, such as a referee pulling football players off from a pile or similar action

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2. **Chemical Restraint** is the administration of medication for the purpose of restraint.

Restraint does not include administration of medication prescribed by and administered in accordance with the directions of a physician.

3. **Mechanical Restraint** means the use of any device, article, garment, or material attached to or adjacent to a student's body to perform restraint.

Restraint does not include the following:

- a. an adaptive or protective device recommended by a physician or therapist (when it is used as recommended)
- b. safety equipment used by the general student population as intended (e.g., seat belts, safety harness on school transportation)

C. Time and Duration

Restraint should not be used:

1. any longer than necessary, based on research and evidence, to allow students to regain control of their behavior to the point that the emergency situation necessitating the use of emergency physical restraint is ended; and
2. generally no longer than ten (10) minutes.

If an emergency restraint lasts longer than ten (10) minutes, all of the following are required:

1. additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel
2. documentation to explain the extension beyond the time limit

Additional procedures and requirements applicable to both seclusion and restraint are set out below.

USE OF EMERGENCY SECLUSION/RESTRAINT

A. When to Use Emergency Seclusion/Restraint

Seclusion/restraint must be used only under emergency situations and if essential. Emergency situation means a situation in which a student's behavior poses imminent risk to the safety of the individual student or to the safety of others. An emergency situation requires an immediate intervention.

B. General Procedures for Emergency Seclusion/Restraint:

1. An emergency seclusion/restraint may not be used in place of appropriate, less restrictive interventions.
2. Emergency seclusion/restraint shall be performed in a manner that is:
 - a. safe;
 - b. appropriate; and
 - c. proportionate to and sensitive to the student's:
 - 1) severity of behavior;
 - 2) chronological and developmental age;
 - 3) physical size;
 - 4) gender;
 - 5) physical condition;
 - 6) medical condition;

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- 7) psychiatric condition; and
 - 8) personal history, including any history of physical or sexual abuse or other trauma.
3. School personnel shall call key identified personnel for help from within the school building either immediately at the onset of an emergency situation or, if it is reasonable under the particular circumstances for school personnel to believe that diverting their attention to calling for help would increase the risk to the safety of the student or to the safety of others, as soon as possible once the circumstances no longer support such a belief.
 4. While using emergency seclusion/restraint, staff must do all of the following:
 - a. involve key identified personnel to protect the care, welfare, dignity, and safety of the student
 - b. continually observe the student in emergency seclusion for indications of physical distress and seek medical assistance if there is a concern
 - c. document observations
 - d. ensure to the extent practicable, in light of the ongoing emergency situation, that the emergency seclusion/restraint does not interfere with the student's ability to communicate using the student's primary mode of communication
 - e. ensure that at all times during the use of emergency seclusion/restraint there are school personnel present who can communicate with the student using the student's primary mode of communication

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5. Each use of an emergency seclusion/restraint and the reason for each use shall be documented and reported according to the following procedures:
 - a. document in writing and report in writing or orally to the building administration immediately
 - b. report in writing or orally to the parent or guardian immediately
 - c. a report shall be written for each use of seclusion/restraint (including multiple uses within a given day) and the written report(s) provided to the parent or guardian within the earlier of one (1) school day or seven (7) calendar days
6. After any use of an emergency seclusion/restraint, staff must make reasonable efforts to debrief and consult with the parent or guardian, or the parent or guardian and the student (as appropriate) regarding the determination of future actions.

C. Students Exhibiting a Pattern of Behavior

If a student exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion/restraint, school personnel should do the following:

1. conduct a functional behavioral assessment
2. develop or revise a PBIS plan to facilitate the reduction or elimination of the use of seclusion/restraint

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3. develop an assessment and planning process conducted by a team knowledgeable about the student, including at least:
 - a. the parent or guardian
 - b. the student (if appropriate)
 - c. people who are responsible for implementation of the PBIS plan
 - d. people who are knowledgeable in PBIS
4. develop a written emergency intervention plan ("EIP") to protect the health, safety, and dignity of the student. An EIP may not expand the legally permissible use of emergency seclusion/restraint.

The EIP should be developed by a team in partnership with the parent or guardian. The team shall include:

1. a teacher;
2. an individual knowledgeable about legally permissible use of seclusion/restraint; and
3. an individual knowledgeable about the use of PBIS to eliminate the use of seclusion/restraint.

The EIP should be developed and implemented by taking all of the following documented steps:

1. describe in detail the emergency intervention procedures
2. describe in detail the legal limits on the use of emergency seclusion/restraint, including examples of legally permissible and prohibited uses

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3. inquire of the student's medical personnel (with parent or guardian consent) regarding any known medical or health contraindications for the use of seclusion/restraint
4. conduct a peer review by knowledgeable staff
5. provide the parent or guardian with all of the following, in writing and orally:
 - a. A detailed explanation of the PBIS strategies that will reduce the risk of the student's behavior creating an emergency situation.
 - b. An explanation of what constitutes an emergency, including examples of situations that would fall within and outside of the definition.
 - c. A detailed explanation of the intervention procedures to be followed in an emergency situation, including the potential use of emergency seclusion/restraint.
 - d. A description of possible discomforts or risks.
 - e. A detailed explanation of the legal limits on the use of emergency seclusion/restraint, including examples of legally permissible and prohibited uses.
 - f. Answers to any questions.

A student who is the subject of an EIP should be told or shown the circumstances under which emergency intervention could be used.

D. Data Collection and Reporting

The building administrator shall develop a system of data collection, collect the data and forward all incident reports and data regarding the use of seclusion/restraint to the _____ **[Superintendent]**.

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Training Framework

A comprehensive training framework will be implemented which includes the following:

- A. awareness training for all school personnel who have regular contact with students; and
- B. comprehensive training for key identified personnel.

All substitute teachers must be informed of and understand the procedures regarding the use of emergency seclusion and emergency restraint. This requirement may be satisfied using online training developed or approved by MDE and online acknowledgement of understanding and completion of the training by the substitute teacher.

Comprehensive Training for Identified Personnel

Each building administrator will identify sufficient key personnel to ensure that trained personnel are generally available for an emergency situation. Before using emergency seclusion or emergency physical restraint with students, key identified personnel who may have to respond to an emergency safety situation must be trained in all of the following:

- A. proactive practices and strategies that ensure the dignity of students
- B. conflict resolution
- C. mediation
- D. social skills training
- E. de-escalation techniques
- F. positive behavioral intervention and support strategies
- G. techniques to identify student behaviors that may trigger emergency safety situations

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- H. related safety considerations, including information regarding the increased risk of injury to students and staff when seclusion or restraint is used
- I. instruction in the use of emergency seclusion and emergency physical restraint
- J. identification of events and environmental factors that may trigger emergency safety situations
- K. instruction on the State policy on the use of seclusion and restraint
- L. description and identification of dangerous behaviors
- M. methods for evaluating the risk of harm to determine whether the use of emergency seclusion or emergency physical restraint is warranted
- N. types of seclusion
- O. types of restraint
- P. the risk of using seclusion and restraint in consideration of a student's known and unknown medical or psychological limitations
- Q. cardiopulmonary resuscitation and first aid
- R. the effects of seclusion and restraint on all students
- S. how to monitor for and identify physical signs of distress and the implications for students generally and for students with particular physical or mental health conditions or psychological limitations
- T. ways to obtain appropriate medical assistance

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GLOSSARY OF TERMS

"Chemical Restraint" means the administration of medication for the purpose of restraint.

"De-escalation Techniques" means evidence- and research-based strategically employed verbal or nonverbal interventions used to reduce the intensity of threatening behavior before, during, and after a crisis situation occurs.

"Documentation" means documentation developed by the Michigan Department of Education that is uniform across the State.

"Emergency Situation" means a situation in which a student's behavior poses imminent risk to the safety of the individual student or to the safety of others. An emergency situation requires an immediate intervention.

"Functional Behavioral Assessment" means an evidence- and research-based systematic process for identifying the events that trigger and maintain problem behavior in an educational setting. A functional behavioral assessment shall describe specific problematic behaviors, report the frequency of the behaviors, assess environmental and other setting conditions where problematic behaviors occur, and identify the factors that are maintaining the behaviors over time.

"Key Identified Personnel" means those individuals who have received the mandatory training described in M.C.L. 380.1307G(B)(I) to (XVI), listed under Comprehensive Training for Identified Personnel above.

"Law Enforcement Officer" means an individual licensed under the Michigan Commission on Law Enforcement Standards Act, M.C.L. 28.601 to 28.615.

"Mechanical Restraint" means the use of any device, article, garment, or material attached to or adjacent to a student's body to perform restraint.

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"Physical Restraint" means restraint involving direct physical contact.

"Positive Behavioral Intervention and Support (PBIS)" means a framework to assist school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum of intensifying supports based on student need that unites examination of the function of the problem behavior and the teaching of alternative skill repertoires to enhance academic and social behavior outcomes for all students.

"Positive Behavioral Intervention and Support Plan" means a student-specific support plan composed of individualized, functional behavioral assessment-based intervention strategies, including, as appropriate to the student, guidance or instruction for the student to use new skills as a replacement for problem behaviors, some rearrangement of the antecedent environment so that problems can be prevented and desirable behaviors can be encouraged, and procedures for monitoring, evaluating, and modifying the plan as necessary.

"Prone Restraint" means the restraint of an individual face down.

"Regularly and Continuously Work Under Contract" means that term as defined in section M.C.L. 380.1230.

"Restraint" means an action that prevents or significantly restricts a student's movement. Restraint does not include the brief holding of a student in order to calm or comfort, the minimum contact necessary to physically escort a student from one area to another, the minimum contact necessary to assist a student in completing a task or response if the student does not resist or resistance is minimal in intensity or duration, or the holding of a student for a brief time in order to prevent an impulsive behavior that threatens the student's immediate safety, such as running in front of a car. Restraint does not include the administration of medication prescribed by and administered in accordance with the directions of a physician, an adaptive or protective device recommended by a physician or therapist when it is used as recommended, or safety equipment used by the general student population as intended, such as a seat belt or safety harness on school transportation. Restraint does not include necessary actions taken to break up a fight, to stop a physical assault, as defined in M.C.L. 380.1310, or to take a weapon from a student. Restraint does not include actions that are an integral part of a sporting event, such as a referee pulling football players off of a pile or a similar action.

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Restraint that negatively impacts breathing means any restraint that inhibits breathing, including floor restraints, facedown position, or any position in which an individual is bent over in such a way that it is difficult to breathe. This includes a seated or kneeling position in which an individual being restrained is bent over at the waist and restraint that involves sitting or lying across an individual's back or stomach.

"School Personnel" includes all individuals employed in a public school or assigned to regularly and continuously work under contract or under agreement in a public school, or public school personnel providing service at a nonpublic school. Except for the obligations set out above to document seclusion or restraint, report to/consult with parents, undertake the required actions if a student shows a pattern of behavior, and collect and report data to the state, school personnel does not include a law enforcement officer (as defined above) assigned to regularly and continuously work under contract or under agreement in a public school.

"Seclusion" means the confinement of a student in a room or other space from which the student is physically prevented from leaving. Seclusion does not include the general confinement of students if that confinement is an integral part of an emergency lockdown drill required under Section 19(5) of the Fire Prevention Code, 1941 PA 207, M.C.L. 29.19, or of another emergency security procedure that is necessary to protect the safety of student.

Adapted from Michigan State Board of Education Policy for the Emergency Use of Seclusion and Restraint adopted in March of 2017

Adopted 1/28/19

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OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019
Report 18-108

FOR ACTION

Subject:

Revised Policy 6325 – Procurement – Federal Grants/Funds, 2nd reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 2nd reading: **Revised Policy 6325 – Procurement – Federal Grants/Funds**

Facts / Statistics:

The proposed revisions are in response to the issuance of Memorandum M-18-18 by the U.S. Office of Management and Budget raising the financial thresholds in several categories of procurement utilizing Federal funds.

These revisions are strongly recommend for adoption by NEOLA in order to stay current with practices and thresholds established by the U.S. Office of Management and Budget.

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

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REVISED POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018

PROCUREMENT – FEDERAL GRANTS/FUNDS

Procurement of all supplies, materials, equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, Board of Education policies, and administrative procedures.

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (2 CFR 200.317-.326) for the administration and management of Federal grants and Federally-funded programs. The District shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the District's documented general purchasing Policy 6320 and AG 6320A.

All District employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1130, Policy 3110 and Policy 4110 – Conflict of Interest.

The District will avoid acquisition of unnecessary or duplicative items. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

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Competition

All procurement transactions **paid for from Federal funds or District matching funds** shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgement. In order to promote objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

- A. unreasonable requirements on firms in order for them to qualify to do business;
- B. unnecessary experience and excessive bonding requirements;
- C. noncompetitive contracts to consultants that are on retainer contracts;
- D. organizational conflicts of interest;
- E. specification of only a "brand name" product instead of allowing for an "*or equal*" product to be offered and describing the performance or other relevant requirements of the procurement; and
- F. any arbitrary action in the procurement process.

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless (1) an applicable Federal statute expressly mandates or encourages a geographic preference; or (2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

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To the extent that the District uses a pre-qualified list of persons, firms or products to acquire goods and services **that are subject to this policy**, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list continuously.

Solicitation Language

The District shall require that all solicitations **made pursuant to this policy** incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

Procurement Methods

The District shall utilize the following methods of procurement:

A. Micro-purchases

Procurement by micropurchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$ \$10,000 [not to exceed \$10,000]. To the extent practicable, the District shall distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if Superintendent considers the

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price to be reasonable. The District maintains evidence of this reasonableness in the records of all purchases made by this method.

AB. Small Purchases

Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property that does not exceed the competitive bid threshold established by the State. Small purchase procedures require that price or rate quotations shall be obtained from an adequate number (**minimum of two**) of qualified sources when the item cost exceeds **\$510,000** and there item is not unique or proprietary.

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BC. Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to **more than** the amount allowed by Michigan statute and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed the amount allowed by Michigan statute.

In order for sealed bidding to be feasible, the following conditions shall be present:

1. a complete, adequate, and realistic specification or purchase description is available;
2. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
3. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

When sealed bids are used, the following requirements apply:

1. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
2. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
3. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.

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4. A firm fixed price contract award will be made in writing to the lowest ~~responsive~~ **and** responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.
5. The Board reserves the right to reject any or all bids for sound documented reason.

C. Competitive Proposals

Procurement by competitive proposal, normally conducted with more than one source submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method

If this method is used, the following requirements apply:

1. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
2. Proposals shall be solicited from an adequate number of sources.
3. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
4. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

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The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E that firms are a potential source to perform the proposed effort.

D. Noncompetitive Proposals

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. the item is available only from a single source
2. the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation
3. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District
4. after solicitation of a number of sources, competition is determined to be inadequate

Contract/Price Analysis

The District shall perform a cost or price analysis in connection with every procurement action in excess of **\$150,250,000**, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

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When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Time and Materials Contracts

The District uses a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

Suspension and Debarment

The District will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR Part 180.

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Suspension is an action taken by the District that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 CFR Part 180 Subpart G)

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1). A person so excluded is debarred. (2 CFR Part 180 Subpart H)

The District shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors at www.sam.gov; collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 CFR Part 180 Subpart C)

Bid Protest

The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

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Maintenance of Procurement Records

The District maintains records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

Applicable laws and regulations:
2 C.F.R. 200.317 - .326

Adopted 6/27/16
Revised 1/28/19

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OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019
Report 18-109

FOR ACTION

Subject:

Rescission of Policy 6350 – Prevailing Wage Coordinator, 2nd confirmation

Statement of Purpose/Issue:

As their second confirmation, request that the Board of Education rescind: **Policy 6350 – Prevailing Wage Coordinator**

Facts / Statistics:

This policy has been recommended for rescission by NEOLA since the Michigan Legislature approved the legislative initiative as petitioned by the Protect Michigan Taxpayers group thus repealing Michigan's prevailing wage.

Recommended for rescission thus keeping policies from reflecting laws that are no longer in effect.

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

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PREVAILING WAGE COORDINATOR

It is the purpose of this policy to comply with State and Federal regulations concerning prevailing wage rate.

The Michigan Department of Consumer and Industry Services; Wage and Hour Division will determine the prevailing wage rate in the locality where the work is to be performed.

The Superintendent shall designate a Prevailing Wage Coordinator for this District.

The Prevailing Wage Coordinator will submit to the Superintendent, for Board of Education approval, procedures for monitoring compliance with prevailing wage laws. S/He will request the Michigan Department of Consumer and Industry Services; Wage and Hour Division to establish the prevailing wage rate in this District for school construction or renovation projects. A schedule of those wages must be attached to the specifications for the work, and printed on any bidding blanks. A copy of the bidding blank must be filed with the Michigan Department of Consumer and Industry Services; Wage and Hour Division prior to the award of any contract. Thereafter, any contract which is awarded must include a provision that each laborer, workman, or mechanic employed by the contractor will be paid at a rate not less than the prevailing wage rate. On the first pay date, the contractors and subcontractors must provide each employee with written notification of his/her job classification and the prevailing wage rate for his/her job classification, unless the employee is covered by a collective bargaining agreement.

M.C.L.A. 408.551 et seq.

OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019
Board Report 18-110

FOR ACTION

Subject:

Revised Policy 8210 – School Calendar, 2nd reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 2nd reading: **Revised Policy 8210 – School Calendar**

Facts / Statistics:

The proposed revisions include hours of student instruction and days of instruction in accordance with MCL 388.1701 and deletes phase-in language which is no longer needed.

These revisions reflect the current state of law are strongly recommended for adoption by NEOLA in order for this policy to stay current.

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

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REVISED POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018

SCHOOL CALENDAR

The Board of Education shall ensure that its school calendar complies with the common calendar adopted in agreement with by the Shiawassee Regional Education Service District (SRES D), unless the District is statutorily exempt from this requirement or receives a waiver from the Superintendent of Public Instruction in compliance with State law. shall adopt a common calendar. The common calendar will identify the specific dates for each school year when school will not be in session for at least a winter holiday break, and a spring break for at least the next five (5) school years, and may further describe them more generally for subsequent school years as long as the dates can be readily determined. This calendar shall be posted on the District's web site and distributed to the District's constituents. The calendar shall provide for the instructional program of the schools, for orderly educational planning and for the efficient operation of the District.

The Board shall determine annually the total number of days when the schools will be in session for instructional purposes. **For purposes of receiving To avoid withholding of State-school aid payments,** the number of days and number of hours will be in accordance with statute. The Board shall ensure that school is not in session before Labor Day, unless the District is statutorily exempt from this requirement or receives a waiver from the Superintendent of Public Instruction in compliance with State law.

~~The Board shall adopt a District calendar that identifies dates for each school year when school will not be in session for at least a winter holiday break and a spring break. The calendar can be established and adopted through the contract ratification process.~~

~~District schools are not required to begin after Labor Day, if, prior to July 1, 2008, the District operated a year-round schools or programs or an international baccalaureate academy which provides 1,160 hours of student instruction per school year.~~

~~If the District begins operating a year-round school or program after July 1, 2008, the District may apply to the Superintendent of Public Instruction for a waiver. If the State Superintendent determines that the school or program is a bona fide year-round school or program established for educational reasons, a waiver will be granted.~~

~~If the District's school year is scheduled to begin before Labor Day, the SRES D may provide programs or services according to the District's calendar:~~

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- ~~A. if the SRES D contracted with the District to provide programs or services for students of the District; or~~
- ~~B. if the SRES D operated a program or service within a building owned by the District; and~~
- ~~C. if the building/program/service is within the SRES D's boundaries, or otherwise provided instructional programs or services for students of the District.~~

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A school session shall not be held on the following public holidays in Michigan Public Schools: January 1st, New Year’s Day; the last Monday of May, Memorial or Decoration Day; July 4th; Independence Day; the first Monday in September, Labor Day; the fourth Thursday of November, Thanksgiving Day, and December 25th, Christmas Day.

If one (1) of these days falls on Sunday, the Monday following shall be a public holiday in the public schools.

The District shall provide at least 1098 hours **during 180 days** of student instruction per school year, **unless it obtains a waiver from this requirement.**

The District’s Superintendent is authorized to work with the Shiawassee Regional Education Service District on the development of a common calendar for all of the districts in the SRES D.

No more than ~~thirty (30) hours~~ **six (6) days** of student instruction lost due to conditions not within the control of the District (e.g., severe storms, fires, epidemics, and health conditions), can be counted as a part of the required minimum hours/days of instruction. ~~All subsequent hours lost for instruction cannot be counted for State school aid, unless they occur after April 1st, are due to unusual and extenuating occurrences resulting from conditions not within the control of the school authorities (such as those conditions described above), and are approved by the State Superintendent of Instruction.~~ **With the approval of the Superintendent of Public Instruction, not more than three (3) additional days or the equivalent number of additional hours for which instruction is not provided due to unusual and extenuating occurrences resulting from conditions not within the control of school authorities (such as those conditions described above) shall be counted.** Hours lost due to strikes by District staff or to teacher conferences shall not be counted as hours of instruction.

The Superintendent shall certify to the Department of Education by no later than August 1st of each year, the number of hours of student instruction during the previous school year.

M.C.L.A. 380.1284, 380.1284a, 380.1284b

M.C.L.A. 380.1175, 388.1701

A.C. Rule R340.10 et seq.

Revised 2/13/06

Revised 4/06

Revised 12/11/06

Revised 8/25/08

Revised 12/8/08

Revised 1/28/19

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**OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019
Report 18-111**

FOR ACTION

Subject:

Replacement Policy 5610-Emergency Removal, Suspension, and Expulsion of Students and Revised Policy 5611-Due Process Rights, 1st readings. Rescinding of Policy 5610.01 – Expulsions/Suspension – Required by Statute.

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 1st readings: **Replacement Policy 5610-Emergency Removal, Suspension, and Expulsion of Students and Revised Policy 5611-Due Process Rights and rescind Policy 5610.01 – Expulsions/Suspension – Required by Statute**

Facts / Statistics:

Revisions to policy 5610 are a result of HB5531 (P.A. 145-2018) regarding additional statutory basis for suspension or expulsion of a student from school. All factors listed must be considered before discipline (suspension or expulsion) is imposed under the new language. The content from Policy 5610.01 has been included in Policy 5610 so Policy 5610.01 should be rescinded. Policy 5611 has been revised to delete references to Policy 5610.01 due to the fact it has been incorporated into policy 5610.

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

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

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REPLACEMENT POLICY- VOL. 33, NO. 1 – SEPTEMBER 2018

**EMERGENCY REMOVAL, SUSPENSION,
AND EXPULSION OF STUDENTS**

The Board of Education is continually concerned about the safety and welfare of District students and staff and, therefore, will not tolerate behavior that creates an unsafe environment, a threat to safety or undue disruption of the educational environment.

Factors to be Considered Before Suspending or Expelling a Student

The Board of Education also recognizes that exclusion from the educational program of the schools is a severe sanction that should only be imposed after careful and appropriate consideration. Except as otherwise noted below with respect to possession of a firearm in a weapon free school zone, if suspension or expulsion of a student is considered, the Board (Superintendent) shall consider the following factors prior to making a determination of whether to suspend or expel:

- A. the student's age
- B. the student's disciplinary history
- C. whether the student has a disability
- D. the seriousness of the violation or behavior
- E. whether the violation or behavior committed by the student threatened the safety of any student or staff member
- F. whether restorative practices will be used to address the violation or behavior
- G. whether a lesser intervention would properly address the violation or behavior

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The () **Board** (X) **Superintendent** will exercise discretion over whether or not to suspend or expel a student. In exercising that discretion for a suspension of more than ten (10) days or expulsion, there is a rebuttable presumption that a suspension or expulsion is not justified unless the () **Board** (X) **Superintendent** can demonstrate that it considered each of the factors listed above. For a suspension of ten (10) days or fewer, there is no rebuttable presumption, but the () **Board** (X) **Superintendent** will still consider these factors in making the determination.

Restorative Practices

The () **Board** (X) **Superintendent** shall consider using restorative practices as an alternative to or in addition to suspension or expulsion. If the District determines that it will utilize restorative practices in addition to or as an alternative to suspension or expulsion of a student, it will engage in restorative practices which emphasize repairing the harm to the victim and school community caused by the student's misconduct.

Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption and harassment and cyberbullying.

If the () **Board** (X) **Superintendent** decides to utilize restorative practices as an alternative to or in addition to suspension or expulsion, the restorative practices 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");

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- 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.

Due Process

The Board recognizes exclusion from the educational programs of the District, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student and is one that cannot be imposed without appropriate due process, since exclusion deprives a child of the right to an education. The Board also recognizes that it may be necessary for a teacher to remove a student from class for conduct disruptive to the learning environment, and that such removals are not subject to a prior hearing, provided the removal is for a period of less than twenty-four (24) hours. However, if an emergency removal may result in a suspension, then due process must be ensured.

In all cases resulting in short-term suspension, long-term suspension or expulsion, appropriate due process rights described in Policy 5611 and AG 5610 must be observed. The **504 Coordinator** shall check to make sure the student is not classified as disabled under Section 504. Students with disabilities under IDEA or Section 504 shall be expelled only in accordance with their rights under Federal law.

For purposes of this policy, suspension shall be either short-term (not more than ten (10) days) or long-term (for more than ten (10) days but less than permanent expulsion) removal of a student from a regular District program. The Superintendent may suspend a student for a period not to exceed 10 school days.

For purposes of this policy, unless otherwise defined in Federal and/or State law, expulsion is defined as the permanent exclusion of a student from the District. Students who are expelled may petition for reinstatement as provided below.

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Emergency Removal or Short-Term Suspension

A student may be removed from a class, subject, or activity for one (1) day by his/her teacher for certain conduct as specified in the Code of Conduct, or he/she may be given a short-term suspension by the Superintendent. A student so removed

- may
 may not

be allowed to attend other classes taught by other teachers during the term of the one (1) day removal. A student removed from the same class for ten (10) days will be entitled to the process for short-term suspensions outlined in AG 5610. A student removed from the same class for more than ten (10) days will be entitled to the process for long-term suspensions outlined in AG 5610. A The Board designates the Superintendent as its representative at any hearings regarding the appeal of a suspension.

Long-Term Suspension or Expulsion

Due process set out in Policy 5611 and AG 5610 shall be followed in all circumstances in which a student may be expelled or suspended for a period of more than ten (10) days.

[CHOOSE OPTION #1, OPTION #2, OR OPTION #3]

- [OPTION #1]**

The Superintendent may recommend to the Board a long-term suspension or that a student be expelled.

OR

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[OPTION #2]

The Superintendent may act as the hearing officer. The Board may suspend a student for a period longer than ten (10) days or expel a student. An appeal may be made to the () Board () the appropriate court of law if there is a claimed violation of substantive or procedural due process rights.

OR

[OPTION #3]

The Superintendent may suspend a student for a period longer than ten (10) days or expel a student. The Board shall act on any appeal to the decision.

[END OF OPTIONS]

In all cases resulting in short-term suspension, long-term suspension, or expulsion, appropriate due process rights must be observed.

The Superintendent shall develop procedures to implement this policy that shall include the following:

- A. strategies for providing special assistance to students in danger of being expelled and not achieving the academic outcomes of the District's core curriculum;
- B. standards of behavior for all students in accordance with District Board policy on student discipline;
- C. procedures that ensure due process; and
- D. provision for make-up work at home, when appropriate.

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Persistent Disobedience or Gross Misconduct/CSC Against Another District Student

Any student may be removed from the classroom, and/or, after consideration of the factors identified above, suspended or expelled for persistent disobedience or gross misconduct or if the student commits criminal sexual conduct against another student enrolled in the District regardless of the location of the conduct. A student may not be expelled or excluded from the regular school program based on pregnancy status.

~~[] In recognition of the negative impact on a student's education, the Board encourages the District's administrators to view suspensions, particularly those over ten (10) days, and permanent expulsions as discipline of last resort, except where these disciplines are required by law. Alternatives to avoid or to improve undesirable behaviors should be explored when possible prior to implementing or requesting a suspension or expulsion.~~

Physical and Verbal Assault

Unless a different determination is made after consideration of the factors identified above, the District shall permanently expel a student in grade six or above if that student commits physical assault at school against a staff member, a volunteer, or a contractor.

Unless a different determination is made after consideration of the factors identified above, the District shall suspend or expel a student in grade six or above for up to one hundred eighty (180) school days if the student commits physical assault at school against another student.

Physical assault is defined as "intentionally causing or attempting to cause physical harm to another through force or violence."

Unless a different determination is made after consideration of the factors identified above, the District shall suspend or expel a student in grade six or above and may discipline, suspend or expel at student in grade five and below for a period of time as determined at the Board's discretion if the student commits verbal assault at school against a District employee, volunteer, or contractor or makes a bomb threat or similar threat directed at school building, property, or at a school-related activity.

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Verbal assault is a communicated intent to inflict physical or other harm on another person, with a present intent and ability to act on the threat.

"At school" means 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.

- [X]** The District may provide appropriate instructional services at home for an expelled student not placed in an Alternative Education Program. The instructional services provided shall be similar to those provided to homebound or hospitalized students and shall be contracted for in the same manner.

Weapons, Arson, Criminal Sexual Conduct

In compliance with State and Federal law, and unless a different determination is made after consideration of the factors identified above, the District shall expel any student who possesses a dangerous weapon, other than a firearm, in the District's weapon-free school zone (except as noted below), commits either arson or criminal sexual conduct in a school building or on school property, including school buses and other District transportation, or pleads to, is convicted of or is adjudicated of criminal sexual conduct against another student enrolled in the District.

In compliance with State and Federal law, the District shall expel any student who possesses a firearm in the District's weapon-free school zone in violation of State law, unless the student can establish the mitigating factors relating to possession of a dangerous weapon set out below, by clear and convincing evidence.

For purposes of this policy, a "dangerous weapon" is defined by law as a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles. This definition also includes other devices designed to (or likely to) inflict bodily harm, including, but not limited to, air guns and explosive devices. The term "firearm" is defined as any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of the explosive, the frame, or the bearer of any such weapon, as well as a firearm muffler, firearm silencer, or any such destructive device.

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The District need not expel a student for possession of a dangerous weapon, including a firearm, if the student can establish in a clear and convincing manner the following mitigating factor(s) to the satisfaction of the Board the:

- A. object or instrument was not possessed for use as a weapon, or for direct (or indirect) delivery to another person for use as a weapon; or
- B. weapon was not knowingly possessed; or
- C. student did not know (or have reason to know) that the object or instrument in his/her possession constituted a dangerous weapon; or
- D. weapon was possessed at the suggestion, request, direction of, or with the express permission of the Superintendent or the police.

There is a rebuttable presumption that expulsion for possessing the weapon is not justified if the () **Board** (X) **Superintendent** determines in writing that the student has established that he or she fits under one of the exceptions above by clear and convincing evidence, and that the student has no previous history of suspension or expulsion.

For expulsions for dangerous weapons, arson, criminal sexual conduct or assault upon an employee, volunteer or contractor, the Superintendent shall provide that the expulsion is duly noted in the student's record, the student is referred to the Department of Human Services or Department of Community Health within three (3) school days after the expulsion, and the parents are informed of the referral. Furthermore, if a student who is expelled is below the age of sixteen (16), the Superintendent shall ensure notification of the expulsion is given to the Juvenile Division of the Probate Court. In compliance with Federal law, the Superintendent shall also refer any student (regardless of age) expelled for possession of a dangerous weapon to the criminal justice or juvenile delinquency system serving the District. In addition, the Superintendent shall send a copy of this policy to the State Department of Education and shall include a description of the circumstances surrounding the expulsion of the student for possessing a firearm or weapon in the District's weapon-free school zone, together with the name of the District, the number of students so expelled, and the types of firearms or weapons brought into the weapon-free school zone.

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A student expelled under this policy for dangerous weapons, arson, criminal sexual conduct or assault upon an employee, volunteer or contractor may apply for reinstatement in accordance with the following guidelines:

- A. If the student is in grade five (5) or below at the time of the expulsion and was expelled for possessing a firearm or threatening another person with a dangerous weapon, the parents, legal guardian, adult student, or emancipated minor may submit a request for reinstatement after sixty (60) school days from the date of expulsion, but the student may not be reinstated before ninety (90) school days from the expulsion date.
- B. If the student is in grade five (5) or below at the time of the expulsion and was expelled for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parents, legal guardian, or emancipated minor may submit a request for reinstatement at any time, but the student may not be reinstated before ten (10) school days from the expulsion date.
- C. If the student is in grade six (6) or above at the time of the expulsion, the parents, legal guardian, adult student, or emancipated minor may submit a request for reinstatement after 150 school days from the date of the expulsion, but the student may not be reinstated before 180 school days from the expulsion date.
- D. The parent, adult student, or emancipated minor shall submit the request for reinstatement to the Superintendent.
- E. Within ten (10) school days after receiving the petition, the Board shall appoint a committee consisting of two (2) Board members, a school administrator, a teacher, and a school-parent representative. During this time period, the Superintendent shall prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.

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- F. Within ten (10) school days after being appointed, the committee shall review all pertinent information and submit its recommendation to the Board. The recommendation may be for unconditional reinstatement, conditional reinstatement, or non-reinstatement, based on the committee's consideration of the following the:
1. extent to which reinstatement would create a risk of harm to students or school staff;
 2. extent to which reinstatement would create a risk of school or individual liability for the Board or school staff;
 3. age and maturity of the student;
 4. student's school record before the expulsion incident;
 5. student's attitude concerning the expulsion incident;
 6. student's behavior since the expulsion and the prospects for remediation;
 7. The degree of cooperation and support the parent has provided and will provide if the student is reinstated (if the request was filed by a parent), including, but not limited to the parent's receptiveness toward any conditions placed on the reinstatement. Such conditions, for example, might include a written agreement by the student and/or a parent who filed the reinstatement request to accomplish the following:
 - a. abide by a behavior contract involving the student, his/her parents, and an outside agency;
 - b. participate in an anger management program or other counseling activities;
 - c. cooperate in processing and discussing periodic progress reviews;

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- d. meet other conditions deemed appropriate by the committee;
 - e. accept the consequences for not fulfilling the agreed upon conditions.
8. student's behavior since the expulsion and the prospects for remediation.

The Board shall make its decision no later than the next regular Board meeting following the committee's submission of its recommendations. The Board's decision shall be final and is not subject to appeal.

In the event a student who has been permanently expelled from another school requests admission to this District, in making its decision, the Board shall follow the same procedure it has established in paragraphs A-F, above, for the reinstatement of a student.

Students expelled for reasons other than dangerous weapons, arson, criminal sexual conduct or assault upon an employee, volunteer or contractor may also petition the Board for reinstatement. The Board may, at its discretion, consider the petition **(X)** in accordance with the procedures set forth above **(X)** or upon any standards and with any procedures it determines appropriate under the circumstances.

The Superintendent shall ensure Board policies and procedures regarding a student's rights to due process are followed when dealing with a possible suspension or expulsion under this policy.

In-School Discipline

The purpose of this policy is to provide an alternative to out of school suspension. The availability of in-school discipline options is dependent upon the financial ability of the Board to support such a program.

In-school discipline will only be offered at the discretion of the Superintendent for offenses found in the Student Code of Conduct.

The Superintendent is to establish procedures for the proper operation of such a program and to ensure appropriate due-process procedures are followed as applicable. (See Policy 5630.01)

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Due Process Rights

The Board recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the District's disciplinary procedures.

To better ensure appropriate due-process is provided a student, the Board establishes the following:

A. Students Subject to Short-Term Suspension

Except when emergency removal is warranted, a student must be given at least oral notice of the charges against him/her and the opportunity to respond prior to the implementation of a suspension. When emergency removal has been implemented, notice and opportunity to respond shall occur as soon as reasonably possible. The Superintendent or other designated administrator shall provide the opportunity to be heard and shall be responsible for making the suspension decision. An appeal may be addressed to the Superintendent whose decision will be final.

B. Students Subject to Long-Term Suspension and Expulsion

A student and his/her parent or guardian must be given written notice of the intention to suspend or expel and the reasons therefore, and must also be given an opportunity to appear before the Board with a representative to answer the charges. The student and/or his/her guardian must also be provided a brief description of the student's rights and the hearing procedure, a list of the witnesses who will provide testimony to the Board, and a summary of the facts to which the witnesses will testify. At the student/parent's request, the hearing shall be held in closed session, but the Board must act publicly. The Board shall act by providing a written decision on any appeal of an expulsion, a request for reinstatement, or a request for admission after permanent expulsion from another school.

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The Superintendent shall develop procedures to ensure all members of the staff use the above guidelines when dealing with students. In addition, this statement of due process rights shall be placed in all student handbooks, in a manner that facilitates understanding by students and their parents.

Corporal Punishment

While recognizing that students may require disciplinary action in various forms, the Board does not condone the use of unreasonable force and fear as an appropriate procedure in student discipline.

Staff shall not use physical force or violence to compel obedience. If all other means fail, staff members may always resort to the removal of the student from the classroom or District through suspension or expulsion procedures.

Within the scope of their employment, all staff may use reasonable force and apply restraint to accomplish the following:

- A. restrain or remove a student who refuses to comply with a request to behave or report to the office;
- B. quell a disturbance threatening physical injury to self or others;
- C. obtain possession of weapons or other dangerous objects within the control of the student, for either self-defense; or
- D. the protection of persons or property.

In accordance with State law, corporal punishment shall not be permitted. If any staff member (full-time, part-time, or substitute) deliberately inflicts, or causes to be inflicted, physical pain upon the student (by hitting, paddling, spanking, slapping or any other kind of physical force) as a means of discipline, the staff member may be subject to discipline and possibly criminal assault charges. This prohibition also applies to volunteers and those with whom the District contracts for services.

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The Superintendent shall provide guidelines, including a list of alternatives to corporal punishment.

Removal, Suspension, and Expulsion of Students with Disabilities

The District shall abide by Federal and State laws in matters relating to discipline, suspension, and expulsion of disabled students.

M.C.L. 380.1301, 380.1309, 380.1310d, 380.1311

20 U.S.C. 3351

State Board of Education, Resolution to Address School Discipline Issues
Impacting Student Outcomes, Adopted June 12, 2012

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REVISED POLICY- VOL. 33, NO. 1 - SEPTEMBER 2018**DUE PROCESS RIGHTS**

The Board of Education recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the District's disciplinary procedures.

To better ensure appropriate due-process is provided a student, the Board establishes the following guidelines:

A. Students subject to short-term suspension:

Except when emergency removal is warranted, a student must be given oral or written notice of the charges against him/her and the opportunity to respond prior to the implementation of a suspension. When emergency removal has been implemented, notice and opportunity to respond shall occur as soon as reasonably possible. The principal or other designated administrator shall provide the opportunity to be heard and shall be responsible for making the suspension decision. An appeal may be addressed to the Superintendent whose decision will be final.

B. Students subject to long-term suspension and expulsion:

The Board authorizes the Superintendent to suspend a student for up to 180 school days without Board action or approval. A suspension may be for a short-term not exceeding ten (10) school days, or for a longer term, exceeding ten (10) school days. Upon suspension of more than forty-five (45) days, the Superintendent will immediately notify the Board. Should a suspension be imposed for a number of days exceeding the remaining days in a semester, the days remaining on the suspension will commence with the beginning of the next semester unless otherwise determined by the Superintendent.

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A student and his/her parent or guardian must be given written notice of the intention to expel and the reasons therefore, and an opportunity to appear with a representative before the Board to answer the charges. The student and/or his/her guardian must also be provided a brief description of the student's rights and of the hearing procedure, a list of the witnesses who will provide testimony to the Board, and a summary of the facts to which the witnesses will testify. At the student's request, the hearing may be private, but the Board must act publicly. The Board shall act on any appeal, which must be submitted in writing, to an expulsion (~~Policy 5610 and/or Policy 5610.01~~), to a request for reinstatement (~~Policy 5610.01~~), or to a request for admission after being permanently expelled from another district (Policy 5610.01).

The Superintendent shall establish procedures so that all members of the staff use the above guidelines when dealing with students. In addition, this statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.

Revised 1/28/19

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~~RESCIND ENTIRE POLICY -- INCORPORATED INTO 5610~~

~~EXPULSIONS/SUSPENSIONS -- REQUIRED BY STATUTE~~

~~The Board of Education is continually concerned about the safety and welfare of District students and staff and, therefore, will not tolerate behavior that creates an unsafe environment a threat to safety or undue disruption of the educational environment.~~

~~Weapons, Arson, Criminal Sexual Conduct~~

~~In compliance with State and Federal law, the Board shall expel any student who possesses a dangerous weapon in a weapon-free school zone or commits either arson or criminal sexual conduct in a District building or on District property, including school buses and other school transportation.~~

~~For purposes of this policy, a dangerous weapon is defined as "a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles" or other devices designed to or likely to inflict bodily harm, including, but not limited to, air guns and explosive devices. The term "firearm" is defined as: a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of the explosive; b) the frame or receiver of any such weapon; c) any firearm muffler or firearm silencer; or d) any destructive device. Such term does not include an antique firearm.~~

~~The Board need not expel for possession of a dangerous weapon if the student can establish to the satisfaction of the Board that:~~

- ~~A. the object or instrument was not possessed for use as a weapon, or for direct or indirect delivery to another person for use as a weapon;~~
- ~~B. the weapon was not knowingly possessed;~~
- ~~C. the student did not know or have reason to know that the object or instrument possessed constituted a dangerous weapon;~~

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~~D. the weapon was possessed at the suggestion, request, or direction of, or with the express permission of a District administrator or the police.~~

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~~There is a rebuttable presumption that expulsion for possessing the weapon is not justified if the Board determines in writing that the student has established that he or she fits under one of the exceptions above by clear and convincing evidence, and that the student has no previous history of suspension or expulsion.~~

~~The above exceptions will not apply to student misconduct involving sexual conduct or arson.~~

Physical and Verbal Assault

~~The Board shall permanently expel a student in grade six or above if that student commits physical assault at school against a District employee, volunteer, or contractor.~~

~~The Board may suspend or expel a student in grade six or above for up to 180 school days if the student commits physical assault at school against another student.~~

~~Physical assault is defined as "intentionally causing or attempting to cause physical harm to another through force or violence.~~

~~The Board may suspend or expel a student in grade six or above for a period of time as determined at the Board's discretion if the student commits verbal assault at school against a District employee, volunteer, or contractor or makes a bomb threat or similar threat directed at a school building, property, or a school-related activity.~~

~~Verbal assault is a communicated intent to inflict physical or other harm on another person, with a present intent and ability to act on the threat.~~

~~"At school" means 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.~~

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Factors To Be Considered Before Suspending or Expelling a Student

~~Prior to suspending or expelling a student for any of the above statutorily mandated reasons, except as noted below, the Board shall consider the following factors:~~

- ~~A. the student's age~~
- ~~B. the student's disciplinary history~~
- ~~C. whether the student has a disability~~
- ~~D. the seriousness of the violation or behavior~~
- ~~E. whether the violation or behavior committed by the student threatened the safety of any student or staff member~~
- ~~F. whether restorative practices will be used to address the violation or behavior~~
- ~~G. whether a lesser intervention would properly address the violation or behavior~~

~~The Board will exercise discretion over whether or not to suspend or expel a student for the statutorily mandated reasons. In exercising that discretion for a suspension of more than ten (10) days or expulsion, there is a rebuttable presumption that a suspension or expulsion is not justified unless the Board can demonstrate that it considered each of the factors listed above. For a suspension of ten (10) days or fewer, there is no rebuttable presumption, but the Board will still consider the factors.~~

~~Exception: If a student possesses a firearm in a weapon free school zone, the student will be permanently expelled without considering the above factors, unless the student can establish mitigating factors by clear and convincing evidence.~~

~~If the District determines that it will utilize restorative practices in addition to or as an alternative to suspension or expulsion of a student, it will engage in restorative practices which emphasize repairing the harm to the victim and school community caused by the student's misconduct.~~

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Alternative Services

~~An expelled or suspended student may be enrolled the District's Alternative Education Program upon the Superintendent's recommendation. Students who are expelled for dangerous weapons, arson, criminal sexual conduct or assault upon an employee, volunteer or contractor and are enrolled in a program operated for expelled students shall be physically separated at all times during the school day from the general student population.~~

~~The District may provide appropriate instructional services at home for an expelled student who is not placed in an Alternative Education Program. The type of instructional services provided shall be similar to that provided to homebound or hospitalized students and shall be contracted for in the same manner.~~

~~Disabled students under IDEA or Section 504 shall be expelled only in accordance with Board Policy 2461 and Federal due process rights appropriate to these students.~~

~~For expulsions for dangerous weapons, arson, criminal sexual conduct or assault upon an employee, volunteer or contractor, the Superintendent shall provide that the expulsion is duly noted in the student's record and that the student has been referred to the Department of Human Services or Mental Health Department within three (3) school days after the expulsion and the parents have been informed of the referral. Furthermore, the Superintendent shall ensure that, if a student who is expelled is below the age of sixteen (16), then notification of the expulsion shall be given to the Juvenile Division of the Probate Court. In compliance with Federal law, the Superintendent shall also refer any student, regardless of age, expelled for possession of a dangerous weapon to the criminal justice or juvenile delinquency system serving the District. In addition, the Superintendent shall ensure that a copy of this policy and Policy 5610 is sent to the State Department of Education as well as a description of the circumstances surrounding the expulsion of a student for possessing a firearm weapon in a weapon free school zone together with the name of the school, the number of students so expelled, and the types of firearms weapons that were brought into the weapon free school zone and other reasons listed in Policy 8400.~~

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~~A student who has been expelled under this policy for dangerous weapons, arson, criminal sexual conduct or assault upon an employee, volunteer or contractor may apply for reinstatement in accordance with the following guidelines:~~

- ~~A. If the student is in grade 5 or below at the time of the expulsion and was expelled for possessing a firearm or threatening another person with a dangerous weapon, the parents, legal guardian, the adult student, or the emancipated minor may submit a request for reinstatement after sixty (60) school days from the date of expulsion, but the student may not be reinstated before ninety (90) school days from the expulsion date.~~
- ~~B. If the student is in grade 5 or below at the time of the expulsion and was expelled for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parents, legal guardian, the adult student, or the emancipated minor may submit a request for reinstatement at any time, but the student may not be reinstated before ten (10) school days from the expulsion date.~~
- ~~C. If the student is in grade 6 or above at the time of the expulsion, the parents, legal guardian, the adult student, or the emancipated minor may submit a request for reinstatement after 150 school days from the date of the expulsion, but the student may not be reinstated before 180 school days from the expulsion date.~~
- ~~D. The parent, adult student, or emancipated minor shall submit the request for reinstatement to the Superintendent on District Form 5610.01 F1.~~

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- ~~E. The Superintendent shall, within ten (10) school days after receiving the form, submit the request, together with any other information s/he deems pertinent to the requested reinstatement, to the Board or its designated committee.~~
- ~~F. The committee shall, within ten (10) school days after being appointed, review all pertinent information, and submit its recommendation to the Board. The recommendation may be for unconditional reinstatement, conditional reinstatement, or non-reinstatement, based on the committee's consideration of:~~
- ~~1. the extent to which reinstatement would create a risk of harm to students or school personnel;~~
 - ~~2. the extent to which reinstatement would create a risk of District or individual liability for the Board or District personnel;~~
 - ~~3. the age and maturity of the student;~~
 - ~~4. the student's school record before the expulsion incident;~~
 - ~~5. the student's attitude concerning the expulsion incident;~~
 - ~~6. the student's behavior since the expulsion and the prospects for remediation;~~

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7. ~~if the request was filed by a parent, the degree of cooperation and support the parent has provided and will provide if the student is reinstated, including, but not limited to the parent's receptiveness toward possible conditions placed on the reinstatement. Such conditions may, as an example, include a written agreement by the student and/or a parent who filed the reinstatement request to:~~
- a. ~~abide by a behavior contract which may involve the student, his/her parents, and an outside agency;~~
 - b. ~~participate in an anger management program or other counseling activities at families expense;~~
 - c. ~~cooperate in processing and discussing periodic progress reviews;~~
 - d. ~~meet other conditions deemed appropriate by the committee;~~
 - e. ~~accept the consequences for not fulfilling the agreed-upon conditions.~~

~~The committee may also allow the parent, adult student, or emancipated minor to propose conditions as part of the request for reinstatement.~~

~~The Board shall make its decision no later than the next regular Board meeting following the committee's submission of its recommendations. The Board's decision shall be final and not subject to appeal.~~

~~In the event a student who has been permanently expelled from another school district requests admission to this District, the Board shall, in making its decision, rely upon the recommendation of the Superintendent.~~

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~~Students expelled for reasons other than dangerous weapons, arson, criminal sexual conduct or assault upon an employee, volunteer or contractor may also petition the Board for reinstatement. The Board may, at its discretion, consider the petition in accordance with the standards and the procedures it determines to be appropriate under the circumstances.~~

~~The Superintendent shall ensure that Board policies and District guidelines regarding a student's rights to due process are adhered to when dealing with a possible expulsion under this policy.~~

~~M.C.L.A. 380.1310, 280.1310d, 380.1311, 380.1311a~~

~~Revised 6/26/17~~

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OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019

Report 18-112

FOR ACTION

Subject:

Declaration of Obsolete Material – Technology/Telecommunication Equipment

Recommendation

Resolve that the Board of Education authorize the Technology department to dispose of technology/telecommunication equipment that has been replaced or is no longer needed.

Facts/Statistics:

Pursuant to Board Policy #7300, “the Board shall direct the periodic review of all District property and authorize the disposition by sale, donation, trade, or discard of any property not required for school purposes”. The following technology/telecommunication equipment has been identified by the technology department to be obsolete and no longer of service to the instructional or operational needs of the district:

HP Wireless Access System (Internet Infrastructure equipment replaced by recent upgrade):

3 - HP MSM760 Controllers
 211 - MSM 460 Access Points

Phone Equipment (Replaced by equipment needed to comply with E-911 upgrade):

1 - Definity ESCC (Main Server@ Central)
 6 - Merlin Magix Processors(Severs at all other Buildings)
 12 – Fiber Mux (Connectors from Central to other buildings)
 1 - Audix Voicemail Server
 245 - 6220 Single Line Phones
 66 – Avaya 4406D+ Phones
 24 - Avaya 4412D+ Phones
 7 – Avaya 4424LD Phones

Computers (Computers that are no longer functional and/or cannot be upgraded):

621 – Mix of Dell, HP and Compaq Desktops

If authorized by the Board, the Technology department will either sell, discard or donate the technology/telecommunications equipment based on the assessment of the method that would be most beneficial to the District. Any items that are designated for sale will be done so through a competitive process to achieve the best price for the district. Any funds generated through this method will be returned to the general fund as all items are over five years old. All items sold, donated or discarded will be “wiped clean” (where applicable) to assure that any personally identifiable information is removed to the extent possible.

Motion

Seconded

Vote – Ayes

Nays

Motion

**OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019**

Report 18-113

FOR ACTION

Subject:

Declaration of Obsolete Material – Operations Vehicle

Recommendation

Resolve that the Board of Education authorize the Operations department to dispose of a vehicle that is no longer viable and has been proposed to be replaced.

Facts/Statistics:

Pursuant to Board Policy #7300, “the Board shall direct the periodic review of all District property and authorize the disposition by sale, donation, trade, or discard of any property not required for school purposes”. The following vehicle has exceeded its useful life and can no longer satisfactorily be repaired to meet the needs of the District:

- 1998 Chevrolet 4 wheel, ¾ ton truck with 4 wheel drive, 5.7 liter V8 engine, 8 ft. box
- 218,667 miles
- VIN #1GTGK29R2WE535641
- 7.5 ft. Fischer plow custom made for the vehicle and needs to be retained with the vehicle

If authorized by the Board, the Operations department will put the vehicle up for sale through a closed bid process in an effort to obtain the best price for the District.

Motion

Seconded

Vote – Ayes

Nays

Motion

OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019
Report 18-114

FOR FUTURE ACTION

Subject:

2018-19 General Fund Appropriations Revision #1

Recommendations:

Resolve that the Board adopt the revised resolution to the appropriations for the General Fund 2018-19 fiscal year.

Rationale:

The purpose of a budget amendment is to provide a more accurate picture of what is anticipated for the financial year to look like for the District than was originally previewed during the June 2018 budget process. This is then utilized for completion of the planning process for the current fiscal year as well as for the budgeting process for the coming fiscal year.

Statement of Purpose/Issue:

The Board will adopt an amendment to the budget to incorporate projected revenues and expenditures in order to comply with statutory requirements.

Facts/Statistics:

- Revisions to the budget are always necessary to reflect changes in expenditures and revenues based on the best information available at the time of revision.
- Revised budgeted expenditures can be used for comparative purposes in the 2019-20 budgeting process with more validity.
- The major changes in the budget revision stem from somewhat better estimates for revenue and known adjustments to plans for utilization of funds including federal grants.
- An executive summary of the major changes that have taken place since the June 2018 adoption has been provided to provide a more detailed picture of the changes that have occurred.
- Another budget revision will be adopted, at a minimum, in June 2019 as a final.
- It also should be noted that the budget, by law, is required to be posted on the District's website. After adoption by the Board at the February meeting, the budgets for the funds indicated will be posted by the Technology department.

Motion

Seconded

Vote – Ayes

Nays

Motion

**2018-19 GENERAL FUND BUDGET REVISION #1
APPROPRIATION RESOLUTION
FOR ADOPTION BY THE BOARD OF EDUCATION
OF OWOSSO PUBLIC SCHOOLS AT A MEETING
ON FEBRUARY 25, 2019**

RESOLVED, that this resolution shall be the General Appropriations of Owosso Public Schools for the fiscal year ending June 30, 2019: A resolution to make appropriations; to provide for the expenditures of the appropriations; and to provide for the disposition of income received by Owosso Public Schools.

BE IT FURTHER RESOLVED, that the total revenues and unappropriated fund balance estimated to be available for appropriations in the general fund of the Owosso Public Schools for fiscal year ending June 30, 2019 is as follows:

Revenue:	
Local	\$ 3,713,704
State	25,670,081
Federal	1,477,627
Incoming Transfers & Other Transactions	<u>811,953</u>
Total Revenue	<u>\$31,673,365</u>
Audited Fund Balance, July 1, 2018	\$ 3,521,357
Less Appropriated Fund Balance	
Fund Balance Available to Appropriate	<u>\$ 3,521,357</u>
Total Available to Appropriate	<u>\$35,194,722</u>

BE IT FURTHER RESOLVED, that \$31,695,997 of the total available to appropriate in the general fund is hereby appropriated in the amounts and for the purposes set forth below:

Expenditures	
Instruction:	
Basic Programs	\$15,154,102
Added Needs	6,802,784
Continuing Education	145,058
Support Services	
Pupil	465,739
Instructional Staff	826,182
General Administration	674,436
School Administration	2,414,317
Business Services	756,042
Operation and Maintenance	2,823,066
Pupil Transportation	919,939
Other Services	553,680
Outgoing Transfers and Other Transactions	<u>160,652</u>
Total Appropriated	<u>\$31,695,997</u>
Estimated Ending Fund Balance, June 30, 2019	<u>\$ 3,498,725</u>

FURTHER RESOLVED, that 18 ad valorem mills shall be levied in 2018 on the taxable non-homestead and non-agricultural property located within the Owosso Public School District. The 18 mills shall be used for the appropriations itemized in this resolution.

FURTHER RESOLVED, that no Board of Education member or employee of the Owosso Public Schools shall expend any funds or obligate the expenditures of any funds except pursuant to appropriations made by the Board of Education keeping with the budgetary policy statement hitherto adopted by the Board. Changes in the amount unappropriated by the Board shall require approval by the Board.

BE IT FURTHER RESOLVED, that the Superintendent is hereby charged with general supervision of the execution of the budget adopted by the Board and shall hold the department heads responsible for performance of their responsibilities within the amounts appropriated by the Board of Education and in keeping with the budgetary policy statement hitherto adopted by the Board.

BE IT FURTHER RESOLVED that, for purposes of meeting emergency needs of the school district, transfers of appropriations may be made upon the written authorization of the Superintendent per Board of Education Policy. In addition, the Superintendent or his/her designee authorize budget transfers between accounts specifically included in the individual building budget allocations provided the total amount allocated to a specific building does not exceed the allocation included in the Appropriations Act. When the Superintendent makes a transfer of appropriations as permitted by this resolution, except transfers within the building budget allocations, such transfer shall be presented to the Board of Education at its next regularly scheduled meeting in the form of an appropriation amendment, which amendment shall be adopted by the Board of Education at such meeting.

This appropriation resolution is to take effect immediately after adoption.

Ayes:

Nays:

Absent:

Motion Declared:

**OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
January 28, 2019
Report 18-115**

FOR FUTURE ACTION

Subject:

2018-19 School Service Fund Appropriations Revision #1

Recommendations:

Resolve that the Board adopt the revised resolution to the appropriations for the School Service Fund for the 2018-19 fiscal year.

Rationale:

The purpose of a budget amendment is to provide a more accurate picture of what is anticipated for the financial year to look like for the District than was originally previewed during the June 2018 budget process. This is then utilized for completion of the planning process for the current fiscal year as well as for the budgeting process for the coming fiscal year.

Statement of Purpose/Issue:

The Board will adopt an amendment to the budget to incorporate projected revenues and expenditures in order to comply with statutory requirements.

Facts/Statistics:

- Revisions to the budget are always necessary to reflect changes in expenditures and revenues based on the best information available at the time of revision.
- Revised budgeted expenditures can be used for comparative purposes in the 2019-20 budgeting process with more validity.
- The major changes in the budget revision stem from somewhat better estimates for revenue and expenses including staffing.
- An executive summary of the major changes that have taken place since the June 2017 adoption have been provided to provide a more detailed picture of the changes that have occurred.
- Another budget revision, at a minimum, will be adopted in June 2019 as a final.
- It also should be noted that the budget, by law, is required to be posted on the District's website. After adoption by the Board in February, the budgets for the funds indicated will be posted by the Technology department.

Motion

Seconded

Vote – Ayes

Nays

Motion

**2018-19 SCHOOL SERVICE FUND ORIGINAL BUDGET REVISION
 #1 APPROPRIATION RESOLUTION
 FOR ADOPTION BY THE BOARD OF EDUCATION
 OF OWOSSO PUBLIC SCHOOLS AT A MEETING ON
 FEBRUARY 25, 2019**

RESOLVED, that this resolution shall be the School Service Fund Appropriations of the Owosso Public Schools for the fiscal year ending June 30, 2019. A resolution to make appropriations, to provide for the expenditure of the appropriations; and to provide for the disposition of all income received by the Owosso Public Schools.

BE IT FURTHER RESOLVED, that the total revenues and unappropriated fund balance estimated to be available for appropriations in the School Service Fund of the Owosso Public Schools for the fiscal year ending June 30, 2019 is as follows:

Revenue:	
Local	\$152,056
State	74,190
Federal	1,686,581
Incoming Transfers & Other Transactions	0
Total Revenue	<u>\$1,912,827</u>
Audited Fund Balance, July 1, 2018	\$101,478
Less Appropriated Fund Balance	0
Fund Balance Available to appropriate	<u>\$101,478</u>
Total Available to appropriate	<u>\$2,014,305</u>

BE IT FURTHER RESOLVED, that \$2,014,305 of the total available to appropriate in the School Service Fund is hereby appropriated in the amounts and for the purposes set forth below:

Expenditures	
Food Service	\$2,014,305
Total Appropriated	<u>\$2,014,305</u>
Estimated Ending Fund balance, June 30, 2019	<u>\$ 0</u>

BE IT FURTHER RESOLVED, that no Board of Education member or employee of the school district shall expend any funds or obligate the expenditure of any funds except pursuant to appropriations made by the Board of Education and in keeping with the budgetary policy statement hitherto adopted by the Board. Changes in the amount appropriated by the Board shall require approval by the Board.

BE IT FURTHER RESOLVED, that the Superintendent is hereby charged with general supervision of the execution of the budget adopted by the Board.

This appropriation resolution is to take effect immediately after adoption.

Ayes:

Nays:

Absent:

Motion Declared:

OWOSSO PUBLIC SCHOOLS
Board of Education
January 28, 2019

Report 18-116

FOR INFORMATION

Subject:
Personnel Update

Accepted Positions

Andrea Struble has accepted the 3-hour Food Service position at Owosso High School.

Samantha Pearce has accepted the 7-hour Food Service position at Owosso High School.

Jeannette Manning has accepted the 6.5-hour Food Service position at Owosso High School

Jacqueline Hatfield has accepted the 1.75-hour Monitor position at Emerson Elementary.

Pauline Fernette has accepted the 1.75-hour Monitor position at Bryant Elementary.

William Lamrouex has accepted the Custodian II position at Owosso High School.

Susan Mitchell has accepted the Mail Courier position.

Peggy Luce has accepted the 2.75-hour Food Service Worker position at Emerson Elementary.

Bailey Snyder has accepted the 3-hour Food Service Worker position at Owosso Middle School.

Resignations

Jessica Collier, Food Service Worker has submitted her letter of resignation.