



OWOSSO PUBLIC SCHOOLS
Ready for the World

**Board of Education Agenda
 December 10, 2018**

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. Building Reports:

- Celebrate Kids! – Emerson Elementary
- Recognition of Katie Clevenger – MHSAA All-State Finisher in Diving
- Carson Bornefeld and Cayden Whiteherse – Board of Education Student Representative’s Report

4. Board Correspondence:

- Superintendent’s Report
- Curriculum Director’s Report

5. Public Participation

6. For Action

Consent Agenda:		
November 26, 2018 Minutes-----	Report 18-64	Page 1
November 26, 2018 Closed Session Minutes-----	Report 18-65	At Place
Current Bills-----	Report 18-66	Page 9
Financials-----	Report 18-67	Page 14
Revised Bylaw 0100, Second Reading-----	Report 18-68	Page 17
Revised Bylaw 0122, Second Reading-----	Report 18-69	Page 25
Revised Bylaw 0131.1, Second Reading-----	Report 18-70	Page 33
Revised Bylaw 143.1 and Bylaw 144.1, Second Readings-----	Report 18-71	Page 37
New Bylaws 165.6 and 167.6, Revised Bylaws 166, 167.1, 167.2, and 167.3, Second Readings-----	Report 18-72	Page 54
Revised Policy 1220, Second Reading-----	Report 18-73	Page 74
New Policy 2261.03, Replacement Policy 2261.01, Revised Policies 2112, 2261, and 2700, Second Readings---	Report 18-74	Page 78
Revised Policies 1422, 3122, 4122, 1662, 3362, 4362, 2260, 5517, and 5517.02, First Readings-----	Report 18-75	Page 104
Revised Policy 2271, First Reading-----	Report 18-76	Page 257
Revised Policies 3120 and 3120.04, and New Policy 3130, First Readings-----	Report 18-77	Page 260
Revised Policy 4162, First Reading-----	Report 18-78	Page 271
Revised Policy 5330, First Reading-----	Report 18-79	Page 279
Revised Policy 5540, First Reading-----	Report 18-80	Page 283
Revised Policy 5630.01, First Reading-----	Report 18-81	Page 287
Revised Policy 6325, First Reading-----	Report 18-82	Page 306
Rescission of Policy 6350, First Reading-----	Report 18-83	Page 317
Revised Policy 8210, First Reading-----	Report 18-84	Page 319
Contract Awards for Elementary Sinking Fund Flooring Work-----	Report 18-85	Page 324
Purchase of Truck with Towing Package-----	Report 18-86	Page 326
Sewer Easement for Middle School Property-----	Report 18-87	Page 328
Superintendent’s Evaluation-----	Report 18-88	Page 332

7. For Future Action

Obsolete Material – Technology/Telecommunications Equipment-----	Report 18-89	Page 333
Obsolete Material – Operations Vehicle-----	Report 18-90	Page 334

8. For Information

Personnel Update-----	Report 18-91	Page 335
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9. Public Participation

10. Board Reports: Board Member Comments/Updates

11. 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

12. Closed Session: Purchase of Property

13. For Action: Purchase Agreement (at place)

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.

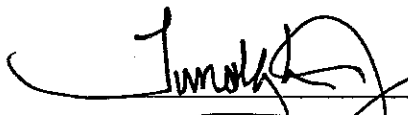
We will do our part to work as a team with administrators, teachers, support staff, parents, students and citizens so that the entire learning atmosphere of our school will be one of warmth and caring. We will do this by becoming a part of district committees such as cross-functional, professional governance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

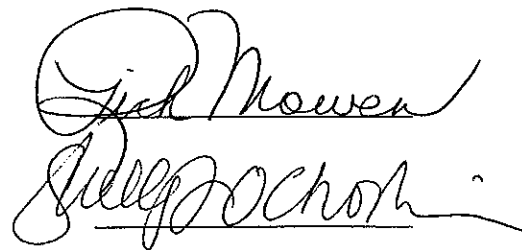
We will be enthusiastic and energetic in our support of the work in our schools by students, staff and volunteers. We will model this behavior by attending school sponsored events and working toward board certification through class work.

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



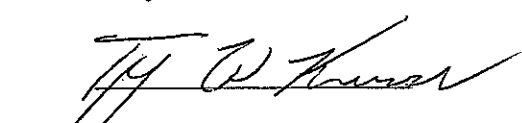
Shelly Ochodnicky
Secretary



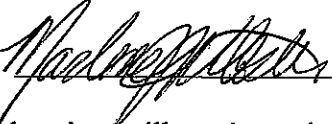
Sara Keyes
Trustee



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

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
November 26, 2018
Report 18-64

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

Building Reports

President Jenc announced that the Celebrate Kids presentation will not take place because school was canceled that day due to inclement weather.

Mr. John Klapko, Director of Operations recognized retiree Terry Hoenshell. Mr. Hoenshell served as the Day Custodian at Emerson Elementary and is retiring after 17 years of service to the District. Emerson Elementary Principal Jessica Anderson commented that Mr. Hoenshell will be very missed by her students.

Superintendent Tuttle shared Board of Education Student Representative Cayden Whiteherse's report with the Board. Cayden's report stated that Student Government hopes that everyone had a great Thanksgiving Break and is feeling refreshed and ready to finish first semester. This is the time of year that is full of festivities and opportunities for giving. The rest of the 2018 year will be filled with initiatives for the Owosso Cares Food Drive. Student Government is working on some new plans for helping out with the Owosso Cares Food Drive. All proceeds will be donated directly to Owosso Public Schools students through the Backpack program, and all non-perishable food will be donated to different food banks in our community.

The official kick-off for the Owosso High School Canned Food Drive is December 3rd with an afternoon pep assembly. At the assembly, students will hear about all of the awesome opportunities during the month of December. One opportunity will take place on November 27th, Student Government will be doing a 50/50 raffle during the triple header boys' basketball game. Additional activities will take place in December as follows:

- December 11: Chili Cook-Off and Cupcake Cook-Off Competition. This will take place in the OHS cafeteria from 4-7 pm with a cost of \$8 to taste test both the chili and cupcakes.
- December 13: Painting with a Twist. This will take place in OHS Room 215 beginning at 3 pm.
- December 14: Movie Day in the OHS auditorium from 5th – 7th hours.
- December 18: Pasta Bar Dinner – This event is open to the public and will be held in the OHS cafeteria from 5-7 pm. The cost is \$7 per person. Music will be provided by the Madrigals.

While these events are taking place, OHS will host a Spirit Week to help students stay in the holiday spirit and the spirit of giving. Spirit Week(s) will begin on December 4th and go until December 14th with a different theme each day.

Board Correspondence

Superintendent Dr. Andrea Tuttle reported that the District received approximately \$80,000 in a technology grant. The grant funds will be used to purchase new Chromebooks for the Freshmen Class. Chromebooks from the graduating class that are still in good condition will be used to replace broken Chromebooks at the middle school and elementary levels and ensure that all of the Chromebook carts

contain working Chromebooks. If there are more working Chromebooks than needed to fill existing middle school and elementary carts, additional carts will be purchased and filled with the additional working Chromebooks.

Superintendent Tuttle stated that Bond updates have been shared with the Board during Committee of the Whole meetings. She announced that it is her intent to have the architects and construction managers provide updates on the secondary campus during the January or February Board meetings. The bond process is moving quickly and a multitude of decisions are being made on a weekly basis. The bond construction at the elementary buildings is on schedule with the exception of Emerson, which is currently on hold because of Consumers Energy.

Superintendent Tuttle remarked that she is very pleased that middle school students were provided the opportunity to travel to Chicago by bus and see the musical Hamilton at a relatively inexpensive cost.

Superintendent Tuttle expressed her appreciation to the community for their continued donations to students in need. She acknowledged the Shiawassee Goodfellows for purchasing clothing for needy students. Mark Agnew and his staff at Agnew Graphics purchased 300 winter hats for Owosso elementary students. In addition to anonymous donors who contact the District and wish to donate items to needy families.

Superintendent Tuttle reported that starting this year, the Owosso Middle School is offering a PSAT prep course on Saturdays to any eighth grade student that signed up to take the PSAT on December 1st. The top 50 scorers of the test become Cook Family Foundation Scholars that provides them with scholarship opportunities.

Superintendent Tuttle informed the Board that the District was awarded a Safety and Security grant for \$164,000. The money will be used to improve security on the exterior of buildings.

Superintendent Tuttle reported that several administrators and staff recently attended the Orange Frog initiative at the Genesee Intermediate School District. The premise behind the initiative is that happy employees are more productive.

Superintendent Tuttle commented that Veterans Day is one of her favorite days and she is very pleased to witness the celebrations expand over the past few years. Approximately 500 veterans were recognized at all of our school buildings during this year's celebrations. Superintendent Tuttle expressed sincere gratitude to her administrators and staff for organizing the programs.

Superintendent Tuttle announced that 138 Owosso High School students earned perfect attendance during the first marking period of school. In recognition of their achievement, each student received a token of gratitude from the high school's administration.

Superintendent Tuttle reported that the District's Building and Grounds Department received an Energy Star award from Consumers Energy. The award is granted to schools, commercial properties, hospitals, etc. that have energy use that is below the average usage of similar sized buildings. In order to achieve this status, boilers are tuned up yearly, set points are kept for heating and cooling at levels that conserve energy, and schedules are set to optimize heating and cooling. Being an Energy Star recipient means that the District is doing its part to save tax payer money and conserve energy.

Superintendent Tuttle informed the Board that Lincoln High School will hold its Annual Day of Respect on November 27th. Lincoln students will be traveling around the community to help out at homeless shelters, shoveling driveways, and supporting the LiNC Food Pantry by collecting and stocking can donations. Guest speakers have also been invited to facilitate discussions on self-respect, respect for others and respect in the world. Superintendent Tuttle commented that the annual event requires a great deal of planning. She thanked LHS Principal Mr. Steve Irelan and his staff for organizing the event.

Curriculum Director Steve Brooks reported that a District-wide Professional Development occurred on November 15th. The PD comprised of K-12 teams that reviewed SAT, PSAT, M-STEP, academic data, test taking strategies, vocabulary skills, and deficiency data that will be used in daily lessons. Paraprofessionals also participated in the trainings. Title I paraprofessionals received literacy training and K-12 special education teachers and paraprofessionals received training in specific strategies.

Steve Brooks commented that with the progression of the bond project, students are experiencing real-life lessons during the construction phase. Students have been discussing the various careers that apply to the construction, along with mathematical equations for the square footage of the additions.

Steve Brooks stated that Owosso High School Career and Technical Education students have been invited to participate in an upcoming bond meeting with architects. Fine Arts and Construction Trades students will have an opportunity to experience real-life applications during the meeting.

Steve Brooks reported that District staff have been busy preparing for the Title I, At-Risk, and International Baccalaureate audits that will occur in March 2019. He remarked that the audits require a great amount of time and preparation.

Steve Brooks informed the Board that he has been working with CFO Julie Omer on the Title II budget for professional development and outlining details for the remainder of the year. He stated that he appreciates Mrs. Omer's assistance with meeting the requirements for approval by the state.

Steve Brooks announced that he has been working with administrators on the 2019 kindergarten and Bentley Bright Beginnings student registration. He stated that kindergarten registration will occur on March 4-7, 2019.

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.

Kimberly Springsdorf, Executive Director of the Steam Railroading Institute stated that on November 17th there was a commercial line freight train derailment and 900 of their passengers on the 1225 were stranded in Ashley. Mrs. Springsdorf thanked the District for their assistance in providing school busses and drivers to transport the passengers back to Owosso. She commented that she is very proud of her community for their support and coming together in a very short time to resolve the issue.

Kevin Lenkart, Director of Owosso Public Safety thanked Interim Transportation Director Renee Secor-Jenks for her quick response with getting the OPS bus drivers and eight school busses to assist with transporting the 1225 passengers back to Owosso. He remarked that he appreciates the positive support they received from everyone on a Saturday evening.

Rick Mowen commented that it is truly amazing how the District comes together to help the community. In addition to Interim Transportation Director Renee Secor-Jenks, he extended his gratitude to OPS Bus Drivers Joyce Malzahn, Denise Hudson, Vicky Tobey, Lorraine Pelikan, Dave Goodrich, Debbie Desser, Janice Coppersmith, Nathan Struble, Alyne Rubelman, Steve DeLong, and Tammy Shurlow for answering the call and taking their busses to assist getting the 1225 passengers back to Owosso.

Superintendent Tuttle commented that Renee Secor-Jenks demonstrated her leadership as the Interim Transportation Director and deserves the majority of credit for providing the bus drivers to transport the passengers. She remarked that it was quite impressive to witness the OPS busses lined up to transport the 1225 passengers.

Tom Manke commented that he wanted to thank the OPS bus drivers as well for their assistance. He stated that he was the first of the media to arrive at the derailment at 8:20 pm. By 9:20 pm all OPS school busses were lined up, along with the Owosso Township Fire Department, Chief Kevin Lenkart, and personnel from the Owosso ambulance. Mr. Manke remarked that all of the passengers were laughing and smiling as they exited the train. It was absolutely fantastic how quickly everyone responded.

Tom Manke stated that the public wants to know what the criteria is to close schools during inclement weather. He asked if the District was going to start closing schools like they do in the south during winter.

For Action

- Moved by Mowen, supported by Keyes to approve the October 22, 2018 regular meeting minutes, November 12, 2018 committee of the whole meeting minutes, November 12, 2018 closed session minutes, current bills, and financials as presented. Motion carried unanimously.
- Moved by Ochodnicki, supported by Mowen to authorize the Superintendent to sign the awarded contracts for elementary bond work for carpet and resilient flooring, painting and food service equipment as outlined and presented for the area of work delineated and authorize the Superintendent to approve any contingencies of 6.5% and general condition work up to 2% of the overall contract work not to exceed \$224,194. President Jenc commented that for the record, no bids were received from local businesses or contractors. Motion carried unanimously.
- Moved by Mowen, supported by Webster to authorize the Superintendent to proceed with pursuing options for disposing of the Cass and Cedar Street facilities if an alternative location for the services provided out of these buildings is found that is acceptable to the Board. Motion carried unanimously.
- Moved by Webster, supported by Mowen to authorize the Owosso High School to dispose of the Freshman Band uniforms. If the Board declares the uniforms obsolete, the items can be sold to outside parties/schools with the proceeds to go back to the band to offset the current cost of the new uniforms. Motion carried unanimously.
- Moved by Ochodnicki, supported by Keyes to approve the contract with Spicer Group, as presented, for retention of their services for the sinking fund Project Administration. In response to questions from Trustee Webster, Superintendent Tuttle stated that all fees for services from Spicer Group are taken out of the Sinking Fund. The fee structure for Spicer Group was also clarified. Motion carried unanimously.
- Moved by Mowen, supported Paez to authorize the Superintendent to negotiate on behalf of the Board for the property at Precision Electric and enter into a Buyer Agency with Re/Max of Owosso solely for the Precision Electric property. It should be noted that any price that is negotiated would come before the Board for approval prior to solidifying any offer. The Precision Electric property located at 1750 E. South Street has been found to meet the needs for relocation of the Transportation facility in addition, the ability to relocate and vacate the current Cass Street, Cedar Street, and Tahyio Road locations. Motion carried unanimously.
- Moved by Webster, supported by Krauss to adopt Revised Bylaw 100 – Definitions pertaining to: Apps and Services; Due Process; Family Member; Principal; Shall, and Superintendent as a first reading. The Board was in agreement to include the optional language that states, “Under the “Voting” section of the bylaw, there is optional language for the Board to consider to allow for remote participation and voting by a Board member, if notification and approval by the Board president has occurred”. Motion carried unanimously.
- Moved by Mowen, supported by Krauss to adopt Revised Bylaw 0122 – Board Powers as a first reading. Motion carried unanimously.

- Moved by Ochodnický, supported by Krauss to adopt Revised Bylaw 0131.1 – Bylaws and Policies as a first 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 their first readings. Motion carried unanimously.
- Moved by Keyes, supported by Mowen 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 their first readings. Motion carried unanimously.
- Moved by Mowen, supported by Webster to adopt Revised Policy 1220 – Employment of the Superintendent as a first reading. Motion carried unanimously.
- Moved by Ochodnický, supported by Mowen 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 their first readings. Motion carried unanimously.

For Future Action

- The Board of Education will be asked to authorize the Superintendent to sign awarding contracts for elementary sinking fund flooring renovation work at Central and Emerson as identified and bid out based on the recommendation of Spicer Engineering. The intention is to have all work performed during the 2018 winter holiday break.
- The Board of Education will be asked to approve the purchase of a truck with towing package and optional snow plow. The Operations Department is in need of a reliable vehicle to accomplish tasks that require hauling of items between buildings and, during inclement weather, can assist in the task of snow removal. President Jenc asked if the bids will be open to local dealerships and if used vehicles were being considered for purchase. CFO Julie Omer explained that requests for bids have been placed as required by law, which includes local dealerships. The bids received can be inclusive of any used truck meeting the specifications with less than 5,000 miles.
- The Board of Education will be asked to authorize the Superintendent to sign off on two permanent easements proposed by the City of Owosso located behind the current Middle School located at 219 N. Water Street and through the amphitheater property.

For Information

Superintendent Tuttle reported that April Schwab has accepted the Kindergarten Paraprofessional position at Central Elementary. Megan Richmond has accepted the Special Education Paraprofessional position at Emerson Elementary. Alyne Rubelman has accepted the Bus Driver position. Sharry Little has accepted the 2.75-hour Monitor position at Emerson Elementary. Gina Norman has accepted the 2.75-hour Monitor position at Emerson Elementary. Nichole Carsten has accepted the Custodian II position at Owosso High School. James Flagg has accepted the Custodian III position at Emerson Elementary. Gayla Ehler has accepted the Custodian II position at Bryant Elementary. Heather Dorn, Monitor at Emerson Elementary has submitted her letter of resignation effective November 2, 2018. Paul Clark, Bus Driver has submitted his letter of resignation effective October 26, 2018. Steve DeLong, Transportation Supervisor has submitted his letter of resignation effective November 13, 2018. Michele Prince has submitted her letter of resignation effective November 16, 2018. SherryLynn Breece has resigned her position of Paraprofessional at Emerson Elementary effective November 21, 2018.

Public Participation

There were no comments from the public.

Board Member Comments/Updates

President Tim Jenc commented that the most recent edition of the Today's Trojan contains valuable information about the District. The publication is mailed to all residents within the Owosso Public Schools, including Henderson. Mr. Jenc remarked that it's too bad that it cannot be published more often. Mr. Jenc thanked everyone involved in the creation and distribution of the publication.

Trustee Ty Krauss thanked everyone at Central Elementary School. He stated that he recently had an opportunity to visit the school where his grandchildren attend for lunch. Mr. Krauss commented that he was greeted at the door and everyone was very helpful and kind. The students knew exactly where they needed to be at all times and it was a great experience to be a part of.

Trustee Sara Keyes remarked that she along with several parents were very appreciative to receive word at 8:30 the previous evening notifying them that school would be canceled the following day. She remarked that the early notification helped parents find alternate child care for the snow day.

Mrs. Keyes stated that her children attend Emerson Elementary and they will miss Custodian Terry Hoenshell. Mr. Hoenshell possessed great work ethics and built wonderful relationships with the students. Mrs. Keyes commented that she is looking forward to all of the Christmas festivities in the District.

Vice President Rick Mowen stated that he recently had an opportunity to have lunch with a kindergartener at Emerson Elementary Schools "Strive for Five" perfect attendance celebration. He commented that it was fun to watch the students interact with each other. Mr. Mowen also praised the school for recognizing students with perfect attendance.

Vice President Rick Mowen stated that many times we take leadership for granted. WikiLeaks defines leadership as "a practical skill encompassing the ability of the individual to lead or guide other individuals, teams, or an entire organization." Mr. Mowen commented that it is bitter sweet knowing that Treasurer Cheryl Paez will no longer be on the Board as of January 1, 2019. He stated that leadership is not determined by gender or size and Mrs. Paez has made a great impact on the Board of Education. Mrs. Paez has demonstrated her leadership on the Board through communication, awareness, honesty, integrity, relationship building, and innovation. Mr. Mowen praised Mrs. Paez for her courage to serve on the Board for the past several years and commented that it has been a privilege to work with her. He stated that it is his hope that members of the future Board recognize the true value and guidelines of leadership that encompass, "Before you assume learn the facts, before you judge understand why, before you hurt someone feel, and before you speak, think." Mr. Mowen stated that Mrs. Paez has epitomized the definition of leadership over the past eight years.

Secretary Shelly Ochodnický echoed Mr. Mowen's comments about Mrs. Paez and added that he spoke on behalf of the entire Board. She added that Mrs. Paez is the quiet one on the Board; however, she thinks things through very eloquently, and has a great eye for details. Mrs. Paez will be greatly missed.

Mrs. Ochodnický reported that she attended the elementary Veteran's Day programs and enjoyed them very much. She stated that the community also enjoys this event and has come to expect them. Mrs. Ochodnický expressed her appreciation to the administrators and staff that work hard to make these events a huge success.

Mrs. Ochodnický stated that she also attended the "Strive for Five" perfect attendance lunch. During the lunch she got to know a kindergarten student that expressed an interest in bowling through the Blue and Gold After School Program. Mrs. Ochodnický stated that she happily agreed to sponsor the student in the program for the next six weeks. She encouraged others to do the same for students that may not be able to afford the programs.

Mrs. Ochodnický commented that the decision to close school is always a challenge. Social media can also be a challenge, especially when people do not agree with the decision. Mrs. Ochodnický stated that she appreciates that Superintendent Tuttle decided to close school after a very thoughtful process. Owosso Public Schools was not the only school that closed that day because of the weather conditions.

Mr. Mowen remarked that paved roads were somewhat passable that morning; however, the District's busses do not travel on just the main roads. He stated that he was on some gravel roads earlier that day and they were very treacherous. The decision to close school is always a hard call but feels that the right decision was made for the safety of all.

Treasurer Cheryl Paez remarked that she received a telephone call from a friend that resides in Fowlerville this morning and was notified as they were leaving their home that school was closed.

Mrs. Paez expressed her gratitude for all of the kind words she has received.

Trustee Marlene Webster remarked that technology is now available that can predict weather far better than in 1978. As a result, we now know what type of weather we can expect and it is usually correct. Based on these predictions we can call school off and keep everyone safe. We are more cautious because we have technology that allows us to keep people safe. Mrs. Webster stated that the decision to close school that day was made in collaboration with Superintendent's throughout the county. The consensus was to close all schools in the county and she believes that the right decision was made.

Mrs. Webster reported that the Lincoln Food Pantry located in the Washington Campus has been utilized more than what was anticipated when it initially opened in May 2018. Funding from other sources have helped to maintain the pantry even though the funds used to initially open the pantry are gone. Lincoln High School students in Mrs. Michele Schmitz Social Justice class brainstormed on ways to keep the pantry open. The students came up with the idea to hold a fundraising competition similar to the television show Chopped. Three local chefs have agreed to participate in the competition that will be held on Martin Luther King Day. The goal is raise around \$10,000 to maintain the pantry for another year. Mrs. Webster applauded the students from LHS on their innovative ideas.

Mrs. Webster announced that Shiawassee Hope and seventeen other non-profit organizations are participating in Giving Tuesday on November 27th. Shiawassee Hope will be raising money to pay for one year's rent at the Pleasant Valley Impact Center. The Impact Center supports many students from Owosso Public Schools. Mrs. Webster reported that many of the donations will be matched and encouraged people to support the non-profits.

Mrs. Webster remarked that with the outcome of the recent election, Cheryl Paez will be greatly missed. She stated that the current Board has created an incredible culture and her experience continues to be very positive. Mrs. Webster commented that the Board needs to be intentional in maintaining this positive culture as a new member becomes assimilated to the Board.

President Tim Jenc informed the Board that he and Superintendent Tuttle will be meeting with newly elected member Olga Quick for an orientation to the Board of Education on November 30th.

Vice President Rick Mowen stated that the local newspaper recently had an article about a neighboring school districts drama program, which is similar to a new Owosso Public Schools program. Mr. Mowen shared the following quote from the article, "Drama teaches you those life skills like, how to look people in the eye, have a conversation, being confident, and how to walk and hold yourself, which are skills everyone needs to have." Mr. Mowen stated that he believes that the theater program will greatly benefit the students as adults and believes it was a great move to add theater to the District's curriculum.

Upcoming Board Meeting Dates:

December 10: Regular Board Meeting at 5:30 pm (Note: meeting to be held on 2nd Monday of the month due to holidays)

Important Upcoming Dates:

December 3: Owosso Cares Canned Food Drive Starts (ends on December 14)

December 4: OMS Band Holiday Festival, 7 pm

December 5: OHS Band Concert, 7 pm

December 7: Senior Citizens Holiday Breakfast, 8 am

Adjournment

Moved by Mowen, supported by Krauss to move into closed session at 6:49 pm for the purpose of the Superintendent's evaluation. Secretary Ochodnicki conducted a roll call vote. Ayes: Webster, Paez, Ochodnicki, Mowen, Jenc, Keyes, Krauss. Nays: None. Motion carried unanimously.

Moved by Mowen, supported by Webster to return to open session at 7:32 pm. Motion carried unanimously.

Moved by Mowen, supported by Ochodnicki to adjourn at 7:32 pm. Motion carried unanimously.

Minutes recorded by Clara Pitt

Respectfully submitted,

Shelly Ochodnicki, Secretary

OWOSSO PUBLIC SCHOOLS
EXPENDITURE REPORT
NOVEMBER 18, 2018 - DECEMBER 2, 2018
REPORT 18-66

CHECK RUN ACTIVITY BY FUND

GENERAL FUND	\$402,489.73
SERVICE FUND	\$9,653.67
SINKING FUND	\$0.00
CAPITAL PROJECTS - BOND FUND	\$0.00
CAPITAL PROJECTS - NON-BOND FUND	\$0.00
CHECK RUN TOTAL	\$412,143.40

CREDIT CARD ACTIVITY BY FUND (11/4/18-12/03/2018 - Posting date)

GENERAL FUND (NOVEMBER ACTIVITY)	\$ 17,936.21
SERVICE FUND (NOVEMBER ACTIVITY)	\$ 498.42
ORGANIZATIONAL FUND (NOVEMBER ACTIVITY)	\$ 2,529.59
CREDIT CARD TOTAL	\$ 20,964.22

GORDON FOOD SERVICE ACTIVITY (SERVICE FUND)

PAYMENT 11/20/2018	\$ 19,482.04
PAYMENT 11/30/2018	\$ 18,411.15

DIRECT DRAW FROM BANK ACCOUNT	\$ 37,893.19
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PAYROLL (#11) 11/23/18	\$ 901,327.42
STABILIZATION PAYMENT - NOVEMBER 2018 - 11/28/2018	\$ 384,910.75

PAYROLL TOTAL	\$ 1,286,238.17
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GRAND TOTAL	\$ 1,757,238.98
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12/05/2018 4:06 pm

Owosso Schools

Page: 1

Check Register for Bank Account ID CHEM1

From 11/19/2018 to 12/02/2018

From Check First to Last

Check#	Date	Run Type	Status	Vendor Name	Invoice Description	Amount
099035	11/23/2018	1 Comp	Open	100046 BAKER COLLEGE OWOSSO	ADULT ED SVCS THRU 10-31	17,410.81
099036	11/23/2018	1 Comp	Open	008388 BUDDY BOOKS PUBLISHING	EM/GRAHAM/BOOKS	203.50
099037	11/23/2018	1 Comp	Open	008392 CEDAR CREEK LUMBER A BLUELINK CO	OHS/KRANTZ/SUPPLIES CTE	3,044.10
099038	11/23/2018	1 Comp	Open	007465 CINTAS CORPORATION # 308	OPER/KLAPKO/UNIFORM RENT	70.21
099039	11/23/2018	1 Comp	Open	000124 CONTROL SOLUTIONS INC.	OPER/KLAPKO/HVAC SUPPORT	120.00
099040	11/23/2018	1 Comp	Open	007515 DANIELE LAB	COMM ED LIFE GUARD	298.00
099041	11/23/2018	1 Comp	Open	006441 FOWLER HIGH SCHOOL	ATH/SMITH/4-12 TRACK ENTRY	150.00
099042	11/23/2018	1 Comp	Open	004001 FRIEND, MATT	MS/FRIEND/SUPPLIES	36.49
099043	11/23/2018	1 Comp	Open	001763 GUTE, REBEKAH	CE/GUTE/CONF REIMB	33.14
099044	11/23/2018	1 Comp	Open	002810 HI-QUALITY GLASS	OPER/KLAPKO/SKYLITE REPAIR	452.46
099045	11/23/2018	1 Comp	Open	008531 HUBER, CRYSTAL	BB/HUBER/SUPPLIES	22.98
099046	11/23/2018	1 Comp	Open	003396 INT'L BACCALAUREATE	SPRING 2019 MYP EVAL VISIT	3,700.00
099047	11/23/2018	1 Comp	Open	004730 J. W. PEPPER & SON INC.	MS/ROGERS/MUSIC	174.29
099048	11/23/2018	1 Comp	Open	102408 LANSING SANITARY SUPPLY INC.	OPER/KLAPKO/SUPPLIES	448.71
099049	11/23/2018	1 Comp	Open	008566 LIVINGSTON, MADISON	COMM ED LIFE GUARD	175.75
099050	11/23/2018	1 Comp	Open	002109 LUDINGTON ELECTRIC INC.	OPER/KLAPKO/ELECTRICAL WOR	415.99
099051	11/23/2018	1 Comp	Open	003600 MARSHALL MUSIC COMPANY INC.	OMS/TOLRUD/REPAIRS	105.79
099052	11/23/2018	1 Comp	Open	003660 MEDLER ELECTRIC COMPANY	OPER/KLAPKO/ELECTRICAL SUPP	506.22
099053	11/23/2018	1 Comp	Open	003780 MESSA	DEC 2018 BILL/TEACHERS	213,389.26
099054	11/23/2018	1 Comp	Open	003780 MESSA	DEC 2018 BILL/ADMIN	22,201.30
099055	11/23/2018	1 Comp	Open	003780 MESSA	DEC 2018 BILL/NON-UNION	15,208.74
099056	11/23/2018	1 Comp	Open	003780 MESSA	DEC 2018 BILL/OESPA STAFF	47,193.43
099057	11/23/2018	1 Comp	Open	001902 MHSSCA	ATH/SMITH/DUES	50.00
099058	11/23/2018	1 Comp	Open	003756 MICHIGAN COMPANY, INC.	OPER/KLAPKO/SUPPLIES	35.00
099059	11/23/2018	1 Comp	Open	004121 NAPA AUTO PARTS	OPER/KALPKO/CARB CLEANER	4.69
099060	11/23/2018	1 Comp	Open	004600 OPS FOOD SERVICE FUND	ATL/PARSONS/COUNT DAY	78.00
099061	11/23/2018	1 Comp	Open	004553 OWOSSO HITCH & PLOW CENTER INC	OPER/KLAPKO/REPAIR PARTS	133.00
099062	11/23/2018	1 Comp	Open	004652 PCMI - WEST	BB STAFF PAYMENT	13,422.28
099063	11/23/2018	1 Comp	Open	007853 PIONEER VALLEY BOOKS	BR/HARKEMA/LETTER TRAYS	58.91
099064	11/23/2018	1 Comp	Open	004860 POSIMASTER	ADM/PRESORT FEE	225.00
099065	11/23/2018	1 Comp	Open	008350 PUMFORD, ALEXANDRIA	COMM ED LIFE GUARD	166.25
099066	11/23/2018	1 Comp	Open	005420 SCHOOL SPECIALTY INC.	OHS/BURZMOR,D/SUPPLIES	159.49
099067	11/23/2018	1 Comp	Open	000693 SEHI COMPUTER PRODUCTS	CE/KLAPKO/TONER, BATTERIES	35.50
099068	11/23/2018	1 Comp	Open	005363 SHATTUCK SPECIALTY ADVERTISING	ADM/PITT/ENGRAVING	177.00
099069	11/23/2018	1 Comp	Open	003916 TERRY'S TIRE SERVICE	OPER/KLAPKO/TIRES	617.00
099070	11/23/2018	1 Comp	Open	002948 THOMPSON, JESSICA	ADM/THOMPSON/CONF REIMB	30.52
099071	11/23/2018	1 Comp	Open	007248 U.S. FOUNDATION FOR INSPIRATION	HS/#5260 FRC VETERAN TEAM	2,000.00
099072	11/23/2018	1 Comp	Open	100267 UNUM LIFE INSURANCE	DEC 2018 BILL/ADMIN STAFF	1,165.93
099073	11/23/2018	1 Comp	Open	100267 UNUM LIFE INSURANCE	DEC 2018 BILL/GF STAFF	1,413.71
099074	11/23/2018	1 Comp	Open	006510 VALLEY LUMBER COMPANY	OHS/FREEMAN/SUPPLIES	596.07
099075	11/29/2018	1 Comp	Open	006231 APPLE INC.	OMS/COLLINS/MAC BOOK	2,249.00
099076	11/29/2018	1 Comp	Open	100809 BROOKS, STEPHEN	ADM/BROOKS/CONF REIMB	100.61
099077	11/29/2018	1 Comp	Open	007465 CINTAS CORPORATION # 308	OPER/KLAPKO/UNIFORM RENT	140.42
099078	11/29/2018	1 Comp	Open	001197 CLEVINGER, DEB	HS/D CLEVINGER/SUPPLIES	7.99
099079	11/29/2018	1 Comp	Open	001410 DALTON ELEVATOR	OPER/KLAPKO/WELDING SUPP	45.00
099080	11/29/2018	1 Comp	Open	006588 DAYSTARR COMMUNICATIONS	UTIL/PHONE BILL	1,046.44
099081	11/29/2018	1 Comp	Open	101867 FASTENAL COMPANY	OPER/KLAPKO/NUTS&BOLTS	24.94
099082	11/29/2018	1 Comp	Open	006197 FRONTIER	PHONE/FAX BILL	93.53
099083	11/29/2018	1 Comp	Open	008548 GARBER, STEPHANIE	ADM/GARBER/CONF REIMB	41.92
099084	11/29/2018	1 Comp	Open	008555 GILLETT, REBECCA	MS/GILLETT/MILEAGE	22.89
099085	11/29/2018	1 Comp	Open	003852 GRAND TRAVERSE RESORT	HS/J SMITH/CONF LODGING	249.00
099086	11/29/2018	1 Comp	Open	000070 H. K. ALLEN PAPER COMPANY	OPER/KLAPKO/CUSTODIAL SUPP	2,732.45
099087	11/29/2018	1 Comp	Open	006632 HAMMOND, PENNY	HS/HAMMOND/CONF REIMB	53.42
099088	11/29/2018	1 Comp	Open	002962 INDUSTRIAL SUPPLY OF OWOSSO INC.	OPER/KLAPKO/GATES BELTS	22.40

Check Register for Bank Account ID CHEML

From 11/19/2018 to 12/02/2018

From Check First to Last

Check#	Date	Run Type	Status	Vendor Name	Invoice Description	Amount
099089	11/29/2018	1 Comp	Open	008220 J & H OIL CO.	TRANS/SECOR/DIESEL	9,614.96
099090	11/29/2018	1 Comp	Open	004730 J. W. PEPPER & SON INC.	OMS/TOLRUD/SUPPLIES	461.80
099091	11/29/2018	1 Comp	Open	001459 LAMAY, JENNIFER	BR/LAMAY/MEETING	25.97
099092	11/29/2018	1 Comp	Open	007091 LEARNING A TO Z	EM/GRAHAM/SUBSCRIPTION	209.90
099093	11/29/2018	1 Comp	Open	003448 LOCKER ROOM & TROPHY PLACE	ADM/RETIREMENT AWARD	42.50
099094	11/29/2018	1 Comp	Open	002109 LUDINGTON ELECTRIC INC.	OPER/KLAPKO/BUCKET TRUCK	75.00
099095	11/29/2018	1 Comp	Open	003537 MCLAREN RENT IT INC.	OPER/KLAPKO/EQUIP RENT	215.46
099096	11/29/2018	1 Comp	Open	007056 MIAAAA	HS/J SMITH/CONF REGISTRAT	100.00
099097	11/29/2018	1 Comp	Open	007158 MOMAR, INCORPORATED	OPER/KLAPKO/BOILER SERVICE	318.00
099098	11/29/2018	1 Comp	Open	004050 MORRIS MECHAN. CONTRACTING INC.	OPER/KLAPKO/BOILER REPAIR	1,005.00
099099	11/29/2018	1 Comp	Open	005928 MURRAY, ANDREW	MS/MURRAY/MILEAGE&SHAVE	149.71
099100	11/29/2018	1 Comp	Open	004121 NAPA AUTO PARTS	OPER/KLAPKO/REPAIR PARTS	106.43
099101	11/29/2018	1 Comp	Open	004600 OPS FOOD SERVICE FUND	ADM/PD BREAKFAST	1,908.50
099102	11/29/2018	1 Comp	Open	008349 PETERSON, BROOKE	HS/PETERSON/MILEAGE	342.26
099103	11/29/2018	1 Comp	Open	001705 PHILLIPS, JEFF	HS/PHILLIPS/MILEAGE	56.35
099104	11/29/2018	1 Comp	Open	008234 READING READING BOOKS	EM/GRAHAM/BOOKS	250.80
099105	11/29/2018	1 Comp	Open	000273 SCHOLASTIC BOOK CLUBS INC.	HS/COLLINS/SUBSCRIPTION	219.78
099106	11/29/2018	1 Comp	Open	000693 SEHI COMPUTER PRODUCTS	CE/KLAPKO/TONER, BATTERIES	57.00
099107	11/29/2018	1 Comp	Open	100017 SET-SEG	DEC 2018 BILL/GF STAFF	5,201.85
099108	11/29/2018	1 Comp	Open	100810 SHIA. COUNTY ROAD COMMISSION	OPER/KLAPKO/ROAD SALT	463.99
099109	11/29/2018	1 Comp	Open	005625 SHIAWASSEE RESD	10/21-11-3-18 EDUSTAFF	25,089.65
099110	11/29/2018	1 Comp	Open	101057 STATE OF MICHIGAN	BB/REPAY DHS OVERPAYMENT	1,625.00
099111	11/29/2018	1 Comp	Open	101057 STATE OF MICHIGAN	OPER/KLAPKO/POOL LICENSE F	67.00
099112	11/29/2018	1 Comp	Open	002948 THOMPSON, JESSICA	ADM/THOMPSON/MILEAGE	125.43
099113	11/29/2018	1 Comp	Open	006250 TIRE FACTORY	OPER/KLAPKO/TIRES	1,650.00
099114	11/29/2018	1 Comp	Open	004619 U.S. SCHOOL SUPPLY	BR/CRANDELL/SCENTED PENCIL	167.65
099115	11/29/2018	1 Comp	Open	001119 UNITED PARCEL SERVICE	HS/POSTAGE	27.24
099116	11/29/2018	1 Comp	Open	003443 WEBBERVILLE HIGH SCHOOL	MS/PURDY/CHEER COMPETITION	200.00
099117	11/29/2018	1 Comp	Open	007541 WEBSTER, MARLENE	ADM/WEBSTER/CONF REIMB	103.01
099118	11/29/2018	1 Comp	Open	006845 WIN'S CORPORATE OFFICE	OPER/KLAPKO/ELECTRICAL SUP	49.96
CHECK TOTAL						402,489.73
LESS VOIDS						0.00
GRAND TOTAL						402,489.73

Check Summary

Check Status	Count	Amount	Check Type	Count	Amount
Open	84	402,489.73	Computer	84	402,489.73
Cleared			Prepaid		
Void					
Scratch					
TOTAL	84	402,489.73	TOTAL	84	402,489.73

Check Register for Bank Account ID SERVIC

From 11/19/2018 to 12/02/2018

From Check First to Last

Check#	Date	Run Type	Status	Vendor Name	Invoice Description	Amount
007422	11/23/2018	1 Comp	Open	003780 MESSA	DEC 2018 BILL/FS STAFF	1,100.13
007423	11/23/2018	1 Comp	Open	100267 UNUM LIFE INSURANCE	DEC 2018 BILL/FS STAFF	51.00
007424	11/29/2018	1 Comp	Open	004621 AUNT MILLIE'S BAKERIES	FS/PRINCE/FOOD PURCHASE	544.67
007425	11/29/2018	1 Comp	Open	007480 BANANA BROTHERS PRODUCE	FS/PRINCE/FOOD PURCHASE	6,251.85
007426	11/29/2018	1 Comp	Open	005058 FD HAYES ELECTRIC CO.	FS/PRINCE/EQUIP REPAIR	1,015.50
007427	11/29/2018	1 Comp	Open	007509 NIXON'S GROCERY	FS/PRINCE/FOOD PURCHASE	461.12
007428	11/29/2018	1 Comp	Open	002509 PRINCE, MICHELE	FS/PRINCE/MILEAGE	54.72
007429	11/29/2018	1 Comp	Open	100017 SET-SEG	DEC 2018 BILL/FS STAFF	174.68
CHECK TOTAL						9,653.67
LESS VOIDS						0.00
GRAND TOTAL						9,653.67

Check Summary

Check Status	Count	Amount	Check Type	Count	Amount
Open	8	9,653.67	Computer	8	9,653.67
Cleared			Prepaid		
Void					
Scratch					
TOTAL	8	9,653.67	TOTAL	8	9,653.67

Date Range: From: 11/04/2018

To: 12/03/2018

Date Type: Posting Date

Data available starting: 12/06/2015

Search

SEARCH RESULTS

Search Total: (4,947.14)

Page 1 of 1 Page Go

<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	861.06	0.00	861.0
MIKE GRAHAM	XXXX-XXXX-0530-1557	1,929.11	0.00	1,929.1
FRED LAB	XXXX-XXXX-0532-9202	281.77	0.00	281.7
ED VAN STRATE	XXXX-XXXX-0532-9277	340.07	0.00	340.0
LINCOLN HIGH SCHOOL	XXXX-XXXX-0593-9232	121.30	0.00	121.3
BRIGHT BEGINNINGS OFFICE	XXXX-XXXX-1097-9983	428.00	0.00	428.0
OWOSSO SCHOOLS	XXXX-XXXX-1253-3820	498.42	0.00	498.4
CTE CULINARY ARTS	XXXX-XXXX-1311-0891	1,139.78	0.00	1,139.7
CTE CONSTRUCTION TRADES	XXXX-XXXX-1311-0933	313.68	0.00	313.6
OWOSSO PUBLIC SCHOOLS	XXXX-XXXX-0002-6361	0.00	(25,911.36)	(25,911.36)
BRYANT ELEMENTARY	XXXX-XXXX-0177-1509	577.34	0.00	577.3
DAN CLARK	XXXX-XXXX-0188-5846	156.03	0.00	156.0
OWOSSO HIGH SCHOOL	XXXX-XXXX-0223-2881	2,749.80	0.00	2,749.8
TECHNOLOGY DEPT	XXXX-XXXX-0270-9854	171.77	0.00	171.7
JOHN QUICK	XXXX-XXXX-0274-4836	284.95	0.00	284.9
OWOSSO MIDDLE SCHOOL	XXXX-XXXX-0316-8175	1,375.58	0.00	1,375.5
CENTRAL ELEMENTARY	XXXX-XXXX-0358-7523	740.12	0.00	740.1
BRIGHT BEGINNINGS	XXXX-XXXX-2811-1358	752.00	0.00	752.0
DISTRICT TRAVEL	XXXX-XXXX-7790-7151	2,643.42	0.00	2,643.4
OPERATIONS DEPT	XXXX-XXXX-0612-4448	233.00	0.00	233.0
CENTRAL OFFICE	XXXX-XXXX-3097-2556	2,771.09	0.00	2,771.0
OWOSSO HIGH SCHOOL 2	XXXX-XXXX-6679-7711	2,529.59	0.00	2,529.5
BRIGHT BEGINNINGS	XXXX-XXXX-8945-7020	66.34	0.00	66.3

Page 1 of 1 Page Go

Search Total: (4,947.14)

OWOSSO PUBLIC SCHOOLS
BOARD OF EDUCATION
November 30, 2018
Report 18-67

	Statement of Deposits and Investments					Total
	General Fund	School Service	Building & Site	Capital Projects Bond Fund	Debt Service Fund	
Summary of Deposits and Investments						
Cash on hand	\$ 146,502	\$ 73,296	\$ 1,380,691	\$ 8,635	\$ -	\$ 1,609,123
Investments	<u>3,531,934</u>	<u> </u>	<u>3,055,855</u>	<u>44,278,637</u>	<u>8,409</u>	<u>\$ 50,874,836</u>
Total Deposits and Investments	<u>\$ 3,678,436</u>	<u>\$ 73,296</u>	<u>\$ 4,436,546</u>	<u>\$ 44,287,272</u>	<u>\$ 8,409</u>	<u>\$ 52,483,959</u>
 Detail of Deposits and Investments						
Cash on hand	\$ 146,502	\$ 72,519	\$ 1,380,691	\$ 8,635	\$ -	\$ 1,608,346
Petty Cash on hand	-	777	-	-	-	-
Total Cash on hand	<u>\$ 146,502</u>	<u>\$ 73,296</u>	<u>\$ 1,380,691</u>	<u>\$ 8,635</u>	<u>\$ -</u>	<u>\$ 1,600,488</u>
Chemical Bank Savings Account	\$ 9,570	-	\$ 343,720	-	-	\$ 353,290
Mich Class Investment	3,522,364	-	2,712,155	44,278,637	8,409	\$ 50,521,566
Total Investments	<u>\$ 3,531,934</u>	<u>\$ -</u>	<u>\$ 3,055,875</u>	<u>\$ 44,278,637</u>	<u>\$ 8,409</u>	<u>\$ 50,874,856</u>
Total Deposits and Investments	<u>\$ 3,678,436</u>	<u>\$ 73,296</u>	<u>\$ 4,436,566</u>	<u>\$ 44,287,272</u>	<u>\$ 8,409</u>	<u>\$ 52,483,979</u>

OWOSSO PUBLIC SCHOOLS
BOARD OF EDUCATION
November 30, 2018
Report 18-87

Combined Statement of Revenue, Expenditures, and Fund Balance
General, School Service, and Capital Project Funds
As of 11/30/2018
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
REVENUE												
Local sources	3,507,249	271,440	(3,235,809)	8%	313,584	47,860	(265,724)	15%	1,633,917	20,949	(1,612,968)	1%
State sources	25,081,204	4,652,074	(20,429,130)	19%	62,547	13,488	(49,059)	22%	-	-	-	-
Federal sources	1,296,701	245,931	(1,050,770)	19%	1,650,000	486,319	(1,163,681)	30%	-	-	-	-
Interdistrict sources-RESD	687,863	12,012	(675,851)	2%	-	-	-	-	-	-	-	-
Interdistrict sources-transfers in and other sources	91,653	25,978	(65,675)	28%	-	-	-	-	-	-	-	-
Total revenue and other sources	\$ 30,534,750	\$ 5,207,436	\$ (25,327,314)	17%	\$ 2,026,131	\$ 557,667	\$ (1,468,464)	28%	\$ 1,633,917	\$ 73,566	\$ (1,560,351)	5%
EXPENDITURES												
INSTRUCTION												
BASIC PROGRAMS:												
ELEMENTARY	6,791,145	1,906,578	(4,874,567)	28%								
MIDDLE SCHOOL	3,539,832	957,957	(2,581,875)	27%								
HIGH SCHOOL	3,830,948	1,091,143	(2,739,805)	28%								
ALTERNATIVE EDUCATION	597,373	160,516	(436,857)	27%								
PRESCHOOL	133,866	56,388	(77,478)	42%								
PRESCHOOL (MICHIGAN READINESS) GRANT	176,818	38,409	(138,409)	22%								
TOTAL BASIC PROGRAMS	\$ 15,163,872	\$ 4,210,991	\$ (10,952,881)	28%								
ADDED NEEDS:												
SPECIAL EDUCATION	3,204,321	927,580	(2,276,741)	29%								
CHILD CARE PROGRAM	296,636	83,906	(212,730)	28%								
TITLE I GRANT	970,693	293,350	(677,343)	30%								
VOCATIONAL EDUCATION	656,211	165,889	(490,322)	25%								
AT RISK GRANT	1,414,916	291,994	(1,122,922)	21%								
ROBOTICS/ICTE COUNSELOR/ADULT ED/TESTING GRANTS	66,878	19,603	(47,275)	29%								
EARLY LITERACY GRANT/LITERACY COACH GRANT	50,190	13,326	(36,864)	27%								
TOTAL ADDED NEEDS	\$ 6,659,045	\$ 1,795,458	\$ (4,863,587)	27%								
CONTINUING EDUCATION:												
COMMUNITY EDUCATION	145,262	60,344	(84,918)	42%								
TOTAL CONTINUING EDUCATION	\$ 145,262	\$ 60,344	\$ (84,918)	42%								
TOTAL INSTRUCTION	\$ 21,956,779	\$ 6,066,793	\$ (15,889,986)	28%								
SUPPORTING SERVICES												
PUPIL SERVICES:												
GUIDANCE SERVICES	461,642	154,421	(307,221)	33%								
TOTAL PUPIL SERVICES	\$ 461,642	\$ 154,421	\$ (307,221)	33%								
INSTRUCTIONAL STAFF:												
TITLE II, PART A/RURAL EDUCATION GRANT/TITLE IV IMPROVEMENT OF INSTRUCTION	270,688	42,122	(228,576)	16%								
MEDIA SERVICES	311,915	97,754	(214,161)	31%								
TOTAL INSTRUCTIONAL STAFF	\$ 731,480	\$ 190,352	\$ (541,128)	26%								
GENERAL ADMINISTRATION:												
BOARD OF EDUCATION	101,018	33,866	(67,152)	34%								
EXECUTIVE ADMINISTRATION	352,641	145,454	(207,187)	41%								
HUMAN RESOURCES	207,884	80,551	(127,333)	39%								
TOTAL GENERAL ADMINISTRATION	\$ 661,543	\$ 259,871	\$ (401,672)	39%								
SCHOOL ADMINISTRATION:												
SCHOOL ADMINISTRATION	2,424,820	925,225	(1,499,595)	38%								
TOTAL SCHOOL ADMINISTRATION	\$ 2,424,820	\$ 925,225	\$ (1,499,595)	38%								

For Action

**OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
December 10, 2018
Report 18-68**

FOR ACTION

Subject:

Revised Bylaw 0100 - Definitions, 2nd reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 2nd reading: **Revised Bylaw 100 - Definitions**

Facts / Statistics:

The proposed revisions to Bylaw 100 provides clarification for definitions pertaining to: Apps and Services; Due Process; Family Member; Principal; Shall, and Superintendent.

Under the "Voting" section of the bylaw, there is optional language that the Board considered regarding allowing remote participation and voting by a Board member, if notification and approval by the Board president occurred. The Board has opted to include this optional language in the Bylaw to allow for flexibility as circumstances arise with the clear understanding that the Board President must give approval prior to a board meeting to any Board member needing to utilize this option.

The revisions to the definitions have been recommended by NEOLA for adoption to provide clarification for the definitions impacted while the provision pertaining to remote participation/voting by a Board member was offered for consideration if it was felt that this is a prudent practice to be adopted.

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

bylaw

**BOARD OF EDUCATION
OWOSSO PUBLIC SCHOOLS**

**BYLAWS
0100/page 1 of 7**

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

DEFINITIONS

Whenever the following items are used in these bylaws, policies and administrative guidelines, they shall have the meaning set forth below:

Whenever the following items are used in these bylaws and policies, they shall have the meaning set forth below:

Administrative Guideline

A statement, based on policy, usually written, which outlines and/or describes the means by which a policy should be implemented and which provides for the management cycle of planning, action, and assessment or evaluation.

Agreement

A collectively negotiated contract with a recognized bargaining unit.

Apps and Web Services

Apps/web services are software (i.e., computer programs) that support the interaction of personal communication devices (as defined in Bylaw 0100, above) over a network, or client-server applications in which the user interface runs in a web browser. Apps/web services are used to communicate/transfer information/data that allow students to perform actions/tasks that assist them in attaining educational achievement goals/objectives, enable staff to monitor and assess their students' progress, and allow staff to perform other tasks related to their employment. Apps/web services also are used to facilitate communication to, from and among and between, staff, students, and parents.

Board

The Board of Education.

bylaw

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Bylaw

Rule of the Board for its own governance.

Classified or Support Employee

An employee who provides support to the District's program and whose position does not require a professional certificate.

District

The School District.

Due Process

Procedural due process requires prior knowledge (a posted discipline code), notice of offense (accusation), and the opportunity to respond.

Procedural due process may require **consideration of statutorily mandated factors**, right to counsel and/or confrontation or cross examination of witnesses, depending upon the situation.

Family Member

"Family member" means a person's spouse or spouse's sibling or child; a person's sibling or sibling's spouse or child; a person's child or child's spouse; or a person's parent or parent's spouse, and includes these relationships as created by adoption or marriage. (See Bylaw 0144.3)

Full Board

Authorized number of voting members entitled to govern the District.

Information Resources

The Board defines Information Resources to include any data/information in electronic, audio-visual or physical form, or any hardware or software that makes possible the storage and use of data/information. This definition includes but is not limited to

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electronic mail, voice mail, social media, text messages, databases, CD-ROMs/DVDs, web sites, motion picture film, recorded magnetic media, photographs, digitized information, or microfilm. This also includes any equipment, computer facilities, or online services used in accessing, storing, transmitting or retrieving electronic communications.

bylaw

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May

This word is used when an action by the Board or its designee is permitted but not required.

Meeting

Any gathering which is attended by or open to all of the members of the Board, held with the intent on the part of the members of the body present to discuss or act as a unit upon the specific public business of that body.

Parent

The natural adoptive parents, or individuals with a valid power of attorney for the care and custody of the student for purposes other than educational placement. Parent refers to any individual appointed by the State or court as a legal guardian or custodian for the student. Both parents will have equal access to records and rights regarding the student's education absent a court order restricting such rights.

Personal Communication Devices

Personal communication devices ("PCDs") include computers, laptops, tablets, e-readers, cellular/mobile phones, smartphones, telephone paging devices (e.g., beepers or pagers), and/or other web-enabled devices of any type.

Policy

A general, written statement by the governing Board which defines its expectations or position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

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President

The chief executive officer of the Board of Education.
(See Bylaw 0170)

Principal

The educational leader and head administrator of one (1) or more District schools or programs, as designated by the Board of Education. The Principal **must hold an appropriate school administrator certificate or permit. The Principal is** responsible for the supervision of the school or program consistent with Board policy and directives of the Superintendent and may delegate responsibility to subordinates as appropriate.

Professional Staff Member

An employee who implements or supervises one (1) or more aspects of the District's program and whose position requires a professional credential from the State.

Relative

The mother, father, sister, brother, spouse, parent of spouse, child, grandparents, grandchild, or dependent in the immediate household as defined in the negotiated, collectively-bargained agreement.

Secretary

The chief clerk of the Board of Education. (See Bylaw 0170)

Shall

This word is used when an action by the Board or its designee is required. (The word "will" or "must" **also** signifies a required action.)

Student

A person who is officially enrolled in a school or program of the District.

bylaw

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Superintendent

The chief executive officer of the School District.—~~R~~esponsible to supervise all programs and staff of the District and to implement Board policy and follow Board directives. **The Superintendent must hold an appropriate school administrator certificate or permit.** Consistent with Board policies and directives, the Superintendent may delegate responsibility to subordinates as appropriate.

Technology Resources

The Board defines Technology Resources to include computers, laptops, tablets, e-readers, cellular/mobile telephones, smartphones, web-enabled devices, video and/or audio recording equipment, projectors, software and operating systems that work on any device, copy machines, printers and scanners, information storage devices (including mobile/portable storage devices such as external hard drives, CDs/DVDs, USB thumb drives and memory chips), the computer network, Internet connection, and online educational services and apps.

Treasurer

The chief financial officer of the District. (See Bylaw 0170)

Vice-President

The Vice-President of the Board of Education. (See Bylaw 0170)

Voting

A vote at a meeting of the Board of Education. The law requires that Board members must be physically present in order to have their vote officially recorded in the Board minutes. **(X) [OPTIONAL LANGUAGE] unless the Board member has notified the Board President prior to the meeting that s/he must participate remotely and the Board President approves remote participation by the Board member.**

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Citations to Michigan Compiled Laws Annotated (M.C.L.A.) are shown as M.C.L.A. followed by the Section Number (e.g., M.C.L.A. 380.1438). Citations to the Michigan Administrative Code are prefaced A.C. Rule (e.g., A.C. Rule R380.221). Citations to the Federal Register are noted as FR, to the Code of Federal Regulations as CFR, and to the United States Code as U.S.C.

Revised 4/06
Revised 2/27/17
Revised 12/10/18

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**OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
December 10, 2018
Report 18-69**

FOR ACTION

Subject:

Revised Bylaw 0122 – Board Powers, 2nd reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 2nd reading: **Revised Bylaw 0122 – Board Powers**

Facts / Statistics:

The proposed revisions to Bylaw 122 reflect changes associated with subjects of bargaining found in the Public Employment Relations Act (PERA).

These revisions provide clarity and are recommended for adoption by NEOLA.

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

REVISED BYLAW- 0122 - VOL. 33, NO. 1 - SEPTEMBER 2018

POWERS AND PHILOSOPHY

0121 Authority

The supervision of this District shall be conducted by the Board of Education, hereinafter sometimes referred to as the "Board", which is constituted and is governed by the laws of the State of Michigan.

M.C.L. 380.1201 et seq.

0122 Board Powers

The District shall operate as a General Powers School District. As such it has all of the rights, powers, and duties expressly stated in statute; may exercise a power implied or incident to any power expressly stated in statute; and, except as provided by law, may exercise a power incidental or appropriate to the performance of any function related to the operation of the District in the interests of public elementary and secondary education in the District, including, but not limited to, all of the following:

- A. Educating Students. In addition to educating students in grades K-12, this function may include operation of preschool, lifelong education, adult education, community education, training, enrichment, and recreation programs for other persons.
- B. Providing for the safety and welfare of students while at school or at a school-sponsored activity or while enroute to or from school or a school-sponsored activity.
- C. Acquiring, constructing, maintaining, repairing, renovating, disposing of, or conveying school property, facilities, equipment, technology, or furnishings.
- D. Hiring, contracting for, scheduling, supervising, or terminating employees, independent contractors, and others to carry out District powers.

The District shall indemnify its employees.

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- E. Receiving, accounting for, investing, or expending District money; borrowing money and pledging District funds for repayment; and qualifying for State-School Aid and other public or private money from local, regional, State, or Federal sources.

The District may enter into agreements or cooperative arrangements with other entities, public or private, or join organizations as part of performing the functions of the School District.

The District is a body corporate and shall be governed by a school board. An act of this Board is not valid unless approved, at a meeting of the Board, by a majority vote of the members lawfully serving on the Board.

The Board may submit to the School electors a question that is within the scope of the powers of the School electors and that the Board considers proper for the management of the School system or the advancement of education in the School District. Upon the adoption of a question by the Board, the Board shall submit the question to the School electors by complying with Michigan election law (M.C.L. 168.312).

The Board shall adopt bylaws. These bylaws may establish or change Board procedures, the number of Board officers, titles and duties of Board officers, and any other matter related to effective and efficient functioning of the Board.

The Board has authority, based on statute, to make decisions regarding the following subjects without resort to prior bargaining:

- A. the policyholder of **an employee group insurance benefit**
~~the District's group insurance program~~
- B. the starting day for the school year and the amount of student contact time to receive full State school aid
- C. the composition of the District's **site-based, decision-making groups**~~—or~~ school-improvement committees **established under M.C.L. 380.1277**
- D. the decision whether or not to have inter-district and intra-district open-enrollment opportunities
- E. the decision whether or not to permit authorization of Charter Schools (public school academies)

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- F. contracting with outside parties for noninstructional support services **provided by an employee group** including the procedures for obtaining a contract, the identity of the outside party, and the impact on individual staff members or a bargaining unit **if the employee group is given an opportunity to bid on providing the noninstructional support services**
- G. use of volunteers
- H. decisions regarding the use of experimental or pilot programs including staffing, use of technology, provision of the technology, and the impact on individual staff members or a bargaining unit
- I. compensation or reimbursement of a staff member for monetary penalties imposed on the staff member under **the Public Employment Relations Act M.C.L. 423.201, 202, 206, and 215**
- J. any decision regarding the placement of teachers, or the impact of that decision on an individual employee or the bargaining unit
- K. **for teachers covered under the Teacher Tenure Act**, decisions about the development, content, standards, procedures, adoption and implementation of policies regarding personnel decisions when conducting a staffing or program reduction or **eliminating** a position ~~elimination for staff covered under the Teacher Tenure Act (M.C.L. 38.71)~~, as well as decisions regarding recall or hiring after any such reduction

This includes the impact of any such decisions on an individual employee or the bargaining unit.
- L. decisions about the development, content, standards, procedures, adoption and implementation of a performance evaluation system under M.C.L. 380.1249 for teachers and administrators
- M. decisions concerning the content of a teacher's or administrator's performance evaluation or the impact of such decision
- N. decisions about the format, timing or number of classroom

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observations required for evaluation under the Teacher
Tenure Act (M.C.L. 38.83a)

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- O. decisions concerning the classroom observation of an individual teacher, and the impact of such decision on an individual teacher or the bargaining unit
- P. decisions about the development, content, standards, procedures, adoption and implementation of the method of performance based compensation for teachers and administrators in accordance with M.C.L. 380.1250
- Q. decisions about how performance evaluation is used to determine the performance based compensation for teachers and administrators
- R. decisions concerning the performance based pay of an individual teacher or administrator, or the impact of such decision on such individual or the bargaining unit
- S. decisions about the development, content, standards, procedures, adoption and implementation of a policy regarding discipline or discharge for teachers covered under the Teacher Tenure Act (M.C.L. 38.71)
- T. decisions concerning the discipline or discharge of a teacher covered under the Teacher Tenure Act (M.C.L. 38.71), or the impact of such decision on an individual teacher or the bargaining unit
- U. insertion of statutorily required emergency manager language into all collective bargaining agreements
- V. decisions on whether to enter into an intergovernmental agreement to consolidate, to jointly perform or to collaborate on one or more functions or services **[Note: the impact on employees of such decisions remains a mandatory subject of bargaining]:**
 - 1. procedures of obtaining a contract for such an agreement to transfer of functions or responsibilities
 - 2. identities of any other parties to such an agreement

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- W. any requirement that would violate section 10(3), M.C.L. 423.210(3), **(Right to Work Law) (the requirement not to require union membership or the payment of dues, fees or charitable contributions in lieu of dues).**
- X. decisions about the development, format, content, and procedures of the notification to parents and legal guardians required under M.C.L. 380.1249a (the requirement to make the notifications is effective with the **2015-2016 2018-2019** school year)

M.C.L. 380.11a, 380.1131 et seq.
M.C.L. 423.201, 202, 206, and 215
M.C.L. 168.301 et seq.

Revised 8/27/12
Revised 10/28/13
Revised 12/10/18

0123

Philosophy of the Board

A Board of Education is a legal entity for providing a system of public education within a geographic area of the State of Michigan. The system was created by, and is governed by, State statutes. Members of a Board are chosen by citizens to represent them and the State in the governance of the local schools.

The Board has the dual responsibility for implementing statutory requirements pertaining to public education and for meeting the desires of residents. While the Board has an obligation to determine and assess citizen desires, it is understood that when the voters elect delegates to represent them in the conduct of specified educational programs, they, at the same time, are endowed with the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

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The Board declares and, thereby, reaffirms its intent to:

- A. maintain two-way communications with citizens of the District. The Board shall keep them informed of the progress and problems of the School District, and the citizens shall be urged to bring their aspirations and concerns about the District to the attention of this body.
- B. establish policies and make decisions on the basis of declared educational philosophy and goals.
- C. act as a truly representative body for citizens in all matters related to programs and operations. The Board recognizes that ultimate responsibility for public education rests with the State, but the Board of Education has been assigned specific authority through statute, and the Board shall not relinquish or fail to exercise that authority.

**OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
December 10, 2018
Report 18-70**

FOR ACTION

Subject:

Revised Bylaw 0131.1 – Bylaws and Policies, 2nd reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 2nd reading: **Revised Bylaw 0131.1 – Bylaws and Policies**

Facts / Statistics:

The proposed revisions to Bylaw 131.1 reflect additional language adding the expectation that Board members are covered by the Board's policies.

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

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

FUNCTIONS**REVISED BYLAW- 0131.1 - VOL. 33, NO. 1 - SEPTEMBER 2018****0131 Legislative****0131.1 Bylaws and Policies**

The Board of Education shall adopt bylaws and policies for the organization and operation of this Board and the District **and shall be bound to follow such bylaws and policies.**

Those bylaws and policies which are not dictated by the statutes or rules of the State Board of Education or ordered by the Superintendent of Public Instruction or a court of competent authority may be adopted, amended, and repealed at any meeting of the Board, provided the proposed adoption, amendment, or repeal shall have been proposed at a previous Board meeting and, once proposed, shall have remained on the agenda of each succeeding Board meeting until approved or rejected except that the Board may, upon a vote and where compelling reasons exist, cause to adopt, amend, or suspend bylaw or policy contained herein, provided the amendment, adoption, or suspension does not conflict with law. Any resolution adopting, amending, or suspending a bylaw or policy under this provision shall expire automatically at the next public meeting of the Board unless the Board moves to adopt the resolution in final form.

Bylaws and policies shall be adopted, amended, repealed, or suspended by a majority vote of the Board.

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Periodically, it may be deemed necessary to make technical corrections to policies that have already been adopted through normal procedures. These technical corrections may include statutory references, scrivener's errors, renumbering that does not change the order of the sections or subsections, grammatical corrections or additions including punctuation or typographical errors, as well as alterations and omissions not affecting the construction or meaning of any sections, subsections, chapters, titles, or policies as a whole. Technical corrections may also include the updating of the named individuals in these policies where the originally named individual no longer works for the District or no longer works in the applicable position. Should the Board choose to make such technical corrections, it may be accomplished by resolution without going through the normal policy adoption procedures.

The Board may adopt, amend, or repeal rules of order for its own operation by simple resolution of the Board passed by a majority of those present and voting.

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be printed in the Board policy manual. Any policy or part of a policy that is superseded by a term in a negotiated agreement shall no longer be in force and effect as a policy.

M.C.L. 380.1201 et seq.

Revised 5/12/14

Revised 12/10/18

0132

Executive

0132.1

Selection of Superintendent

The Board of Education shall exercise its executive power in part by the appointment of a Superintendent who shall enforce the statutes of the State of Michigan, rules of the State Board of Education, and the policies of this Board.

0132.2 Administrative Guidelines

The Board shall delegate to the Superintendent the function of specifying required actions and designing the detailed arrangements under which the school will be operated. These detailed arrangements shall constitute the administrative guidelines governing the schools which are not inconsistent with statutes or regulations of the State Board or the policies of this Board.

Such administrative guidelines shall be binding on the employees and the students of this District when issued.

The Superintendent shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board at the next meeting following such action.

0133 Judicial

The Board of Education assumes jurisdiction over any dispute or controversy arising within this District and concerning any matter in which authority has been vested in the Board by statute, rule, a contract, or policy of this Board.

In furtherance of its adjudicatory function, the Board may hold hearings which shall offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the matter.

**OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
December 10, 2018
Report 18-71**

FOR ACTION

Subject:

Revised Bylaw 143.1 Public Expression of Board members and Bylaw 144.1 Compensation, 2nd readings

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 2nd readings: Revised Bylaw 143.1 Public Expression of Board members and Bylaw 144.1 Compensation

Facts / Statistics:

The proposed revision to Bylaw 143.1 recommended by NEOLA provides clarification regarding public comments and statements by board member as it relates to clearing stating whether they are expressing their individual opinion vs. a position of the overall Board.

The proposed revision to Bylaw 144.1 moves compensation for board members from an annual amount of \$100.00 to an annual amount of \$595.00. Some information regarding this proposed change:

- The amount of compensation for Board members has not been adjusted upward in at least 16 years in spite of the increased scrutiny, exposure and level of responsibilities that have changed over the intervening years.
- It should be noted that Board members are not compensated for any personal expenses associated with attendance at the meetings including but not limited to mileage, time taken away from professional and personal duties, any necessary child care, etc...
- A survey was conducted in 2017 regarding compensation for meeting attendance by Board members of other districts. The level of compensation of board members varied in amounts, timing and method from the respondents, the \$595.00 is at the low end of compensation for Board members derived from the survey.
- The District recognizes that the Board of Education members do not run based on the compensation to be received but it is considered important to have a stipend that recognizes their contribution to the District in a meaningful way that is comparable to other Districts.
- Board members are expected to attend two meetings each month, attend Michigan Association of School Board Members (MASB) trainings located throughout the state, review Board policies and represent the Owosso community.

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

bylaw

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MEMBERSHIP

0141 **Number**

The Board of Education shall consist of seven (7) members.

M.C.L. 380.11a

Revised 1/25/10

0142 **Election/Appointment**

0142.1 **Electoral Process**

The number of members of the Board shall remain the same as before July 1, 1996 unless changed by the School electors at a regular or special School election. A ballot question for changing the number of Board members may be placed on the ballot by action of the Board or by petition submitted by School electors as provided under Michigan election law (M.C.L. 168.301 to 168.315).

Members of the Board shall be elected in the November even year general election (the first Tuesday after the first Monday) in a manner that is consistent with State law.

A special election may be called by the Board as provided under Michigan election law (M.C.L. 168.301 to 168.315).

M.C.L. 168.301 et seq.

Revised 1/25/10

Revised 8/27/12

bylaw

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0142.2 Qualifications

An individual is eligible for election as a School Board member if the individual is a citizen of the United States and is a qualified and registered elector of the School District by the filing deadline.

M.C.L. 168.302

0142.3 Term

Members of the Board shall be elected by the School electors for terms of four (4) years.

At each regular School election, members of the Board shall be elected to fill the positions of those whose terms will expire. A term of office begins as provided by law (M.C.L. 168.302) and continues until a successor is elected and qualified.

At least one (1) School Board member for a School District shall be elected at each of the School District's regular elections. A School Board member's term of office begins January 1st, immediately following the November election.

M.C.L. 168.301 et seq.

Revised 1/25/10

Revised 8/27/12

0142.4 Oath

Each newly-elected Board member shall file an acceptance of office as well as an affidavit of eligibility within ten (10) days after receiving a certificate of election and shall take an oath of office as prescribed by the Constitution of Michigan.

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A ceremonial oath of office may be administered at the Organizational Meeting and may be administered by the Superintendent.

M.C.L. 168.309, 168.310

Revised 4/28/08

0142.5

Vacancies

The office of a Board member shall become vacant immediately upon the occurrence of any one (1) of the following events:

- A. the death of the incumbent, or the incumbent's being adjudicated insane or being found to be mentally incompetent by the proper court
- B. the incumbent's resignation
- C. the incumbent's removal from office
- D. the incumbent's conviction of a felony
- E. the incumbent's election or appointment being declared void by a competent tribunal
- F. the incumbent's neglect or failure to file the acceptance of office, to take the oath of office, or to give or renew an official bond required by law
- G. the failure of the District to elect a successor at the annual school meeting or election
- H. the incumbent's ceasing to possess the legal qualifications for holding office
- I. the incumbent's residence being removed from the School District

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If less than a majority of the offices of the District becomes vacant, the remaining members of the Board shall fill the vacancy immediately.

If the vacancy is not filled within thirty (30) days after it occurs, the Board of the Intermediate School District shall fill the vacancy by appointment.

A person elected or appointed to fill a vacancy on the Board shall file an acceptance of office and shall hold office until the next regular school election.

M.C.L. 168.310, 168.311

Filling a Board Vacancy

If the majority of the Board is still seated, the vacancy shall be filled by the Board using the following procedure:

- A. The Board shall seek qualified and interested candidates from the community through the news media, word of mouth, and contacts with appropriate organizations.
- B. All applicants are to submit a notice of their interest, in writing, to the Board President.
- C. The Board shall interview all interested candidates to ascertain their qualifications.
- D. Appointment by the Board to fill a vacancy shall be by majority vote of the full Board.

0142.6

Recall

Any member of the Board may be recalled pursuant to M.C.L. 168.951 et seq.

bylaw

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0142.7 Orientation

The Board believes that the preparation of each Board member for the performance of Board duties is essential to the effective functioning of the Board. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the District, and learn Board procedures. Accordingly, the Board shall give to each new Board member for his/her use and possession during the term on the Board the following items:

- A. a copy of the Board policy manual
- B. a copy of each current negotiated agreement
- C. the current budget statement, audit report, and related fiscal materials

Each new Board member shall be invited to meet with the Board President and/or the Superintendent to discuss Board functions, policies, and procedures.

The Board shall encourage the attendance of each new Board member at orientation and training meetings.

0143 Authority

Individual members of the Board do not possess the powers that reside in the Board of Education. The Board speaks through its minutes and not through its individual members. An act of the Board shall not be valid unless approved at an official meeting by at least a majority vote of the members elected to and serving on the Board. M.C.L. 380.1201

No member of the Board shall be denied documents or information to which s/he is legally entitled and which are required in the performance of his/her duties as a Board member.

bylaw

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Access to District personnel records shall be subject to the following rules:

- A. Examination of school employee personnel records by the Board of Education shall be conducted in accordance with the Open Meetings Act.
- B. Personnel records shall, in their entirety, be returned to the custody of the Superintendent at the conclusion of the Board meeting.
- C. Information obtained from employee personnel records by members of the Board shall be used only for the purpose of aiding the members in fulfilling their legal responsibilities in making decisions in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, and dismissal or to aid the development and implementation of personnel policies, or for such other uses as are necessary to enable the Board to carry out its legal responsibilities.

0143.1 Public Expression of Board Members

The Board President functions as the official spokesperson for the Board.

From time-to-time, however, individual Board members **will** make public statements on school matters:-

- A. ~~to local media;~~
- B. ~~to local officials and/or State officials.~~

bylaw

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Sometimes **if** the statements imply, or **if** the readers (listeners) infer, that the opinions expressed or statements made are the official positions of the Board, ~~—The misunderstandings that can result from these incidents can embarrass both the member and the Board. Therefore,~~ **the** Board members **shall** ~~should~~, when writing or speaking on school matters ~~to the media, legislators, and other officials,~~ make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

- A. This bylaw shall apply to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:
1. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter
 2. routine, not for publication, correspondence of the Superintendent and other Board employees
 3. routine "thank you" letters of the Board
 4. statements by Board members on nonschool matters (providing the statements do not identify the author as a member of the Board)
 5. personal statements not intended for publication
- B. Copies of this bylaw shall be sent annually to local media by the Board President.

Revised 12/10/2018

bylaw

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0144 **Operations**

0144.1 **Compensation**

Board members shall receive \$100 ~~\$595~~ per year as compensation for their services, including attendance at all Board meetings and committee meetings. Expenses of a Board member shall be reimbursed when incurred in the performance of his/her duties or in the performance of functions authorized by the Board and duly vouchered.

M.C.L. 380.11a, 380.1254

The following guidelines have been established by the Board of Education to ensure appropriate and proper reimbursement of expenses for Board members.

- A. Reimbursement for mileage will not exceed the current rate established by the Internal Revenue Service.
- B. Attendance at Board-approved conferences should be at the location closest to the District.
- C. When attending a Board-approved conference, all fees, parking, mileage, meals, and housing will be reimbursed.
- D. When the Board attends a community or school-related event as a Board function, or a Board member attends as the designated representative of the Board, any incurred expenses, including mileage, will be reimbursed by the Board. If a Board member attends such events as a private citizen, any incurred expenses are to be paid by the Board member.
- E. No entertainment expenses or purchases of alcoholic beverages are reimbursable.

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A voucher detailing the amount and nature of each expense must be submitted to the Board for approval at a Board meeting after the expenses have been incurred and prior to reimbursement.

Revised 1/25/10 (Note: for reimbursement changes not compensation)

Revised 12/10/2018

0144.2

Board Member Ethics

As members of the Board of Education, Board members will strive to improve public education and to that end they will:

- A. attend all regularly scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;
- B. recognize that they should endeavor to make policy decisions only after full discussion at publicly held Board meetings;
- C. render all decisions based on the available facts and independent judgment, and refuse to surrender that judgment to individuals or special interest groups;
- D. encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community;
- E. work with the other Board members to establish effective Board policies and to delegate authority for the administration of the District to the Superintendent;
- F. communicate to other Board members and the Superintendent expressions of public reaction to Board policies and school programs;
- G. inform themselves about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the State and National School Boards Associations;

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- H. support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;
- I. avoid being placed in a position of conflict of interest, and refrain from using their Board positions for personal partisan gain;
- J. take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law;
- K. remember always that their first and greatest concern must be for the educational welfare of the students attending the public schools.

Source: Board of Directors, National School Boards Association.

0144.3

Conflict of Interest

Board members shall perform their official duties in a manner free from conflict of interest. To this end:

- A. No Board member shall use his/her position as a Board member to benefit either himself/herself or any other individual or agency apart from the total interest of the School District.
- B. When a member of the Board determines that the possibility of a personal interest conflict exists, s/he should, prior to the matter being considered, disclose his/her interest (such disclosure shall become a matter of record in the minutes of the Board), and thereafter shall abstain from participation in both the discussion of the matter and the vote thereon.

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- C. A member of the Board is presumed to have a conflict of interest if the member or his/her family member has a financial interest, or a competing financial interest, in the contract or other financial transaction or is an employee of the School District.

Having a child in the District does not alone constitute a conflict of interest or financial interest in a contract or other financial transaction of the School District.

“Family member” means a person’s spouse or spouse’s sibling or child; a person’s sibling or sibling’s spouse or child; a person’s child or child’s spouse; or a person’s parent or parent’s spouse, and includes these relationships as created by adoption or marriage.

A Board member is not considered to have a financial interest in any of the following instances:

1. A contract or other financial transaction between the School District and any of the following:
 - a. A corporation in which the individual is a stockholder owning 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owning stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.
 - b. A corporation in which a trust, if the individual is a beneficiary under the trust, owns 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owns stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.

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- c. A professional limited liability company organized pursuant to the Michigan limited liability company act, if the individual is an employee but not a member of the company.
 2. A contract or other financial transaction between the School District and any of the following:
 - a. A corporation in which the individual is not a director, officer, or employee.
 - b. A firm, partnership, or other unincorporated association, in which the individual is not a partner, member, or employee.
 - c. A corporation or firm that has an indebtedness owed to the individual.
 3. A contract between the School District and the intermediate school district.
 4. A contract awarded to the lowest qualified bidder, upon receipt of sealed bids pursuant to a published notice for bids if the notice does not bar, except as authorized by law, any qualified person, firm, corporation, or trust from bidding. This does not apply to any amendments or renegotiations of a contract or to additional payments under the contract that were not authorized by the contract at the time of award.

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If the financial interest pertains to a proposed contract with the District, the following requirements must be met:

1. The Board member shall disclose the pecuniary interest in the contract to the Board with such disclosure made a part of the official Board minutes. If his/her direct financial interest amounts to \$250 or more or five percent (5%) or more of the contract cost to the District, the Board member shall make the disclosure in one of two (2) ways:
 - a. In writing, to the Board president (or if the member is the Board president, to the Board secretary) at least seven (7) days prior to the meeting at which the vote on the contract will be taken. The disclosure shall be made public in the same manner as the Board's notices of its public meetings. (See Bylaw 0165.)
 - b. By announcement at a meeting at least seven (7) days prior to the meeting at which a vote on the contract is to be taken. The Board member must use this method of disclosure if his/her financial interest amounts to \$5000 or more.
2. Any contract in which there is a conflict of interest as defined by this bylaw and the related statute (M.C.L. 380.1203) must be approved by a majority vote of the full Board without the vote of any Board member with a financial interest.

However, if a majority of the members of the Board are required to abstain from voting on a contract or other financial transaction due to a financial interest, then for the purposes of that contract or other financial transaction, the members who are not required to abstain constitute a quorum of the board and only a majority of those members eligible to vote is required for approval of the contract or financial transaction.

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3. The official minutes of the Board disclose the name of each party involved in the contract, the nature of the financial interest, and the terms of the contract including the duration, financial consideration between the parties, facilities or services of the District included in the contract, and the nature and degree of assignment of District staff needed to fulfill the contract.
 4. A Board member with a conflict of interest in a contract may not participate in the discussion of nor vote on the contract.
- D. Board members shall not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts involved with Federal grant funds. A Board member may, however, accept a gift of unsolicited items of "nominal value" from a contractor or party to subcontracts that do not involve Federal grant funds. For purposes of this section, "nominal value" means that the gift has a monetary value equal to or less than the amount established in accordance with M.C.L. 380.634.

M.C.L. 15.183, 15.323, 380.1203

See also, Policy 6420, Conflict of Interest - Legal Counsel, Advisors, or Consultants.

Revised 12/14/15
Revised 6/27/16

0144.4

Indemnification

The Board may hold harmless, indemnify, pay, settle, or compromise a judgment against a Board member to the extent allowed under the law.

M.C.L. 691.1408

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0145

Discriminatory Harassment

The Board of Education's intent is to provide an environment that fosters the respect and dignity of each person. To this end, the Board is committed to maintaining an environment free of harassment and intimidation.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature whenever submission to such conduct is made a condition of employment or a basis for an employment decision. Other prohibited conduct includes that which has the purpose or effect of creating an intimidating, hostile, discriminatory, or offensive environment on the basis of gender, religion, race, color, national origin or ancestry, age, disability, height, weight, marital status, and/or any other legally protected characteristic.

The harassment of a student, staff member, or third party (e.g. visiting speaker, athletic team member, volunteer, parent, etc.) is strictly forbidden. Any person who is found to have violated this policy will be subject to discipline in accordance with law.

M.C.L. 380.1300a

OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
December 10, 2018
Report 18-72

FOR ACTION

Subject:

Bylaws in the 160's pertain to Board Meetings: New Bylaws 165.6 – Cancellation and 167.6 – Use of Social Media; Revised Bylaws 166 – Agenda, 167.1 Voting, 167.2 - Closed Session, and 167.3 – Public Participation at Board Meetings, 2nd readings

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 2nd reading: New Bylaws 165.6 – Cancellation and 167.6 – Use of Social Media; Revised Bylaws 166 – Agenda, 167.1 Voting, 167.2 - Closed Session, and 167.3 – Public Participation at Board Meetings

Facts / Statistics:

New Bylaw 165.6 – Cancellation: Provides guidance on cancelling of Board meetings

Revised Bylaw 166 – Agenda: Primarily takes language pertaining to adding items to the agenda by the public from Bylaw 167.3 (Public participation) and moves it to this Bylaw

Revised Bylaw 167.1 – Voting: Provides clarification regarding procedural items of eligibility and actual voting

Revised Bylaw 167.2 – Closed Session: Language added to encompass discussion regarding school safety plans as additional allowable reason for going into closed session.

Revised Bylaw 167.3 – Public Participation at Board Meetings – This Bylaw has been revised to reflect current case law on public participation. It also reflects the addition of the presiding officer's right to run the meeting without disruption.

New Bylaw 167.6 – Use of Social Media – This new bylaw provides the definition of social media and prohibits its use to conduct the Board business.

These revisions are recommended for adoption by NEOLA due to specific statutory language changes, the need to provide clarification of procedures utilized in planning and conducting meetings of the board and as a result of requests received from other districts to address questions that have arisen.

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

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MEETINGS

0162 **Quorum**

Four (4) members present at a meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum.

0163 **Presiding Officer**

The President shall preside at all meetings of the Board. In the absence, disability, or disqualification of the President, the Vice-President shall act instead; if neither person is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

0164 **Call**

0164.1 **Regular Meetings**

The Board shall hold a meeting at least once each month on a date and at a time and place determined annually by a resolution of the Board.

0164.2 **Special Meetings**

Special meetings of the Board may be called by the President or by any two (2) members of the Board provided there is compliance with the notice provision of these Bylaws.

0164.3 **Emergency Meetings**

In the event of a severe and imminent threat to the health, safety, or welfare of the District, its employees, or students, any member of the Board may call an emergency session provided the majority of the Board concur that delay would be detrimental to efforts to lessen or respond to the threat. Actual notice of any emergency meeting shall be attempted, but not required to other Board members.

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0165 **Notice**

0165.1 **Regular Meetings**

Within ten (10) days after the organizational Board meeting, the Board shall cause to be posted at the Board office and in other locations considered appropriate by the Board, a notice listing the date, time, and place of each regularly scheduled meeting of the Board. The notice shall contain the name and address of the District and its telephone number.

The notice shall also contain the following statement:

"Upon request to the Superintendent, the District shall make reasonable accommodation for a person with disabilities to be able to participate in this meeting."

Upon the written request of an individual, organization, firm, or corporation, and upon the requesting party's payment of a yearly fee of not more than the estimated reasonable cost for printing and postage of each notice as shall be determined annually by the Board, the District shall send to the requesting party by first-class mail a copy of any notice required to be posted by these bylaws. The news media shall be entitled to receive, at their request, copies of such notices free of charge.

0165.2 **Change of Regular Meetings**

Within three (3) days after the Board adopts a resolution changing the date, time, or place of a regularly scheduled meeting, the meeting notice shall state the date, time, and place of the rescheduled meeting, as well as the name, address, and telephone number of the District. Said notice shall be posted on the front door of the Administrative Office Building and such other place(s) as the Board may determine. Said notice shall be posted at least eighteen (18) hours before the rescheduled meeting.

M.C.L.A. 15.264, 15.266

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0165.3 Special Meetings

Said notice shall state the date, time, and place of such special meeting and the business to be transacted thereat, as well as the name, address, and telephone number of the District. A notice of any special meeting shall be posted at least eighteen (18) hours before said special meeting at the Board office and such other places as the Board may determine. A copy of said notice shall be served upon each member of the Board.

0165.4 Emergency Meetings

No notice of any emergency meeting shall be required.

0165.5 Recess

Any meeting of the Board may be recessed to another time and place. Any meeting which is recessed for more than thirty-six (36) hours shall be reconvened only after a notice stating the date, time, and place of the recessed meeting as well as the name, address, and telephone number of the District has been posted on the front door of the Administrative Office Building and such other place as the Board may determine for at least eighteen (18) hours prior to the time the meeting is to be reconvened.

M.C.L.A. 15.265, 380.1201(3)(4)

**NEW BYLAW- 0165.6 and REVISED BYLAW 0166 - VOL. 33, NO. 1 -
SEPTEMBER 2018**

0165.6 Cancellation

Any meeting of the Board may be cancelled for appropriate purposes, which shall include, but not be limited to, inclement weather, lack of a quorum, or conflict with a special event relating to the District. If the cancelled meeting is a regular meeting it must be re-scheduled following all notice requirements set forth above.

M.C.L. 15.265, 380.1201(3)(4)

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0166 **Agenda**

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The Superintendent shall prepare and submit to each Board member a written agenda prior to each regular meeting and each special meeting, unless otherwise directed by the Board. The agenda shall list the various matters to come before the Board and shall serve as a guide for the order of procedure for the meeting. Individual Board members may include items on the agenda upon the concurrence of the Board President.

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The agenda of the regular monthly meeting or special meetings shall be accompanied by a report from the Superintendent on information relating to the District with such recommendations as s/he shall make.

Each agenda shall contain the following statement:

"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."

[X] Any person or group wishing to place an item on the agenda shall register their intent with the Superintendent no later than 5 business days prior to the meeting and include:

- (X) name and address of the participant;**
- (X) group affiliation, if and when appropriate;**
- (X) topic to be addressed.**

Such requests shall be subject to the approval of the Superintendent and the Board President.

Denial of the opportunity to have an item placed on the agenda will not preclude an individual or group from the opportunity to speak during the public participation portion of the meeting.

The agenda for each regular meeting shall be mailed or delivered to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda should be mailed no later than five (5) days prior to the meeting, or delivered so as to provide time for the study of the agenda by the member. The agenda for a special meeting shall be delivered at least twenty-four (24) hours before the meeting, consistent with provisions calling for special meetings.

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The Board shall transact business according to the agenda prepared by the Superintendent and submitted to all Board members in advance of the meeting. The order of business may be altered and items added at any meeting by a majority vote of the members present.

0166.1

Consent Agenda

The Board of Education shall use a consent agenda to keep routine matters within a reasonable time frame.

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The following routine business items may be included in a single resolution for consideration by the Board.

- A. minutes of prior meetings
- B. bills for payment

A member of the Board may request any item to be removed from the consent resolution and defer it for a specific action and more discussion. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion. Any item on the consent agenda may be removed and discussed as a nonaction item or be deferred for further study and discussion at a subsequent Board meeting if the Superintendent or any Board member thinks the item requires further discussion.

0167 **Conduct**

REVISED BYLAW- 0167.1 - VOL. 33, NO. 1 - SEPTEMBER 2018

0167.1 **Voting**

All regular and those special meetings of the Board at which the Board is authorized to perform business shall be conducted in public. No act shall be valid unless approved at a meeting of the Board by a majority vote of the members elected or appointed to and serving on the Board **who are authorized to vote (see Voting as defined in Bylaw 0100)** and a proper record made of the vote. Meetings of the Board shall be public and no person shall be excluded there from. M.C.L.A. 380.1201

Unless specifically authorized by Michigan conflict of interest laws, any Board member's decision to abstain shall be recorded and be deemed to acquiesce in the action taken by the majority. Failure to vote, absent a statutory exception **or other reasonable ethical basis**, constitutes a breach of the Board member's duty as a public official. In situations in which a specified number of affirmative votes is required and abstentions have been noted, the motion shall fail if the specified number of affirmative votes have not been cast.

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In situations in which there is a tie vote and the abstention represents the deciding vote, the motion shall fail for lack of a majority. 184 Mich App 681, 684 (1990)

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All actions requiring a vote may be conducted by voice, show of hands, or roll call provided that the vote of each member be recorded. Proxy voting shall not be permitted. **If a vote is not conducted by roll call, Any member may request a roll call vote. that the Board be polled.**

Revised 6/27/11

REVISED BYLAW- 0167.2 - VOL. 33, NO. 1 - SEPTEMBER 2018

0167.2 Closed Session

The Board may meet in a closed session, one closed to the public, for the following purposes:

- A. to consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, staff member, or individual agent, if the named person requests a closed hearing **(a majority vote is required)**
- B. to consider the dismissal, suspension, or disciplining of a student only if the student or student's parents request a closed hearing **(a majority vote is required)** (Also see Bylaw 0169, Student Disciplinary Hearings)
- C. for strategy and negotiation sessions connected with the negotiation of a collectively-bargained agreement if either negotiating party requests a closed hearing **(a majority vote is required)**
- D. to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained **(a two-thirds (2/3's) vote is required)**

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- E. to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body **(a two-thirds (2/3's) vote is required)**
- F. to consider materials ~~such as written opinions of counsel which are~~ exempt from discussion or disclosure under by State or Federal statute, **including by way of example only, written opinions of legal counsel, and school safety plans (a two-thirds (2/3's) vote is required)**
- G. to review the specific contents of an application for employment or appointment if the candidate requests that the application remain confidential **(a two-thirds (2/3's) vote is required)**

However, all interviews for employment or appointment of the Superintendent shall be held in an open meeting of the Board.

In keeping with the confidential nature of closed sessions, no member of the Board shall disclose the content of discussions that take place during such sessions. The only exceptions will be discussions with the District's legal counsel or as directed by an order of a court with proper jurisdiction.

M.C.L.A. 15.267, 15.268

REVISED BYLAW- 0167.3 - VOL. 33, NO. 1 - SEPTEMBER 2018

0167.3

Public Participation at Board Meetings

The Board of Education recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on District matters.

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~~Any person or group wishing to place an item on the agenda shall register their intent with the Superintendent no later than ten (10) days prior to the meeting and include:~~

- ~~A. name and address of the participant;~~
- ~~B. group affiliation, if and when appropriate;~~
- ~~C. topic to be addressed.~~

~~Such requests shall be subject to the approval of the Superintendent and the Board President.~~

~~Denial of the opportunity to have an item placed on the agenda will not preclude an individual or group from the opportunity to speak during the public participation portion of the meeting.~~

To permit fair and orderly public expression, the Board shall provide a period for public participation at public meetings of the Board and publish rules to govern such participation in Board meetings and in Board committee meetings. **The rules shall be administered and enforced by the presiding officer of the meeting.**

~~The presiding officer of each Board meeting at which public participation is permitted shall administer the rules of the Board for its conduct.~~

The presiding officer shall be guided by the following rules:

- A. Public participation shall be permitted as indicated on the order of business.
- B. Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name, address and/or group affiliation, if and when appropriate.

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- C. Each statement made by a participant shall be limited to three (3) minutes duration.
- D. No participant may speak more than once ~~on the same topic unless all others who wish to speak on that topic have been heard.~~
- E. Participants shall direct all comments to the Board and not to staff or other participants.
- F. ~~All statements shall be directed to the presiding officer; no person may address or question Board members individually.~~
- G. The presiding officer may:
 - 1. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
 - 2. request any individual to leave the meeting when that person behaves in a manner that is disruptive of the orderly conduct of the meeting;
 - 3. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
 - 4. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action;
- H. The portion of the meeting during which the participation of the public is invited shall be limited to thirty (30) minutes, **but the timeframe will be extended, if necessary, so that no one's right to address the Board will be denied unless extended by a vote of the Board.**

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Tape or video recordings are permitted subject to the following conditions:

- A. No obstructions are created between the Board and the audience.
- B. No interviews are conducted in the meeting room while the Board is in session.
- C. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session.

The person operating the recorder should contact the Superintendent prior to the Board meeting to review possible placement of the equipment.

M.C.L.A. 15.263(4)(5)(6), 380.1808

Revised 6/14/10

0167.4 Administrative Participation

The Superintendent and those administrators directed by the Superintendent shall attend all meetings, when feasible. Administrative participation shall be by professional counsel, guidance, and recommendation - as distinct from deliberation, debate, and voting of Board members.

0167.5 Use of Electronic Mail

Since E-mail is a form of communication that could conflict with the Open-Meetings Law, it will be used to conduct business of the Board only for the purposes of communicating:

- A. messages between Board members or between a Board member and employee(s) which do not involve deliberating or rendering a decision on matters pending before the Board;

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- B. possible agenda items between the Superintendent and the Board President;
- C. times, dates, and places of regular or special Board meetings;
- D. a Board meeting agenda or public record information concerning items on the agenda;
- E. requests for public record information from a member of the administration, school staff, or community pertaining to District operations;
- F. responses to questions posed by members of the public, administrators, or school staff.

Under no circumstances shall Board members use E-mail to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

There should be no expectation of privacy for any messages sent by E-mail. Messages that have been deleted may still be accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, may be subject to disclosure under the Freedom of Information Act, unless an exemption would apply.

NEW BYLAW- 0167.6 - VOL. 33, NO. 1 – SEPTEMBER 2018

0167.6 Use of Social Media

Social Media, as defined in Bylaw 0100, shall not be used to conduct any form of Board business.

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0168 **Minutes**

0168.1 **Open Meeting**

The Secretary, or a temporary secretary appointed by the presiding officer, shall designate a person to keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is called. These minutes must be approved by the Board and endorsed by the Secretary at the next meeting. The minutes shall include all roll-call votes taken at the meeting. Proposed minutes shall be available for public inspection not later than eight (8) business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than five (5) business days after the meeting at which the minutes are approved. The minutes shall be available for inspection at the Superintendent's office and shall be available for purchase at a fee estimated by the business office to cover the cost of printing and copying.

The Board Secretary shall not include in or with its minutes any personally identifiable information on any student of the District which if released, would prevent the public body from complying with the Family Educational Rights and Privacy Act of 1974.

The official minutes shall be bound together by years and kept in the office of the Board of Education.

Minutes of the preceding meetings shall be approved by the Board as its first order of business at its regular meeting.

The minutes shall show only action taken and if requested, remarks of Board members, administration and/or citizens present.

M.C.L.A. 15.269, 380.1201

Revised 6/26/17

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0168.2 **Closed Meeting**

The Board shall designate a person to keep separate minutes of each closed meeting of the Board. These minutes shall be retained by the Secretary of the Board, but shall not be available to the public and shall only be disclosed if required by a civil action filed under M.C.L.A. 15.270 et seq. These minutes may be destroyed one (1) year and one (1) day after approval of the minutes of the regular meeting at which the closed session was approved.

M.C.L.A. 15.267, 15.269, 15.270-71, 15.273

0168.3 **Committee Meetings**

Any Board Committee, whether standing or appointed ad hoc, which exercises governmental or proprietary authority must comply with the Open Meetings provisions in 0168.1 and 0168.2, and Public Participation provisions in 0167.3. Committees that are empowered to take action, make recommendations or otherwise deliberate in place of the Board are subject to this requirement.

Adopted 12/11/06
Revised 6/14/10

0169 **Student Disciplinary Hearings**

0169.1 **Closed Session Requested**

If parent or student requests a closed hearing, a vote must be taken. The purpose of the closed session should be announced: "To consider a student disciplinary matter, pursuant to the request of the parent/guardian" [NOTE: Do not need to use the name since that could identify the student]. A majority is required to go into a closed session.

Those invited into closed session should include the student, parent(s) and/or representative(s) and school administrator(s) bringing charges. Others may be admitted at Board discretion, if needed for the proceeding or at the request of student/parents.

bylaw

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Witnesses should be admitted when needed to testify. They should be asked to leave the closed session after testifying. Witnesses may be required to affirm that they will tell the truth.

The Administration should present a summary of the requested discipline and an overview of the incident(s) supporting discipline. The Administration shall call and question witnesses as it determines appropriate. The administrator may testify as a witness to the results of his/her investigation of the incident and the student's past record.

The student, parent, or representative (only one (1)) should be allowed to ask the witness(es) questions related to issues reasonably related to the discipline. Additional questioning by the Administration, the student/representative and/or the Board may be allowed at the Board's discretion.

The student, parent, or representative may then present witnesses or statements to the Board. The Administration and/or the Board may ask questions of these individuals. The Board may allow additional questioning at its discretion.

When the presentation of evidence is concluded, the Board will deliberate. It may exclude both the Administration and the student and representatives, or allow both sides to remain. If the Board desires clarification of any testimony during its deliberation, it shall assure that both the Administration and the student are present to hear the information.

The Board shall not take any action in the closed session. To act on the discipline the Board must return to open session. This requires a majority vote.

bylaw

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During the open session the name of the student shall not be used in voting on the discipline, to protect student privacy under the Federal Family Education Rights and Privacy Act. The student may be referred to by a Code Number or Pseudonym (i.e. Student A). Only the reference code shall be indicated in the Board minutes, NOT the student's actual name. The reference code shall be listed in the student's discipline file.

If, at any time during the hearing, the student, parent or authorized representative withdraws the request for a closed hearing, the matter shall proceed under the open hearing provisions.

0169.2

Open Hearing

If the student, parent or authorized representative does not request a closed hearing, the Board must still assure that the Family Education Rights and Privacy Act is not violated.

The parents (or student if eighteen (18) or older) should sign an authorization to release student record information to allow discussion of the student's information in the public forum (Form 8330 F4). If the parents refuse to sign the authorization or information relating to other students must be presented at the hearing, it should be done anonymously by referring to students by Code Numbers or Pseudonyms. If this is not possible, then the Board may go into closed session to receive student identifiable information pursuant to a two-thirds (2/3's) roll call vote for the announced purpose of "Considering material exempt from discussion or disclosure by State or Federal law."

In all other respects the hearing shall proceed as outlined under the Closed Hearing.

bylaw

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The Board must deliberate and act on the discipline in open session. The student, parents, administration and public will be allowed to be present. Students/parents who have not authorized disclosure to the public will not be mentioned by name during deliberations, but only by anonymous reference code. Any action must be by a vote of the Board in open session. If the student/parents have signed an authorization for public disclosure, then the student's name may be used in the motion and recorded in the Board minutes.

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**OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
December 10, 2018
Report 18-73**

FOR ACTION

Subject:

Revised Policy 1220 – Employment of the Superintendent, 2nd reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 2nd reading: **Revised Policy 1220 – Employment of the Superintendent**

Facts / Statistics:

The proposed revision to Policy 1220 changes the language addressing the optional length of the term of the contract from “no more than 3 years” to “no more than 5 years”.

This change is being recommended to allow the Board of Education the flexibility to negotiate up to a five-year contract with a Superintendent at the will of the Board and the Superintendent. Such flexibility is needed in order to provide for individual circumstances that arise and is consistent with other districts policies and procedures. All contracts that are negotiated are presented at public meetings for formal approval by the Board of Education.

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

EMPLOYMENT OF THE SUPERINTENDENT

The Board of Education vests the primary responsibility for administration of this District in the Superintendent of Schools. The appointment of that officer is, therefore, one of the most important functions the Board can perform.

Whenever the position of Superintendent shall be vacant, the Board shall appoint a Superintendent of Schools as chief executive officer and fix his/her salary and term of office which shall be no more than ~~three (3)~~ **five (5)** years.

The Board shall actively seek the best qualified and most capable candidate for the position of District Superintendent.

It may be aided in this task by:

- A. a committee of Board members;
- B. the services of professional consultants.

Recruitment procedures may be prepared in advance of the search and may include:

- A. preparation of a written job specification for the position of Superintendent;
- B. preparation of written specifications of qualification in addition to proper State certification;
- C. preparation of informative material describing this District and its educational goals;
- D. where feasible, the opportunity for applicants to visit the schools of this District;
- E. the requirement that each selected candidate for the position be interviewed by Board members in a format that encourages him/her to express his/her educational philosophy;
- F. solicitation of applications from a wide geographical area;
- G. consideration of all applicants fairly without discrimination on the basis of race, color, gender, age, religion, national origin or ancestry, marital status, disability, height, weight, and/or any other legally protected characteristic unrelated to the position of Superintendent.

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All interviews of applicants by the Board or a committee of the Board shall be done in open meetings. At the time of application, the Board President shall see that each applicant has been informed that Michigan law may not permit the Board to protect his/her application from disclosure, and any interview must be open to the public.

The Superintendent must submit to a criminal history record check from the Michigan State Police. See Policy 3121.

A person who is employed as Superintendent by this Board who was a school administrator in Michigan prior to January 4, 2010, is not required to have a school administrator's certificate issued by the Department of Education but must confirm that s/he meets the continuing educational requirements for school administrators established by the State Board of Education. All others must either have a valid school administrator's certificate or be enrolled or become enrolled, within six (6) months of beginning the position, in a program leading to certification as a school administrator. Certification must be completed within three (3) years, or the person may not continue to be employed as the Superintendent.

The Superintendent must be employed pursuant to a signed contract.

Such contract shall include:

- A. the term for which employment is contracted, including beginning and ending dates;
- B. that tenure in a position shall not be granted;
- C. the salary which the Superintendent shall be paid and the intervals at which s/he shall be paid;
- D. the benefits to which s/he is entitled;
- E. such other matters as may be necessary to a full and complete understanding of the employment contract.

The Superintendent shall maintain his/her principal residence within a twenty (20) mile radius of the geographic boundaries of the District unless otherwise approved by the Board. No residency requirement can be applied if the Superintendent's spouse is employed by another public employer when that spouse is subject to a condition of employment or promotion that requires him/her to reside a distance of less than twenty (20) miles from the nearest boundary of his/her public employer.

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Any candidate's intentional misstatement of fact material to his/her qualification for employment or the determination of his/her salary shall be considered by this Board to constitute grounds for his/her dismissal.

The person selected for the position of Superintendent may be required to undergo a physical examination reasonably related to the duties s/he will be required to perform, the cost of which shall be borne by the District.

M.C.L. 15.601, et seq., 380.1229, 380.1230, 380.1246, 380.1536

Revised 4/06
Revised 8/27/12
Revised 12/10/2018

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**OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
December 10, 2018
Report 18-74**

FOR ACTION

Subject:

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, 2nd readings

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 2nd readings: 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

Facts / Statistics:

The revisions to existing policies, addition of the new policy 2261.03 and the replacement of policy 2261.01 are out of requirements from the Every Student Succeeds Act (ESSA) amendments to the Elementary and Secondary Education ACT (ESEA) and components of the State’s plan for implementing these provisions. Revisions include definitions and focus on parent and family engagement (including MDE’s definition of family engagement and family principles), attention to “supplement v supplant” requirements, and data collection and reporting requirements.

NEOLA strongly recommends the adoption of these policies and it is duly noted that the State will be reviewing these policies when the audit the Title I programs for compliance.

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

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

DISTRICT AND SCHOOL REPORT CARD

Each School District that receives Title I, Part A funds must prepare and publicly disseminate a report card on the performance and operations of the District. Report cards must be concise and presented in an understandable and uniform format that is developed in consultation with parents and accessible to persons with disabilities and, to the extent practicable, in a language that parents can understand. **[Drafting Note: The District must make the report card meaningfully accessible to parents and stakeholders who are limited English proficient.]**

The report shall contain the information called for on the form issued by the Michigan Department of Education in accordance with State and Federal law. The report must include 1) an overview section and 2) a detail section.

Report cards must begin with a clearly labeled overview section that is prominently displayed. The overview section of District report cards must include information on key metrics of State, District, and school performance and progress and is intended to help parents and other stakeholders quickly access and understand such information and provide context for the complete set of data included in the report.

The overview section of the annual report card must include for the District as a whole and each school, if appropriate:

- A. student achievement data (i.e., the number and percentage of students at each level of achievement on the State mathematics, reading/language arts, and science assessments), including how achievement in the District compares to State as a whole and, for each school in the District, how that school compares to the District and the State as a whole;
- B. English language proficiency of English learners (i.e., the number and percentage of English learners achieving English language proficiency as measured by Michigan's English proficiency assessment);
- C. performance on each measure within the Academic Progress indicator used by the State for elementary schools and secondary schools that are not high schools;
- D. high school graduation rates, including the four (4) year adjusted cohort and the extended-year adjusted cohort;

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- E. performance on each measure within any School Quality or Student Success indicator used by the State;
- F. school identifying information, including student membership count and Title I participation status;
- G. summative determination for each school;
- H. whether the school was identified for comprehensive support and improvement or targeted support and improvement, and the reason(s) for such identification.

The overview section must include disaggregated data for specific student subgroups as required by the United States Department of Education (e.g., each major racial and ethnic group; children with disabilities; English learners; and economically disadvantaged students).

Report cards must include student achievement data overall and by grade, including the percentage of students at each level of achievement as determined by the State for all students and disaggregated by each major racial and ethnic group, gender, disability status, migrant status, English proficiency status, status as economically disadvantaged, status as a homeless student/youth, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces on active duty (which includes full-time National Guard duty). Data for these subgroups must be included in the detail section of report cards if it is not included in the overview section.

The details section of the District report card must include the remaining information required in the statute and applicable regulations. A District need not include information in the detail section of the report if it includes such information in the overview section. The annual report detail section must include, if appropriate:

- A. student achievement data (i.e., the number and percentage of students at each level of achievement on the State mathematics, reading/language arts, and science assessments), including how achievement in the District compares to State as a whole and, for each school in the District, how that school compares to the District and the State as a whole;
- B. percentages of students assessed and not assessed in each subject (i.e. participation rates on required assessments);

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- C. extent alternate assessments aligned with alternate academic achievements standards were used for students with the most significant cognitive disabilities (i.e., the number and percentage of students assessed using alternate academic achievement standards, by grade and subject);
- D. as applicable, number and percentage of recently arrived English learners exempted from one administration of the reading/language arts assessments or whose results are excluded from certain State indicators;
- E. high school graduation rates, including the four (4) year adjusted cohort, and the extended-year adjusted cohort;
- F. postsecondary enrollment rates for each high school;
- G. information collected and reported in compliance with the Civil Rights Data Collection (CRDC) under 20 U.S.C. 3413(c)(1);
- H. progress toward State-designed long-term goals for academic achievement, graduation rates, and English learners achieving English language proficiency (including measurements of interim progress);
- I. level of performance on each indicator included in State accountability system including, as applicable, results on each individual measure within each indicator not already included in the school overview section
- J. information on educator qualifications;
- K. information on per-pupil expenditures (i.e., actual personnel and actual non-personnel; for the District as a whole and each school);

[Note: The District and school report cards must include per-pupil expenditures of Federal, and State/local funds, disaggregated by source of funds; District expenditures not allocated to public schools; and the web address to the procedures for calculation.]

- L. State performance on the National Assessment of Educational Progress (NAEP) – math and reading, grades 4 and 8;

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- M. description and Results of State accountability system (the District may provide the web address or URL of, or a direct link to, a State plan or other location on the Michigan Department of Education's web site to meet this requirement);
- N. additional information best-suited to convey the progress of each school;

[Note: District report cards must include the following NAEP data: 1) the percentage of students at each NAEP achievement level (below basic, basic, proficient, and advanced) in the aggregate; 2) participation rate for students with disabilities; and 3) participation rate for English learners.]

- O. other information as required by the State Department of Education.

When presenting data on a report card, the District shall protect the privacy of individuals and the privacy of personally identifiable information contained in students' education records in accordance with the Family Educational Rights and Privacy Act (FERPA) and R.C. Section 3319.321.

The District's annual report card information must be made publicly available through such means as posting on the District's web site and distribution to local media and public agencies. **[Note: If the District does not operate a web site, the District must make report available to the public in another manner determined by the Board.]**

The Board will provide the school level overview directly to all parents in each school served by the District annually. **[Note: The District may send the report card overview to the parents of students enrolled in each school in the District directly through the U.S. mail, via email, or through other means such as sending the report card overview home to parents in the child's backpack or distribute the report card during parent-teacher conferences.]**

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The data from the local report card is to be used by each of the schools and the District as a whole in revising and upgrading school and District improvement plans.

20 U.S.C. 6314
34 C.F.R. 200.31(h)(1)
A.C. 3301-35-02, 3301-35-02 (B)

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

PARENT AND FAMILY MEMBER PARTICIPATION IN TITLE I PROGRAMS

In accordance with the requirements of Federal law, programs supported by Title I funds must be planned and implemented in meaningful consultation with parents and family members of the students being served.

Each year the Superintendent shall work with parents and family members of children served in Title I Programs in order to jointly develop and agree upon a proposed written parent and family engagement policy to establish expectations for the involvement of such parents and family members in the education of their children. The proposed policy shall be reviewed and approved annually by the Board of Education and distributed to parents and family members of children receiving Title I services. The proposed policy must establish the District's expectation and objectives for meaningful parent and family involvement, and describe how the School District will:

- A. involve parents and family members in the development of the School District's Title I plans and any State-mandated comprehensive support and improvement plans;
- B. provide coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools in planning and implementing effective parent involvement activities to improve student achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;
- C. coordinate and integrate parent and family engagement strategies, to the extent feasible and appropriate, with other Federal, State, and local laws and programs;

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- D. with meaningful involvement of parents and family members, annually evaluate the content and effectiveness of the parent and family engagement policy in improving the academic quality of schools, including:
1. identifying barriers to greater parent participation (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);
 2. the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and
 3. strategies to support successful school and family interactions.
- E. use the findings of the above-referenced evaluation to:
1. design evidence-based strategies for more effective parental involvement; and,
 2. revise the parent and family engagement policy, if necessary;
- F. involve parents in the activities of the District's Title I schools, which may include establishing a parent advisory board that may be charged with developing, revising and reviewing the parent and family engagement policy;
- G. provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency and/or disabilities, and parents and family members of migratory children, including providing information and school reports in a format, and to the extent practicable in a language, such parents can understand;
- H. conduct meetings with parents including provisions for flexible scheduling and assistance to parents to better assure their attendance at meetings;

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- I. develop agendas for parent meetings to include review and explanation of the curriculum, means of assessments, and the proficiency levels students are expected to achieve and maintain;
- J. provide opportunities for parents to formulate suggestions, interact and share experiences with other parents, and participate appropriately in the decision-making about the program and revisions in the plan;
- K. involve parents in the planning, review, and improvement of the Title I program;
- L. communicate information concerning school performance profiles and their child's individual performance to parents;
- M. assist parents in helping their children in achieving the objectives of the program by such means as ensuring regular attendance, monitoring television-watching, providing adequate time and the proper environment for homework; guiding nutritional and health practices, and the like;
- N. provide timely responses to parental questions, concerns, and recommendations;
- O. coordinate and provide technical assistance and other support necessary to assist Title I schools to develop effective parent participation activities to improve academic achievement;
- P. conduct other activities as appropriate to the Title I plan and State and Federal requirements.

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The Board will reserve the requisite percent of its allocation of Federal Title I funds to carry out the above-described activities. Parents and family members of children receiving Title I services shall be involved in the decisions regarding how the reserved funds are allotted for parent involvement activities. Reserved funds shall be used to carry out activities and strategies consistent with the Board's parent and family engagement policy (Policy 2111), including at least one (1) of the following:

- A. Supporting schools and nonprofit organizations in providing professional development for the District and school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members.
- B. Supporting programs that reach parents and family members at home, in the community, and at school.
- C. Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.
- D. Collaborating, or providing subgrants to schools to enable such schools to collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement.
- E. Engaging in any other activities and strategies that the Board determines are appropriate and consistent with its parent and family engagement policy.

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The Superintendent must also assure that each Title I participating school develops a specific written plan, with parental involvement and agreement, which includes provisions regarding the following:

- A. Each principal must convene an annual meeting at a convenient time to which all parents of participating children are invited and encouraged to attend to explain the parents' rights to be involved and the school's obligations to develop a parent and family engagement policy.
- B. Meetings with parents of children receiving Title I services must be scheduled at flexible times with assistance such as child care, transportation, home visits, or similar aid offered to parents to encourage their involvement.
- C. Parents must be involved in an organized, on-going and timely way in the development, review, and improvement of parent involvement activities, including the planning, review and improvement of the school parent and family engagement policy, and the joint development of the schoolwide program plan, if appropriate.
- D. Parents of participating students must be provided with:
 - 1. timely information about the Title I program and the school's parent and family engagement policy;
 - 2. a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels expected;
 - 3. regular meetings, upon request, for parents to make suggestions, and to participate as appropriate, in decisions relating to the education of their children, and receive responses regarding the parents' suggestions about their student's education as soon as practicably possible.
- E. If the written plan is not satisfactory to the parents of participating children, the school must submit any parents' comments when it presents the plan to the Superintendent.

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- F. As a component of the school-level parent and family engagement policy, the principal for each school shall coordinate the development of a school-parent compact jointly with parents of children served under Title I which outlines how the school staff, the parents, and the students will share responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help students achieve the State's high standards. The compact must:
1. describe the school's responsibility to provide a high quality curriculum and instruction in a supportive, effective learning environment;
 2. describe the ways in which each parent is responsible for supporting their child's learning environment such as monitoring attendance, homework, extra-curricular activities and excessive television watching; volunteering in the classroom; and participating, as appropriate, in decisions relating to the education of their children and their positive use of extra-curricular time;
 3. address the importance of parent/teacher communication on an on-going basis through at least annual parent teacher conferences to discuss the child's achievement and the compact; frequent progress reports to the parents on their child's progress; reasonable access to the staff and to observe and participate in classroom activities and regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.
- G. Parents of children receiving Title I services must be notified about their school's parent and family engagement policy in an understandable and uniform format, and, to the extent practicable, in a language the parents can understand. These policies must also be made available to the community.
- H. School-level parent and family engagement policies must be updated periodically to meet the changing needs of parents and the schools.

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In order to involve parents in the education of their children and to support a partnership among the school, parents and the community for improving student academic achievement, the Superintendent and building principals must include provisions in the School District and school-level parent and family engagement policies regarding:

- A. assisting parents of children served under Title I in understanding such topics as the State academic standards, State and local academic assessments, Title I, and how to monitor their child's progress and how to work with educators to improve their child's achievement;
- B. providing materials and training to help parents work with their children to improve achievement, such as literacy training and using technology (including education about the harms of copyright privacy);
- C. educating teachers, specialized instructional support personnel, school leaders (including principals), and other staff, with the assistance of parents, about the value and utility of contributions of parents, how to reach out to, communicate with, and work with parents as equal partners, how to implement and coordinate parent programs, and how to build ties between parents and the school;
- D. to the extent feasible and appropriate, coordination and integration of parent involvement programs and activities with other Federal, State and local programs (including public preschool programs), and conducting other activities that encourage and support parents more fully participating in the education of their children (e.g., parent resource centers);
- E. providing information related to school and parent programs, meetings, and other activities to parents of participating children in a format, and, to the extent practicable, in a language the parents can understand;
- F. providing such reasonable support for parent involvement activities as parents may request.

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In order to build the School District's capacity for parent involvement, the Superintendent and building principals may also:

- A. involve parents in the development of training for teachers and administrators and other educators to improve the effectiveness of such training;
- B. provide necessary literacy training from Title I funds if the District has exhausted all other reasonably available sources of funding for such training;
- C. pay reasonable and necessary expenses associated with parental involvement activities to enable parents to participate in school-related meetings and training sessions, including transportation and child care costs;
- D. train parents to enhance the involvement of other parents;
- E. arrange school meetings at a variety of times, or conduct in-house conferences between teachers or other educators who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;
- F. adopt and implement model approaches to improving parental involvement;
- G. establish a District-wide parent advisory council to provide advice on all matters related to parental involvement in Title I programs;
- H. develop appropriate roles for community-based organizations and businesses in parental involvement activities.

20 U.S.C. 6318 et seq.
34 C.F.R. Part 200 et seq.

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

**PARENT AND FAMILY ENGAGEMENT INVOLVEMENT IN THE SCHOOL
PROGRAM**

The Board of Education recognizes and values parents and families as children's first teachers and decision-makers in education. The Board believes that student learning is more likely to occur when there is an effective partnership between the school and the student's parents and family. Such a partnership between the home and school and greater involvement of parents and family members in the education of their children generally result in higher academic achievement, improved student behavior, and reduced absenteeism. **This policy shall serve as the District policy, as well as the Parent and Family Engagement policy for each school in the District.**

The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), defines the term "parent" to include a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

The term "family" is used in order to include a child's primary caregivers, who are not the biological parents, such as foster caregivers, grandparents, other family members and responsible adults who play significant roles in providing for the well-being of the child.

~~**The term "families" is used in order to include children's primary caregivers, who are not their biological parents, such as foster caregivers, grandparents, and other family members.**~~

Family engagement is a collaborative relationship between families, educators, providers, and partners to support and improve the learning, development and health of every learner. The principles of family engagement include: relationships as the cornerstone; positive learning environments; efforts tailored to address all families, so all learners are successful; purposeful and intentional efforts that clearly identify learner outcomes; and engaging and supporting families as partners in their child's education.

Through this policy, the Board directs the establishment of a Parental Involvement Plan by which a school-partnership can be established and provided to the parent of each child in the District. The plan must encompass parent participation, through meetings and other forms of communication. The Parental Involvement Plan shall reflect the Board's commitment to the following:

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A. **Relationships with Families**

1. cultivating school environments that are welcoming, supportive, and student-centered;
2. providing professional development for school staff that helps build partnerships between families and schools; ^{1,2}
3. providing family activities that relate to various cultures, languages, practices, and customs, and bridge economic and cultural barriers; ^{1,2}
4. providing coordination, technical support and other support to assist schools in planning and implementing family involvement activities. ²

B. Effective Communication

1. providing information to families to support the proper health, safety, and well-being of their children;
2. providing information to families about school policies, procedures, programs, and activities; ^{1,2}
3. promoting regular and open communication between school personnel and students' family members;
4. communicating with families in a format and language that is understandable, to the extent practicable; ^{1,2}
5. providing information and involving families in monitoring student progress; ²
6. providing families with timely and meaningful information regarding Michigan's academic standards, State and local assessments, and pertinent legal provisions; ^{1,2}
7. preparing families to be involved in meaningful discussions and meetings with school staff. ^{1,2}

C. Volunteer Opportunities

1. providing volunteer opportunities for families to support their children's school activities; ²
2. supporting other needs, such as transportation and child care, to enable families to participate in school-sponsored family involvement events. ²

D. Learning at Home

1. offering training and resources to help families learn strategies and skills to support at-home learning and success in school; ^{1,2}
2. working with families to establish learning goals and help their children accomplish these goals;
3. helping families to provide a school and home environment that encourages learning and extends learning at home. ¹

E. Involving Families in Decision Making and Advocacy

1. **engaging involving** families as partners in the process of school review and continuous improvement planning; ²
2. **engaging involving** families in the development of its District-wide parent ~~involvement~~ **family engagement** policy and plan, and distributing the policy and plan to families. ^{1,2}

F. Collaborating with the Community

1. building constructive partnerships and connecting families with community-based programs and other community resources; ^{1,2}
2. coordinating and integrating ~~family involvement~~ **parent and family engagement** programs and activities with District initiatives and community-based programs that encourage and support families' participation in their children's education, growth, and development. ^{1,2}

Implementation

The Superintendent will provide for a comprehensive plan to engage parents, families, and community members in a partnership in support of each student's academic achievement, the District's continuous improvement, and individual school improvement plans. The **District's plan, as well as each school's plan** will be distributed to all parents and students through publication in the Student Handbook or other suitable means. The plan will provide for annual evaluation, with the involvement of parents and families, of the plan's **content** effectiveness and identification of barriers to participation by parents and families **with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background; the needs of parents and family members to assist with the learning of their children (including engaging with school personnel and teachers); and the strategies to support successful school and family interaction.** Each school plan will include the development of a written school-parent compact jointly with parents for all children participating in Title I, part A activities, services, and programs. The compact will outline how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the **State's high standards.** Evaluation findings will be used in the annual review of the Parent and Family **Involvement Engagement** policy and to improve the effectiveness of the District plan. **This policy will be updated periodically to meet the changing needs of parents, families, and the schools.**

¹Indicates IDEA 2004 Section 650 & 644 parent involvement requirements

²Indicates Title I Section 1118 parent involvement requirements

Sec. 1112, 1118 ESEA
M.C.L.A. 380.1294

Revised 2/28/11
Revised 12/10/18

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

TITLE I SERVICES

The Board of Education elects to augment the educational program of educationally disadvantaged students by the use of Federal funds and in accordance with Title I of the **Elementary and Secondary Education Act of 1965, as amended.** ~~Amendments to the Elementary and Secondary School Improvement of 1965.~~

The Superintendent shall prepare and present to the State Department of Education a plan for the delivery of services which meets the requirements of the law, including those described below. The plan shall be developed by appropriate staff members and parents of students who will be served by the plan. **The District will periodically review and revise the plan, as necessary.**

A. Assessment

The District shall annually assess the educational needs of eligible children, as determined by Federal and State criteria. Such assessment shall include performance measures mandated by the Department of Education as well as those determined by the District's professional staff, that will assist in the diagnosis, teaching, and learning of the participating students.

B. Scope

Each school shall determine whether the funds will be used to upgrade the educational program of an entire school **in Title I schools that qualify as schoolwide schools** and/or to establish or improve programs that provide services only for eligible students in greatest need of assistance. The **schoolwide** program, for an entire school and/or a Targeted Assistance School, shall include the components required by law as well as those agreed upon by participating staff and parents.

C. Participation

The Title I program shall be developed and evaluated in consultation with parents and professional staff members, **including teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders [in a District that has charter schools], administrators and other appropriate school personnel** involved in its implementation. Appropriate training will be provided to staff members who provide Title I services. Parent participation shall be in accord with Board

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Policy 2261.01 and shall meet the requirements of Section ~~1118~~
~~1116~~ of the Act.

D. Comparability of Services

Title I funds will be used only to augment, not to replace, State and local funds. **The District will document its compliance with the supplement not supplant provisions by using a written methodology that ensures State and local funds are allocated to each school on the same basis, regardless of whether a school receives Title I funding. The Superintendent shall use State and local funds to provide educational services in schools receiving Title I assistance that, taken as a whole, are at least comparable to services being provided in schools that are not receiving Title I assistance.** ~~The Superintendent shall use State and local funds to provide educational services in schools receiving Title I assistance that, taken as a whole, are at least comparable to services being provided in schools that are not receiving Title I assistance.~~ The determination of the comparability of services may exclude, ~~in accordance with Federal regulations,~~ State and local funds expended for language instruction educational programs and the excess costs of providing services to children with disabilities as determined by the District. ~~spent on compensatory education programs, bilingual education programs, and programs for educationally-disabled students.~~

The determination of comparability of services will not take into account unpredictable changes in student enrollments or personnel assignments that occur after the beginning of the year.

In order to achieve comparability of services, the Superintendent shall assign teachers, administrators, and auxiliary personnel and provide curriculum materials and instructional supplies in such a manner as to ensure equivalence throughout the District.

E. Professional Development

~~The Superintendent shall develop administrative guidelines whereby Mmembers of the professional staff may participate in the design and implementation of staff development activities that: meet the requirements of Section 1119 of the Act and:~~

1. involve parents in the planning, when appropriate;
2. combine and consolidate other available Federal and District funds;

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3. allocate part of the staff development to the following types of strategies:
 - a. performance-based student assessment
 - b. use of technology
 - c. working effectively with parents
 - d. early childhood education
 - e. meeting children's special needs
 - f. fostering gender-equitable education

~~F. Simultaneous Services~~

~~In accordance with law, a school offering Title I services may also serve other students with similar needs.~~

20 U.S.C. 6301 et seq., ~~Elementary and Secondary Education Act of 1965~~
34 C.F.R. Part 200, et seq.

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

**COMBINED P.A. 25 ANNUAL REPORT
AND NO CHILD LEFT BEHIND REPORT CARD**

The District must prepare and publicly disseminate the combined P.A. 25 Annual Report ~~and NCLB Report~~ no later than the beginning of each school year to all parents of all students. ~~(If separate reports are published for P.A. 25 and for NCLB, the P.A. 25 report must be published no later than October 15, 2005.)~~ Required information for the District and each individual school building includes the following:

Assessment Data

- A. Aggregate student achievement at each proficiency level on State assessments.
- B. Student achievement at each proficiency level disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and economic status. The Federal requirement is to report this data only when it is statistically sound. The Michigan Department of Education recommends reporting on subgroups if the size is more than thirty (30) students in the school or thirty (30) students across each grade level tested.
- C. Percentage of students not tested, disaggregated by each group (if statistically sound).
- D. Most recent two (2) year trend in achievement for each subject area and grade level.
- E. Report of the school's results of locally administered student competency tests and/or nationally normed achievement tests. This should include data from the assessments for students in grades 1-5, as required by section 1280b of the School Code (P.A. 25).

~~Adequate Yearly Progress (AYP) Data~~

- ~~A. Aggregate information on other indicators (graduation rate and student attendance) used to determine AYP.~~
- ~~B. AYP information, including number, names, and percentage of Title I schools identified for improvement and how long identified.~~

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- ~~C. Comparison between actual achievement of each group (excluding gender and migrant) and state's annual measurable objectives.~~
- ~~D. Proficient, meaning students scored in levels 1 or 2 (exceeds Michigan standards or meets Michigan standards) on the MEAP or rated "Surpassed the Performance Standard" or "Attained the Performance Standard" on MI Access.~~
- ~~E. Comparison of building, District, and State achievement data on State assessments and other indicators of AYP. Other indicators are attendance rates at the elementary and middle school level and graduation rates for high school.~~

School Programs

- A. Accreditation status. Public Act 25 (P.A. 25) requires schools to report on State accreditation status, accreditation by the North Central Association commission on Accreditation and School Improvement, or another specialized accreditation authority approved by the US Department of Education (P.A. 25).
- B. District student retention data, in addition to the data on graduation rate referenced earlier (P.A. 25).
- C. Number and percentage of students enrolled in postsecondary programs and/or college level equivalent courses, if the school has a high school (dual enrollment) (P.A. 25).
- D. The status of the core curriculum and the School Improvement Plan (P.A. 25).

Staff

- A. The professional qualifications of teachers, the percentage of teachers teaching with emergency or provisional credentials, and the percentage of classes not taught by highly qualified teachers (disaggregated by high-poverty compared to low-poverty schools).
- B. The annual progress toward meeting State objectives for percentage of highly qualified teachers.

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Parents

- A. Information on parent-teacher conference attendance rates, a requirement of P.A. 25.
- B. Dissemination of the District's and school's parent involvement policy. ~~(While this requirement is not a part of the NCLB report card, the Department recommends that this be done through the combined report.)~~
- C. ~~Means of informing parents of the "right to know" provisions of the No Child Left Behind Act regarding teacher qualifications. (While this requirement is not a part of the NCLB report card, the Department recommends that this be done through the combined report.)~~

The school may include additional data if it chooses.

~~ADDITIONAL REPORT REQUIREMENTS FOR TITLE I PURPOSES~~

~~In any year that the District receives Title I funding, its annual report must also include the following information:~~

- A. ~~number and percentage of schools identified for school improvement and how long they have been in that category~~
- B. ~~a comparison of the achievement by the District's students on the State-wide academic assessment to the achievement of students in the State as a whole~~
- C. ~~for each school 1.) whether it has been identified for school improvement, and 2.) comparison of the school's student achievement on the statewide achievement assessments and other adequate yearly progress indicators to those students in the District and the State as a whole~~
- D. ~~aggregated achievement information on State assessments in math and reading/language arts~~

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~~E. disaggregated achievement information by subgroups (race/ethnicity, disability, socio-economic level, gender, migrant status, English Language Learners, except in cases where numbers are too small to be statistically robust or where individual student results are identifiable)~~

~~F. percentage of students not tested, disaggregated with the same conditions as above~~

~~G. information that can be used to compare actual achievement levels with State objectives for each group~~

~~H. most recent two (2) year trend data in achievement by subject area and grade level in areas where assessments are required~~

~~I. aggregate information on State indicators used to determine adequate yearly progress~~

~~J. graduation rates for high school students and an elementary school indicator of the State's choice~~

~~K. information about performance of districts making adequate yearly progress, as well as the numbers and names of schools identified for school improvement under "Consequences for Low-Performing Schools"~~

~~L. teacher qualifications/credentials, including percentage of teachers with emergency credentials and percentage of classes not taught by "highly qualified" teachers, both in the aggregate and disaggregated by high poverty compared to low poverty schools~~

~~This information must be disseminated annually, not later than the beginning of the school year, to all buildings and all parents, and make the information widely, publicly available through such means as posting on the Internet and distribution to local media and public agencies. Distribution to parents should be in an understandable format and in a language that parents can understand. This report to parents may be included with the student report cards at the end of the year, if all students receive report cards.~~

M.C.L.A. 380.1204a(1)
20 U.S.C. 6311

Revised 4/06
Revised 12/10/18

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**OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
December 10, 2018
Report 18-75**

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), 1st readings

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 1st 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

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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
Dean of Students 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 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.

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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 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.

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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.

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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 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.

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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").

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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.

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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;**
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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);**
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**BOARD OF EDUCATION
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 Revised 5/12/14
Revised 1/28/19

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

**NONDISCRIMINATION AND
EQUAL EMPLOYMENT OPPORTUNITY**

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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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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/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 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
Dean of Students 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 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;
- 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 1/28/2019

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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
Dean of Students 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 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;
- 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;
- 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
Dean of Students 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;
- 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;
- 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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**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
Dean of Students 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 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
Dean of Students 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 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

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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)

Dean of Student Services
(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;

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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;
- 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;
- 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
December 10, 2018
Report 18-76

FOR ACTION

Subject:

Revised Policy 2271 – Postsecondary (Dual) Enrollment Option Program, 1st reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 1st 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

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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
December 10, 2018
Report 18-77**

FOR ACTION

Subject:

Revised policies: 3120 – Employment of Professional Staff and 3120.04 – Employment of Substitutes; and New Policy 3130 – Assignment and Transfer, 1st readings

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 1st 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

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**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.

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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
December 10, 2018
Report 18-78**

FOR ACTION

Subject:

Revised Policy 4162 – Controlled Substance and Alcohol Policy for Commercial Vehicle (CMV) Drivers and Other Employees Who Perform Safety Sensitive Functions, 1st reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 1st 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 driving any school vehicle 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: Educational materials explaining the requirements of the Federal regulations and of the Board's policies and procedures to meet the Federal regulations shall be provided to all Covered Employees, including the following:

- A. the contact information for () , who is the individual designated by the Board to answer questions about the educational materials~~the name of the person designated by the Board to answer questions about the 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
- BC. information sufficient to make clear to employees the period of the work day during which they are required to comply with the regulations
- CD. information concerning what ~~conduct is prohibited~~ prohibited conduct

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- DE.** the circumstances under which employees are subject to testing for alcohol and/or controlled substances
- EF.** 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
- FG.** the requirement that staff members must submit to alcohol and controlled substance testing as required by the regulations
- GH.** an explanation of what constitutes a refusal to be tested or alcohol or controlled substances and the attendant consequences
- HI.** the consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment
- IJ.** the consequences for a test indicating for employees found to have an alcohol concentration greater than of 0.02 or greater but less than 0.04, and
- JK.** information concerning the effects of alcohol and drug misuse 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 drug 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 Meeting
December 10, 2018
Report 18-79

FOR ACTION

Subject:

Revised Policy 5330 – Use of Medications, 1st reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 1st 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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**STUDENTS
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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
December 10, 2018
Report 18-80**

FOR ACTION

Subject:

Revised Policy 5540 – Interrogation of Students, 1st reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 1st 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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OWOSSO PUBLIC SCHOOLS**

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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
December 10, 2018
Report 18-81**

FOR ACTION

Subject:

New Policy 5630.01 – Student Seclusion and Restraint, 1st reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 1st 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.

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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

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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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The data must:

1. be analyzed to determine the efficacy of the school's school-wide system of behavioral support;
2. be analyzed in the context of suspension, expulsion, and dropout data;
3. be analyzed for the purposes of continuous improvement of training and technical assistance toward the reduction or elimination of seclusion/restraint;
4. be analyzed on a schedule determined by the Michigan Department of Education (MDE);
5. be reported to the MDE, if and as required;
6. include a list of appropriately trained, identified personnel and their levels of:
 - a. education;
 - b. training; and
 - c. knowledge.

NOTE: The District must report to the MDE on the use of seclusion and restraint periodically. MDE will develop guidelines that outline the process for reporting redacted, aggregated data regarding the emergency use of seclusion and restraint.

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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
December 10, 2018
Report 18-82**

FOR ACTION

Subject:

Revised Policy 6325 – Procurement – Federal Grants/Funds, 1st reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 1st 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 ~~\$3,500~~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

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the 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.

policy

**BOARD OF EDUCATION
OWOSSO PUBLIC SCHOOL DISTRICT**

FINANCES
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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
December 10, 2018
Report 18-83**

FOR ACTION

Subject:

Rescission of Policy 6350 – Prevailing Wage Coordinator, 1st confirmation

Statement of Purpose/Issue:

As their first 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

**BOARD OF EDUCATION
OWOSSO PUBLIC SCHOOLS**

FINANCES
6350/page 1 of 1

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
December 10, 2018
Report 18-84**

FOR ACTION

Subject:

Revised Policy 8210 – School Calendar, 1st reading

Statement of Purpose/Issue:

Resolve that the Board of Education adopt as their 1st 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 recommend for adoption by NEOLA in order for this policy to stay current.

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

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), ~~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~~ ~~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.~~ **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 may provide programs or services according to the District's calendar:~~

**BOARD OF EDUCATION
OWOSSO PUBLIC SCHOOLS**

OPERATIONS
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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.~~

**BOARD OF EDUCATION
OWOSSO PUBLIC SCHOOLS**

OPERATIONS
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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

OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
December 10, 2018
Report 18-85

FOR FUTURE ACTION

Subject:

Awarding of contracts for elementary sinking fund flooring renovation work that is to take place during the upcoming Winter Holiday break.

Recommendation:

Recommend that the Board authorize the Superintendent to sign a contract with Owosso Carpet Center not to exceed \$137,528.00 including a \$25,000 for contingency for work at Emerson and Central for floor renovation.

Rationale:

To provide for the awarding of the floor renovation work that needs to occur over the Winter Holiday break.

Statement of Purpose/Issue:

To award the contract for the renovation work to floors at Central and Emerson as identified and bid out based on the recommendation of Spicer Engineering.

Facts/Statistics:

Specific classroom floors have been identified for renovation based on safety and health factors in the elementary buildings. The scope of work has been put up for bid with the intention of having all work performed during the 2018 Winter Holiday break. Bids were due on November 28, 2018 with a formal recommendation for awarding the contract being brought to the Board at this meeting. After appropriate review and vetting of all qualified bidders has been conducted, the recommendation to award the bid to Owosso Carpet Center is being brought forth. Owosso Carpet Center is not only the lowest bidder but is considered to be a responsible bidder. The District has worked with Owosso Carpet Center before and found their work to be satisfactory and to specifications.

All costs associated with the project will be derived from the sinking fund.

Motion

Seconded

Vote – Ayes

Nays

Motion

**AWARDING OF ELEMENTARY FLOOR RENOVATION SINKING FUND CONTRACT
WORK TO BE PERFORMED AT CENTRAL AND EMERSON DURING WINTER HOLIDAY RECESS
BIDS RECEIVED ON 11/28/2018, 3:00 P.M.**

BIDDER	BID COMPLETE	AMOUNT
Owosso Carpet Center Owosso, MI	Yes	\$137,528.00
Dean Flooring Livonia, MI	Yes	\$163,835.00
Continental Flooring Company Scottsdale, AZ	Yes	\$193,148.00
Martin & Associates Kalamazoo, MI	Yes	\$240,725.00

**OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
December 10, 2018**

Report 18-86

FOR ACTION

Subject:

Purchase of Truck with Towing Package

Recommendation:

Recommend that the Board of Education 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.

Rationale:

The Operations department is in need of a reliable vehicle to accomplish tasks that require hauling of items between buildings and, during inclement weather, can assist in the task of removing snow.

Statement of Purpose/Issue:

To purchase a truck with towing package to carry out the needs of the District and replace the vehicle that was used in this capacity that is no longer operational.

Facts/Statistics:

A request for bid was sent out for a truck, inclusive of any used truck meeting the specifications with less than 5,000 miles, with a response requested by November 30, 2018. There was only one bid received in spite of efforts to solicit bids from local and non-local vendors. In discussion with dealers about the reason for the lack of bids is timing with the new vehicles recently coming out and the high demand for trucks so used ones (and new ones) are just not readily available. The proposed truck also will have a lead time of 10-12 weeks. It should be noted that another bid was received after the deadline by a local dealer however, the cost of the non-compliant bid exceeded the bid being proposed for approval and was also for a used vehicle with approximately 9,500 miles on it.

The vehicle that is being recommended for purchase represents the quality and type of vehicle that are necessary to carry out the business of the District Operations. The majority of the current vehicle fleet for Operations is comprised of vehicles that are used to their capacity and have been in service for a number of years. The addition of this new vehicle will assist in creating some needed reliability in the fleet particular with the capacity for snow removal. The proposed purchase is to replace a vehicle that recently ceased to operate.

Leasing these vehicles is an option for the District but given the type of use and the longevity for the needs identified, it is considered prudent to recommend the purchase of the vehicle. The addition of this type of vehicle was included in the prior year budget but was not needed. This will be added to the budget as part of the proposed budget revision #1 if the board approves moving forward with the purchase.

Motion

Seconded

Vote – Ayes

Nays

Motion

TRUCK BIDS

4 Wheel drive, 5.4 L Engine, Automatic Transmission, 8 foot box, Regular Cab, ¾ ton heavy duty suspension, Air conditioning, Snow Plow package including strobe light, transmission cooler and back up beeper, with cloth seats

BIDS RECEIVED BY – FRIDAY, NOVEMBER 30, 2018 AT 2:00 P.M.

VENDOR	TYPE OF TRUCK	TRUCK BASE BID	PLOW COST	TOTAL BID PRICE	WARRANTY PERIOD
Signature Ford-Lincoln Owosso, MI	2019 F-250 Regular Cab	\$26,034.00	No bid for plow. Will be purchased separately from different vendor with an estimated cost of \$6,000 (quotes will be received from several vendors to assure competitive price)	\$26,034 (excluding license fees)	36 months or 36,000 miles Bumper to Bumper and 60 months or 60,000 miles Power Train Warranty

OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
December 10, 2018
18-87

FOR ACTION

Subject:

Permanent easement for the City of Owosso located at the behind the current Middle School located at 219 N. Water and through the amphitheater property

Recommendation:

Resolve that the Board of Education (grantor) authorize the Superintendent to sign off the two permanent easements proposed by the City of Owosso (grantee)

Facts/Statistics:

The City of Owosso has requested that the District sign off on two permanent easement granting right of way for a storm sewer located behind the current Middle School and through the amphitheater property. The easements encompass a 30 feet wide polygon located in plat 2 and 4 of the property with the legal description of the property contained in each of the easements as well as the granting of the following:

“right of ingress and egress for all purposes incident to said permanent easement as shown in Exhibit A. It being expressly understood that no building or other structures will be placed over said storm sewer and appurtenances without the written consent of said Grantee and the non-use or limited use of this permanent easement by Grantee shall not prevent Grantee from later making use of the permanent easement to the full extent herein authorized. Grantee agrees to pay for any damage which it does to Grantor(s) buildings, or other structures, in its exercise of the rights herein granted, and to bury and maintain said storm sewer and appurtenances so as not to interfere with the normal use of said land. Grantee agrees to replace any disturbed area in kind with similar material.”

Exhibit A has been included with this Board report and depicts the mapping of the two easements being requested.

Certain nuances of the language are under review with the City to assure that the language properly conveys the understanding of both parties. If any changes are made to the language based on these discussions or adjustments requested by the Board, such changes would be highlighted in the December report for the Board’s consideration.

Motion

Seconded

Vote – Ayes

Nays

Motion

PERMANENT EASEMENT

~~KNOW ALL MEN BY THESE PRESENTS, That~~ Owosso Public Schools, property owner, County of Shiawassee, in the State of Michigan, hereinafter called Grantor(s) in consideration of One Dollar (\$1.00) to them paid, receipt of which is hereby acknowledged do hereby grant, convey and warrant to the City of Owosso, Michigan, a Michigan municipal corporation, hereinafter called Grantee, their successors (**only if successor is a designated governmental entity or municipality**) and assigns, the permanent easement and right-of-way to make surveys, lay, construct, maintain, operate, alter, replace and repair and remove at any time hereafter any storm sewer and appurtenances on, over, and across the following described parcel of land **and depicted in Exhibit A:**

A 30 feet wide polygon centered on and following approximate diagonal alignment inside the Northwest corner of the following described parcel: Lot 2 of Block 38 of Original Plat City of Owosso, being a part of Section 13, T.7 N.-R.2 E., City of Owosso, Shiawassee County, Michigan.

~~Together with the right of ingress and egress for all purposes incident to said permanent easement as shown in Exhibit A. It being expressly understood that no building or other structures will be placed over said storm sewer by the grantor and appurtenances without the written consent of said Grantee and the non-use or limited use of this permanent easement by Grantee shall not prevent Grantee from later making use of the permanent easement to the full extent herein authorized. Grantee agrees to pay for any damage which it does to Grantor(s) buildings, or other structures, in its exercise of the rights herein granted, and to bury and maintain said storm sewer and appurtenances so as not to interfere with the normal use of said land. Grantee agrees to replace any disturbed area in kind with similar mutually agreed upon material.~~

~~It is expressly understood that the permanent easement of rights herein granted may be assigned by the Grantee. It is also understood that this agreement constitutes all of the terms, conditions and understandings between the parties hereto.~~

IN WITNESS THEREOF, the parties have hereunto set their hands and seal
this ____ day of _____, 20__.

Signed, Sealed and Delivered in Presence of:

Signature(s) of Grantor: _____

Printed Name and Title:

STATE OF MICHIGAN)
COUNTY OF _____)

On this ____ day of _____, 20____, before me, a Notary Public, in and for said County, personally appeared _____, to me known to be the same person ____ named in and who executed the foregoing instrument and acknowledged the execution of the same to be _____ free act and deed.

Notary Public _____ County of _____ State of _____

My Commission Expires _____

PREPARED BY: R. Chesney, City of Owosso

PERMANENT EASEMENT

~~KNOW ALL MEN BY THESE PRESENTS,~~ That Owosso Public Schools, property owner, County of Shiawassee, in the State of Michigan, hereinafter called Grantor(s) in consideration of One Dollar (\$1.00) to them paid, receipt of which is hereby acknowledged do hereby grant, convey and warrant to the City of Owosso, Michigan, a Michigan municipal corporation, hereinafter called Grantee, their successors (**only if successor is a designated governmental entity or municipality**) and assigns, the permanent easement and right-of-way to make surveys, lay, construct, maintain, operate, alter, replace and repair and remove at any time hereafter any storm sewer and appurtenances on, over, and across the following described parcel of land **and depicted in Exhibit A:**

A 30 feet wide polygon centered on and following approximate diagonal alignment from Northeast to Southwest corners of the following described parcel: Lot 4 of Block 38 of Original Plat City of Owosso, being a part of Section 13, T.7 N.-R.2 E., City of Owosso, Shiawassee County, Michigan.

~~Together with the right of ingress and egress for all purposes incident to said permanent easement as shown in Exhibit A.~~ It being expressly understood that no building or other structures will be placed over said storm sewer **by the grantor and appurtenances** without the written consent of said Grantee and the non-use or limited use of this permanent easement by Grantee shall not prevent Grantee from later making use of the permanent easement to the full extent herein authorized. Grantee agrees to pay for any damage which it does to Grantor(s) buildings, or other structures, in its exercise of the rights herein granted, and to bury and maintain said storm sewer and appurtenances so as not to interfere with the normal use of said land. Grantee agrees to replace any disturbed area in kind with similar **mutually agreed upon** material.

~~It is expressly understood that the permanent easement of rights herein granted may be assigned by the Grantee.~~ It is also understood that this agreement constitutes all of the terms, conditions and understandings between the parties hereto.

IN WITNESS THEREOF, the parties have hereunto set their hands and seal
this ____ day of _____, 20__.

Signed, Sealed and Delivered in Presence of:

Signature(s) of Grantor: _____

Printed Name and Title:

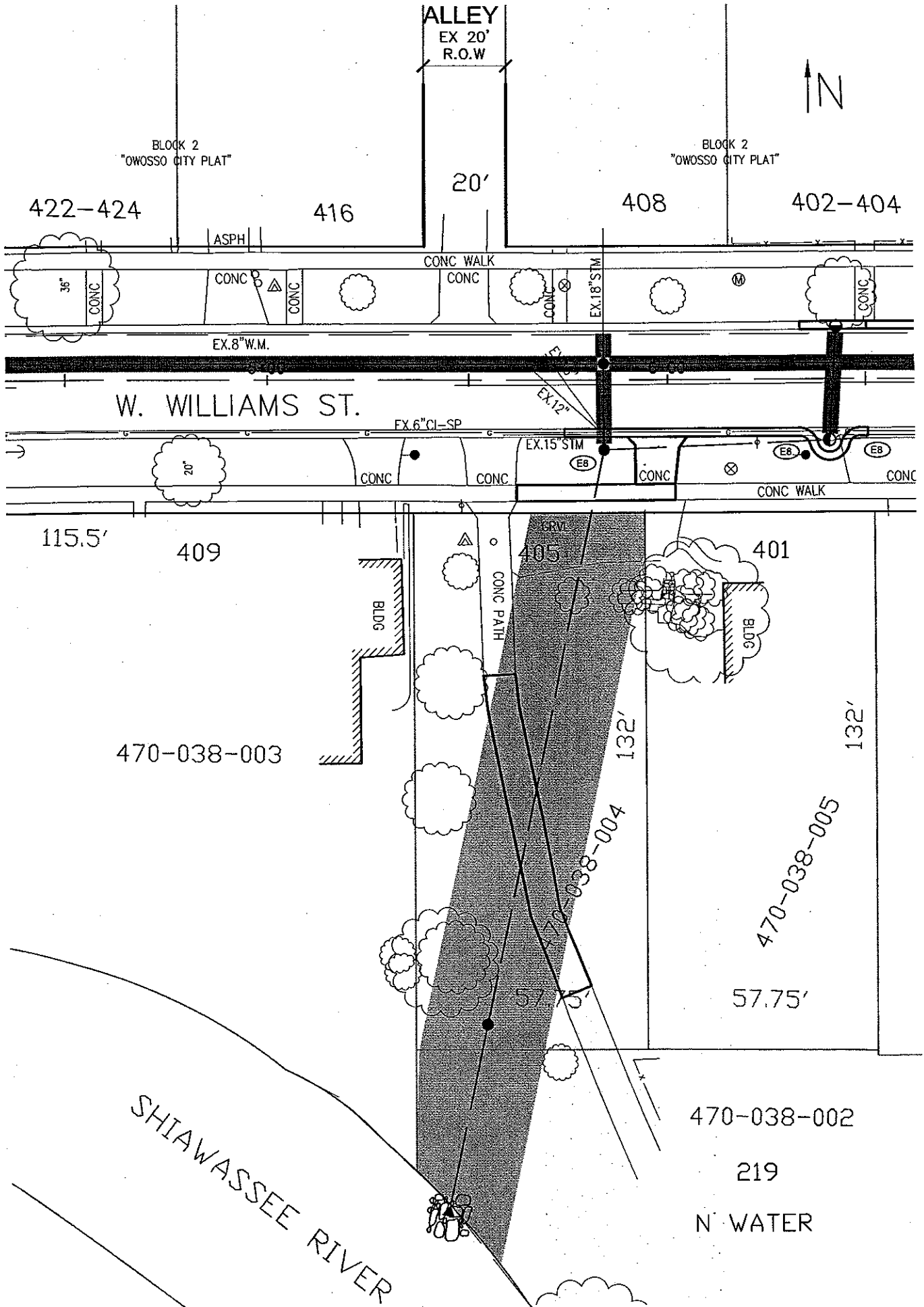
STATE OF MICHIGAN)
COUNTY OF _____)

On this ____ day of _____, 20__, before me, a Notary Public, in and for said County, personally appeared _____, to me known to be the same person ____ named in and who executed the foregoing instrument and acknowledged the execution of the same to be _____ free act and deed.

Notary Public _____ County of _____ State of _____

My Commission Expires _____

PREPARED BY: R. Chesney, City of Owosso



OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
December 10, 2018
Report 18-88

FOR ACTION

Subject:

Evaluation of Superintendent Dr. Andrea Tuttle.

Recommendation

Resolve that the Board of Education adopt the completed year-end evaluation for Superintendent Dr. Andrea Tuttle.

Statement of Purpose/Issue:

Superintendent Tuttle is employed under a three-year contract from July 1, 2018 through June 30, 2021. Each year upon completion of the year-end evaluation of the Superintendent, the Board of Education reviews the Superintendent's contract to extend based upon the Superintendent's evaluation effectiveness rating.

Facts/Statistics:

The Revised School Code Section 380.1249b and Board Policy 1240 requires the Board of Education to evaluate the Superintendent's job performance annually as part of a comprehensive performance evaluation. The Michigan Association of School Boards (MASB) Superintendent Evaluation instrument shall be used to evaluate the Superintendent. The MASB Superintendent Evaluation instrument has been established as state-approved pursuant to Public Act 173. The Board of Education and Superintendent received training on the MASB Superintendent Evaluation instrument October 10, 2016.

Collectively, the Board of Education completed the evaluation of Superintendent Dr. Andrea Tuttle during closed session November 26, 2018.

Board Policy 1240 and Section 1249b of the Revised School Code provide that if a Superintendent rated highly effective on three (3) consecutive annual year-end evaluations the school district may choose to conduct an evaluation biennially instead of annually. However, if a Superintendent is not rated as highly effective on one of these biennial evaluations, the Superintendent shall again be provided with annual evaluations.

Superintendent Dr. Andrea Tuttle has received highly effective educator effectiveness ratings consecutively 2012-2013 through the 2017-2018 school years.

District Goal Addressed:

Routine Business

Motion

Seconded

Vote – Ayes

Nays

Motion

**OWOSSO PUBLIC SCHOOLS
Board of Education Meeting
December 10, 2018**

Report 18-89

FOR FUTURE 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
December 10, 2018**

Report 18-90

FOR FUTURE 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
December 10, 2018**

Report 18-91

FOR INFORMATION

Subject:
Personnel Update

Accepted Positions

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.

Resignations

Sharon Piotrowski has submitted her letter of resignation.

Rashelle Torrey, Custodian II at Central Elementary has submitted her letter of resignation.

Retirements

Amy Siddock, Food Service Worker has submitted her letter of retirement after 18 years of service with the District.