



Brandon School District

Quality

Service

Planning

Delivering the highest quality education so every student can soar!

Brandon Board of Education
Regular Meeting
Central Office Board Room and Zoom Platform
1025 S. Ortonville Road
Ortonville, Michigan 48462
June 20, 2022
6:30 PM

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.

AGENDA

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Bond Update ~ Brian Smilnak
 - A. Bond Projects
 - 1. Ad Hoc Athletics Committee Update - Melissa Clark
 - B. Other Bond Projects ~ Janice Ziesel
- V. Superintendent Report
 - A. Introduction of Harvey-Swanson Principal, Jessica Hevel
 - B. Superintendent Transition

- VI. Public Comments and Questions on Agenda Business
- VII. Approval of Consent Agenda

The Brandon Board of Education deems all items listed on the consent agenda non-controversial and routine in nature. The body will approve these items under one motion and there will be no discussion. A member of the Brandon Board of Education wishing to discuss an item on the consent agenda may request it be removed from the consent agenda, and placed on the regular agenda. The body will consider and discuss the item at that time.

- A. Minutes of the May 16, 2022, Regular Meeting 4
- B. Minutes of the May 17, 2022, Special Meeting 8
- C. Minutes of the May 19, 2022, Special Meeting 9
- D. Minutes of the May 20, 2022, Special Meeting 10
- E. Minutes of the May 31, 2022, Special Meeting 11
- F. Minutes of the June 6, 2022 Special Meeting 12
- G. General Fund Accounts Payable in the amount of \$ 2,569,534.69 13
- H. Michigan High School Athletic Association 2022-2023
- VIII. Information and Discussion Items
 - A. Board Report ~ Diane Salter
 - B. Finance Report ~ Janice Ziesel
 - 1. Annual Budget Hearing 14
 - 2. DM Burr Contract Addendum
 - C. Education Report ~ Carly Stone
 - 1. U.S. History Books
- IX. Action Items

- A. Approval of New Superintendent's Contract
- B. Approval of Human Resource Report
- C. Approval to accept the Neola Policy Updates 36.1
- D. Approval of ROK Security Camera Contract Increase
- E. Approval to Purchase High School U.S. History Textbooks
- F. Approval of DM Burr Contract Addendum
- G. Approval of Plante Moran Professional Services Agreement
- H. Approval of BHS Greenhouse Renovations
- I. Adoption of the Final 2021-2022 Budget
- J. Adoption of the Proposed 2022-2023 Budget
- K. Approval of the 2022 Tax Levy
- X. Citizens' Input
- XI. Closed Session ~ Security Planning
- XII. Adjournment

Public Participation at Board Meetings

The Brandon Board of Education recognizes the value of public comments and the importance of expressing yourselves to us on district matters.

PUBLIC COMMENT GUIDELINES

IN PERSON: You must sign in with your name, email address or phone number, home address, group affiliation (if any) and the topic you are going to speak on. Sign In sheet is on table with agendas

VIRTUALLY: If participating virtually then “raise your hand” in the Zoom webinar control box with your name, contact email or phone number and indicate the topic you are going to speak on.

1. When addressing the Board please recognize yourself by stating your name.
2. Each statement shall be limited to THREE (3) minutes: you can only speak once.
3. The statements shall be directed at the board only.
4. Generally, the board will not respond to public comments during the meeting.
5. Speakers are asked to express themselves in a civil manner, with due respect for the dignity and privacy of others who may be affected by your comments.

To ensure due process and respect of individual rights, the district maintains a formal process for handling complaints against individuals. A problem involving an individual or specific incident is best handled through administrative channels. Such matter should be reduced to writing and sent to the superintendent or the board president.

While it is not our intent to stifle public comment, speakers should be aware that if your statements violate the rights of others under the law of defamation or invasion of privacy, you may be held legally responsible. If you are unsure of the legal ramifications of what you are about to say, we urge you to consult first with your legal advisor.

The board wants to hear what people want to say. We expect each speaker will model for our students and others in the audience on how one can respectfully disagree with others' views or voice an opinion or ask questions.



Brandon School District

Brandon Board of Education
Regular Meeting
Central Office Board Room and Zoom Platform
1025 S. Ortonville Road
Ortonville, Michigan 48462
May 16, 2022
6:30 PM

UNOFFICIAL MINUTES

- I. Call to Order – 6:30 p.m. by Diane Salter
- II. Roll Call
Present: Melissa Clark, Rebecca Haynes, Diane Salter, Hilary Stockoski, Jeff Zielke
Absent with notice: Carly Stone, Lisa Kavalhuna, Kimberly Smith-Kulaga
Others present: Dr. Gary Richards, Superintendent of Schools; Janice Meek, Executive Director of Business Services; Diane Zedan, Director of Special Education / Preschool; Maria Schubring, Recording Secretary
- III. Pledge of Allegiance
Led by the Board.
- IV. BHS Student Report
Brandon high school students provided an update on recent and upcoming events at the high school.
- V. Ortonville Pride Festival
Abigail Rowe provided information about the upcoming Ortonville Pride Festival.
- VI. Bond Update
 - A. Bond Project - Athletic Facilities
 1. Scope of Work Presentation
Brian Smilnak reviewed and shared a presentation regarding the athletic facilities scope of work recommendation for athletic facilities.
 2. Ad Hoc Athletics Committee Report / Recommendation
Melissa Clark provided a report and shared information and recommendations brought forward from the athletic bond committee.
 3. Ad Hoc Facilities Committee Report / Recommendation
Jeff Zielke reported on the recommendations brought forward to the facilities committee.
 - B. Other Bond Projects
Janice Meek reported on other bond projects.
- VII. Superintendent Report
 - A. Introduction of New Employee Ryan Belluomo
Dan Stevens introduced Ryan Belluomo and shared that Ryan was an intern here in Brandon. Ryan provided information about his educational background.
 - B. School Resource Officer (SRO)
Dr. Richards shared that we have a tentative school resource officer agreement. He provided the noteworthy changes and shared that the agreement includes a full time school resource officer.
 - C. Tractor
Dr. Richards provided additional information regarding the tractor. He shared that the maintenance staff will utilize the tractor for landscaping, moving large items, snow removal, and much more.
 - D. Neola Policy Updates

Dr. Richards reviewed Neola Policy Updates 36.2 and shared that the board will take action tonight. He inquired with board members if they have any questions. Board members did not have any questions related to Neola Policy Updates 36.2. He also shared that Neola Policy Update 36.1 first reading is on the agenda tonight for action. He reviewed each policy and asked board members to independently review Policy Update 36.1 and let him know if they have any questions or changes.

E. Bond Project Change Orders

Dr. Richards shared with board members that there is a document in the board packet for action recommending that the superintendent and executive director of finance execute contract change orders. He asked board members if they have any questions. Board members did not have any questions.

F. Preschool Showcase

Diane Zedan shared a PowerPoint presentation and information about Preschool.

VIII. Public Comments and Questions on Agenda Business

IX. Approval of Consent Agenda

The Brandon Board of Education deems all items listed on the consent agenda non-controversial and routine in nature. The body will approve these items under one motion and there will be no discussion. A member of the Brandon Board of Education wishing to discuss an item on the consent agenda may request it be removed from the consent agenda, and placed on the regular agenda. The body will consider and discuss the item at that time.

Melissa Clark moved Rebecca Haynes supported that the Brandon Board of Education approve the consent agenda. Carried unanimously 5-0. Roll call vote: M. Clark – yes; R. Haynes – yes; D. Salter – yes; H. Stockoski – yes; J. Zielke – yes. Consent agenda items include:

A. Minutes of the April 11, 2022, Special Meeting

B. Minutes of the April 18, 2022, Regular Meeting

C. Minutes of the April 25, 2022, Special Meeting

D. Minutes of the April 26, 2022, Special Meeting

E. Minutes of the April 27, 2022, Special Meeting

F. Minutes of the April 28, 2022 Special Meeting

G. General Fund Accounts Payable in the amount of \$ 2,652,800.35

X. Information and Discussion Items

A. Board Report

1. Oakland Schools Budget

Melissa Clark shared information about the Oakland Schools Budget and resources. She recommends that the board approve the resolution to support the proposed Oakland Schools Budget for year 2022-2023.

2. Oakland Schools Board of Education Biennial Election

Melissa Clark shared information regarding the Oakland Schools Board of Education Biennial Election. She shared her recommendation to designate herself as the board representative and Diane Salter as its alternate representative to serve on the 2022 electoral body responsible for electing members to the Oakland Schools Intermediate School District Board of Education. She also recommends that the board supports candidate Charlie Gandy-Thompson and candidate Steven Gottlieb.

B. Finance Report

1. Woodshop Class Presentation

Dan Stevens and Nate Gillett provided a PowerPoint presentation highlighting the high school woodshop.

2. Budget Assumptions 2022-2023

Janice Meek provided budget assumptions for 2022-2023. She shared information regarding proposed reductions and investments. She shared that she will include the budget assumptions in her final budget in June.

3. Summer Community Education Update

Janice Meek shared a flyer and information regarding summer community education.

XI. Action Items

A. Approval of Human Resource Report

Rebecca Haynes moved and Melissa Clark supported that the Brandon Board of Education approve the Human Resource Report as presented. Carried unanimously 5-0. Roll call vote: M. Clark – yes; R. Haynes – yes; D. Salter – yes; H. Stockoski – yes; J. Zielke – yes.

B. Approval to accept Neola Policy Updates 36.2

Hilary Stockoski moved Rebecca Haynes supported that the Brandon Board of Education approve to accept Neola Policy Updates 36.2 as presented. Carried unanimously 5-0. Roll call vote: M. Clark – yes; R. Haynes – yes; D. Salter – yes; H. Stockoski – yes; J. Zielke – yes.

C. Approval to accept the First Reading of Neola Policy Updates 36.1

Rebecca Haynes moved and Hilary Stockoski supported that the Brandon Board of Education approve to accept the First Reading of Neola Policy Updates 36.1 as presented. Carried unanimously 5-0. Roll call vote: M. Clark – yes; R. Haynes – yes; D. Salter – yes; H. Stockoski – yes; J. Zielke – yes.

D. Approval of School Resource Officer (SRO) Tentative Agreement

Melissa Clark moved and Rebecca Haynes supported that the Brandon Board of Education approve the SRO agreement as presented. Carried unanimously 5-0. Roll call vote: M. Clark – yes; R. Haynes – yes; D. Salter – yes; H. Stockoski – yes; J. Zielke – yes.

E. Approval of Tractor Purchase

Rebecca Haynes moved Melissa Clark supported that the Brandon Board of Education approve the New Holland AG tractor purchase from Dick Coulter, Inc., in the amount not to exceed \$67,708 as presented. Carried unanimously 5-0. Roll call vote: M. Clark – yes; R. Haynes – yes; D. Salter – yes; H. Stockoski – yes; J. Zielke – yes.

F. Approval to Purchase Shop Equipment

Hilary Stockoski moved and Rebecca Haynes supported that the Brandon Board of Education approve to purchase the recommended woodshop equipment for the middle and high schools as presented. Carried unanimously 5-0. Roll call vote: M. Clark – yes; R. Haynes – yes; D. Salter – yes; H. Stockoski – yes; J. Zielke – yes.

G. Approval of RFP for Whole-Shop Air Filtration / Dust Collection System

Rebecca Haynes moved and Melissa Clark supported to develop RFP documents and solicit bids from qualified contractors to replace the whole-shop air filtration / dust collection system at the high school as presented. Carried unanimously 5-0. Roll call vote: M. Clark – yes; R. Haynes – yes; D. Salter – yes; H. Stockoski – yes; J. Zielke – yes.

H. Approval of Bond Construction Change Orders and Payment

Hilary Stockoski moved and Rebecca Haynes supported that the Brandon Board of Education authorize the Superintendent and the Executive Director of Finance/Business Services, jointly, to approve and execute construction contract change orders and payment thereon to facilitate completion of Board-authorized bond projects as presented. Carried unanimously 5-0. Roll call vote: M. Clark – yes; R. Haynes – yes; D. Salter – yes; H. Stockoski – yes; J. Zielke – yes.

I. Approval of Scope of Work Proposal for Athletic Projects

Melissa Clark moved and Jeff Zielke supported that the Brandon Board of Education approve the scope of work proposal for athletic projects as presented. Carried unanimously 5-0. Roll call vote: M. Clark – yes; R. Haynes – yes; D. Salter – yes; H. Stockoski – yes; J. Zielke – yes.

J. Approval of Authorizing Resolution for the Transfer of 2021-22 Operating Surplus

Rebecca Haynes moved and Melissa Clark supported that the Brandon Board of Education approve the Authorizing Resolution for the transfer of 2021-22 operating surplus as presented. Carried unanimously 5-0. Roll call vote: M. Clark – yes; R. Haynes – yes; D. Salter – yes; H. Stockoski – yes; J. Zielke – yes.

K. Budget Resolution for Oakland Intermediate School District

Melissa Clark moved and Hilary Stockoski supported that the Brandon Board of Education approve the ISD Budget Resolution in support for the General Fund Budget as presented. Carried unanimously 5-0. Roll call vote: M. Clark – yes; R. Haynes – yes; D. Salter – yes; H. Stockoski – yes; J. Zielke – yes.

L. Resolution for Oakland Schools Board of Education Biennial Election

Melissa Clark moved and Jeff Zielke supported that the Brandon Board of Education approve the Resolution as presented. Carried unanimously 5-0. Roll call vote: M. Clark – yes; R. Haynes – yes; D. Salter – yes; H. Stockoski – yes; J. Zielke – yes.

XII. Citizens' Input

No one from the public wished to address the Board.

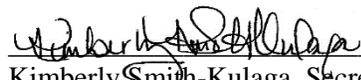
XIII. Closed Session ~ Security Planning

Melissa Clark moved and Hilary Stockoski supported that the Brandon Board of Education approve to enter a closed session for the purpose of security planning for the safety of students and staff as presented. Carried unanimously 5-0. Roll call vote: M. Clark – yes; R. Haynes – yes; D. Salter – yes; H. Stockoski – yes; J. Zielke – yes.

Audience dismissed at 8:10 p.m.
Closed session started at 8:15 p.m.
Return to open session at 9:35 p.m.

XIV. Adjournment – 9:35 p.m.

Minutes prepared by Maria Schubring, Recording Secretary



Kimberly Smith-Kulaga, Secretary

May 26, 2022
Date



Brandon School District

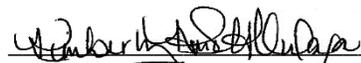
Brandon Board of Education
Special Meeting
Central Office Board Room and Zoom Platform
1025 S. Ortonville Road
Ortonville, Michigan 48462

May 17, 2022
7:00 PM

UNOFFICIAL MINUTES

- I. Call to Order – 7:00 p.m. by Diane Salter
- II. Roll Call
Present: Melissa Clark, Rebecca Haynes, Lisa Kavalhuna, Diane Salter, Hilary Stockoski, Jeff Zielke
Absent with notice: Kimberly Smith-Kulaga
- III. Pledge of Allegiance
Led by the Board.
- IV. Superintendent Finalist Presentation and Interview ~ Dr. William Kalmar
Dr. William Kalmar provided a PowerPoint presentation. Each board member asked Dr. Kalmar questions, at which he provided answers. Dr. Kalmar was given the opportunity to ask questions to the Board.
- V. Public Comments and Questions on Agenda Business
No one from the public wished to address the board.
- VI. Adjournment – 8:10 p.m. by Diane Salter

Minutes prepared by Maria Schubring, Recording Secretary



Kimberly Smith-Kulaga, Secretary

May 27, 2022

Date



Brandon School District

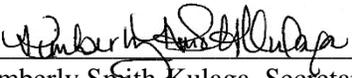
Brandon Board of Education
Special Meeting
Central Office Board Room and Zoom Platform
1025 S. Ortonville Road
Ortonville, Michigan 48462

May 19, 2022
7:00 PM

UNOFFICIAL MINUTES

- I. Call to Order – 7:00 p.m. by Diane Salter
- II. Roll Call
Present: Melissa Clark, Rebecca Haynes, Lisa Kavalhuna, Diane Salter, Hilary Stockoski, Jeff Zielke
Absent with notice: Kimberly Smith-Kulaga
- III. Pledge of Allegiance
Led by the Board.
- IV. Superintendent Finalist Presentation and Interview ~ Dr. Lara Dixon
Dr. Lara Dixon provided a PowerPoint presentation. Each board member asked Dr. Dixon questions, at which she provided answers. Dr. Dixon was given the opportunity to ask questions to the Board.
- V. Public Comments and Questions on Agenda Business
No one from the public wished to address the Board.
- VI. Adjournment – 8:00 p.m. by Diane Salter

Minutes prepared by Maria Schubring, Recording Secretary



Kimberly Smith-Kulaga, Secretary

May 31, 2022
Date



Brandon School District

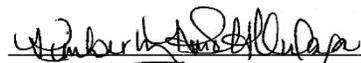
Brandon Board of Education
Special Meeting
Central Office Board Room and Zoom Platform
1025 S. Ortonville Road
Ortonville, Michigan 48462

May 20, 2022
7:00 PM

UNOFFICIAL MINUTES

- I. Call to Order – 7:00 p.m. by Diane Salter
- II. Roll Call
Present: Melissa Clark, Rebecca Haynes, Lisa Kavalhuna, Diane Salter, Hilary Stockoski, Jeff Zielke
Absent with notice: Kimberly Smith-Kulaga
- III. Pledge of Allegiance
Led by the Board.
- IV. Superintendent Finalist Presentation and Interview ~ Daniel Gilbertson
Daniel Gilbertson provided a PowerPoint presentation. Each board member asked Mr. Gilbertson questions, at which he provided answers. Mr. Gilbertson was given the opportunity to ask questions to the Board.
- V. Public Comments and Questions on Agenda Business
No one from the public wished to address the board.
- VI. Adjournment – 8:30 p.m. by Diane Salter

Minutes prepared by Maria Schubring, Recording Secretary



Kimberly Smith-Kulaga, Secretary

June 1, 2022
Date



Brandon School District

Brandon Board of Education
Special Meeting
Central Office Board Room and Zoom Platform
1025 S. Ortonville Road
Ortonville, Michigan 48462

May 31, 2022
6:30 PM

UNOFFICIAL MINUTES

- I. Call to Order – 6:30 p.m. by Diane Salter
- II. Roll Call
Present: Melissa Clark, Rebecca Haynes, Lisa Kavalhuna, Diane Salter, Kimberly Smith-Kulaga, Hilary Stockoski, Jeff Zielke
- III. Pledge of Allegiance
Led by the Board.
- IV. Closed Session ~ Attorney-Client Privilege Communication
Lisa Kavalhuna moved and Kimberly Smith-Kulaga supported that the Brandon Board of Education approve to enter a closed session for the purpose of discussing attorney-client privilege communication. Carried unanimously 7-0. Roll call vote: M. Clark – yes; R. Haynes – yes; L. Kavalhuna – yes; D. Salter – yes; H. Stockoski – yes; K. Smith-Kulaga – yes; J. Zielke – yes.

Closed session started at 6:35 p.m.
Return to open session at 8:40 p.m.
- V. Public Comments
No one from the public wished to address the Board.
- VI. Adjournment – 8:40 p.m. by Diane Salter

Minutes prepared by Maria Schubring, Recording Secretary



Kimberly Smith-Kulaga, Secretary

June 10, 2022
Date



Brandon School District

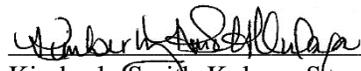
Brandon Board of Education
Special Meeting
Central Office Board Room and Zoom Platform
1025 S. Ortonville Road
Ortonville, Michigan 48462

June 6, 2022
6:00 PM

UNOFFICIAL MINUTES

- I. Call to Order – 6:00 p.m. by Diane Salter
- II. Roll Call
Present:
Others present:
- III. Pledge of Allegiance
Led by the Board.
Action: Selection of Superintendent
Melissa Clark moved and Lisa Kavalhuna supported that the Brandon Board of Education select Dan Gilbertson as the next superintendent of Brandon School District subject to a mutually agreeable contract and authorize Board President Diane Salter or her designee to discuss contract terms with Dan Gilbertson.
- IV. Public Comments
No one from the public wished to address the Board.
- V. Adjournment – 6:25 p.m. by Diane Salter

Minutes prepared by Maria Schubring, Recording Secretary



Kimberly Smith-Kulaga, Secretary

June 16, 2022
Date

**BRANDON SCHOOL DISTRICT
ALL FUNDS
COVER SHEET**

**May
2022**

All Funds Check Register	\$ 906,619.74
BMO Harris Bank Purchase Card Register	\$ 21,336.85
Pre-pays	\$ -
Employee Reimbursements (05.10.2022)	\$ 630.72
Employee Reimbursements (05.25.2022)	\$ 698.48
MESSA Insurance	\$ 201,084.35
Set Seg Insurance	\$ -
EDUSTAFF	\$ 150,190.37
Payroll Runs - net of reimbursements shown above	
Payroll Run 05.10.2022 (Run 623)	\$ 672,676.55
Payroll Run 05.25.2022 (Run 624)	\$ 616,297.63

Total for Approval:

\$ 2,569,534.69

Please contact Janice Meek at 248-627-1810 or by email at jmeek@brandon.k12.mi.us prior to the meeting if you have questions.

**BRANDON SCHOOL DISTRICT
1025 S. ORTONVILLE ROAD
ORTONVILLE, MICHIGAN 48462**

**FINAL BUDGET AMENDMENT 2021-22
PROPOSED BUDGET 2022-23**

JUNE 20, 2022

**PRESENTED BY;
Janice Ziesel, Executive Director of Business Services**

**BRANDON SCHOOL DISTRICT
1025 S. ORTONVILLE ROAD
ORTONVILLE, MICHIGAN 48462**

BOARD OF EDUCATION

DIANE SALTER	PRESIDENT
MELISSA CLARK	VICE PRESIDENT
KIMBERLY SMITH-KULAGA	SECRETARY
REBECCA HAYNES	TREASURER
LISA KAVALHUNA	TRUSTEE
HILARY STOCKOSKI	TRUSTEE
JEFF ZIELKE	TRUSTEE

2022 Tax Rate Request (This form must be completed and submitted on or before September 30, 2022)

MILLAGE REQUEST REPORT TO COUNTY BOARD OF COMMISSIONERS

Carefully read the instructions on page 2.

This form is issued under authority of MCL Sections 211.24e, 211.34 and 211.34d. Filing is mandatory; Penalty applies.

County(ies) Where the Local Government Unit Levies Taxes Oakland and Lapeer	2022 Taxable Value of ALL Properties in the Unit as of 5-23-2022 737,664,035
Local Government Unit Requesting Millage Levy Brandon School District	For LOCAL School Districts: 2022 Taxable Value excluding Principal Residence, Qualified Agricultural, Qualified Forest, Industrial Personal and Commercial Personal Properties. 158,680,096

This form must be completed for each unit of government for which a property tax is levied. Penalty for non-filing is provided under MCL Sec 211.119. The following tax rates have been authorized for levy on the 2022 tax roll.

(1) Source	(2) Purpose of Millage	(3) Date of Election	(4) Original Millage Authorized by Election Charter, etc.	(5) ** 2021 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(6) 2022 Current Year "Headlee" Millage Reduction Fraction	(7) 2022 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(8) Sec. 211.34 Truth in Assessing or Equalization Millage Rollback Fraction	(9) Maximum Allowable Millage Levy *	(10) Millage Requested to be Levied July 1	(11) Millage Requested to be Levied Dec. 1	(12) Expiration Date of Millage Authorized
Voted	Operating	11-6-18	17.8706	17.8706	1.000	17.8706	1.000	17.8706	8.9353	8.9353	12-2024
2022	Debt	11-2-21	N/A	1.000	1.000	N/A	1.000	1.060	.53	.53	2040
2021	Debt	5-27-21	N/A	1.000	1.000	N/A	1.000	4.900	2.45	2.45	2035
2016	Debt	2-9-16	N/A	1.000	1.000	N/A	1.000	3.420	1.71	1.71	2024 ¹⁶
2018	Debt	3-1-18	N/A	1.000	1.000	N/A	1.000	1.900	.95	.95	2025
2019	Debt	10-28-19	N/A	1.000	1.000	N/A	1.000	.880	.44	.44	2029
	School Code 058							4.48	2.24	2.24	2040

Prepared by Janice Ziesel	Telephone Number (248) 627-1810	Title of Preparer CFO	Date 06/20/2022
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CERTIFICATION: As the representatives for the local government unit named above, we certify that these requested tax levy rates have been reduced, if necessary to comply with the state constitution (Article 9, Section 31), and that the requested levy rates have also been reduced, if necessary, to comply with MCL Sections 211.24e, 211.34 and, for LOCAL school districts which levy a Supplemental (Hold Harmless) Millage, 380.1211(3).

Local School District Use Only. Complete if requesting millage to be levied. See STC Bulletin 2 of 2022 for instructions on completing this section.

<input type="checkbox"/> Clerk	Signature	Print Name	Date
<input checked="" type="checkbox"/> Secretary		Kimberly Smith-Kulaga	06/20/2022
<input type="checkbox"/> Chairperson	Signature	Print Name	Date
<input checked="" type="checkbox"/> President		Diane Salter	06/20/2022

Total School District Operating Rates to be Levied (HH/Supp and NH Oper ONLY)	Rate
For Principal Residence, Qualified Ag., Qualified Forest and Industrial Personal	0.00
For Commercial Personal	5.8706
For all Other	17.8706

* Under Truth in Taxation, MCL Section 211.24e, the governing body may decide to levy a rate which will not exceed the maximum authorized rate allowed in column 9. The requirements of MCL 211.24e must be met prior to levying an operating levy which is larger than the base tax rate but not larger than the rate in column 9.

** **IMPORTANT:** See instructions on page 2 regarding where to find the millage rate used in column (5).

**BUDGET ASSUMPTIONS
2022-23 PROPOSED BUDGET
6-20-22**

REVENUE:

- 1.) State Aid Per Pupil Increase: \$450
- 2.) Student Enrollment Decline: 75 FTE
- 3.) PA-18 Decrease: \$140,609
- 4.) No Change in Categorical Funding
- 5.) No Special Ed Cost Adjustment
- 6.) Federal ESSER Revenue: \$1,116,423
- 7.) Transfer from Debt: \$466,269
- 8.) Reduce to \$0 Food Service Transfer

EXPENDITURES:

- 1.) Teacher Net Reductions: \$93,438
- 2.) Security Guards (includes SRO): \$323,636
- 3.) Retirement (MPSERS) Cost Increase: 28.23% (Flat)
- 4.) Administration FTE Increase: \$96,618
- 5.) Increase Medical Hard Cap: 1.3%
- 6.) First Student Contract Increase: 2.5%
- 7.) Permanent Building Subs: \$210,000 (ESSER funded)
- 8.) Salary Increases: \$600,000
- 9.) Permanent Superintendent Increase: \$70,000

17

OPERATING RESULTS:

2022 Projected Operating Surplus:	\$470,371
2022 Projected Fund Balance:	\$4,124,117 or 14.23%
2023 Projected Operating Deficit:	(\$466,269)
2023 Projected Fund Balance:	\$4,124,117 or 14.81%

**Resolution for Adoption of Fiscal Year 2021-2022 Final Budget
by the Brandon School District Board of Education
June 20, 2022**

RESOLVED, that this resolution shall be the final general appropriations of the Brandon School District for the fiscal year 2021-2022; a resolution to make appropriations; to provide for the expenditure of the appropriations; and provide for the disposition of all revenue received by the Brandon School District.

BE IT FURTHER RESOLVED, that the final total revenues and unappropriated fund balance estimated to be available for appropriations in the **GENERAL FUND** of the school district for the fiscal year 2021-2022, which includes 17.8706 mills of ad valorem taxes to be levied on non-homestead and non-qualified agricultural property to used for operating purposes as follows:

Revenues:

Local		\$	2,981,738
State		\$	21,442,991
Federal		\$	3,138,797
Other		\$	<u>1,493,748</u>

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Total Revenue \$ 29,057,274

Fund Balance, July 1 Available to Appropriate			4,124,117
Total Available to Appropriate		\$	<u>33,181,391</u>

BE IT FURTHER RESOLVED, that \$29,057,274 of the total available to appropriate in the **GENERAL FUND** is hereby appropriated in the amounts and for the purposes set forth below:

Expenditures

INSTRUCTION

11x	Basic Programs		\$ 12,630,340
12x	Added Needs		3,055,456

SUPPORT SERVICES

21x	Pupil Services		1,829,416
22x	Instructional Staff Support		1,004,151
23x	General Administration		423,313
24x	School Administration		1,360,587
25x	Business Services		577,309
26x	Operations and Maintenance		2,770,325
27x	Transportation		1,641,863
28x	Other Central Support		1,614,056
29x	Student Activities		64,558
293	Student Activities-Athletics		605,499
3xx	Community Services		218,445
4xx-6xx	Other Financing Uses		<u>1,261,956</u>

Total Appropriated: \$ 29,057,274

BE IT FURTHER RESOLVED, that no board of education member or employee of the school district shall expend any funds or obligate the expenditure of any funds except pursuant to appropriations made by the board of education and in keeping with the budgetary policy statement hitherto adopted by the board.

BE IT FURTHER RESOLVED, that the superintendent of schools is hereby charged with general supervision of the execution of the budget adopted by the board and

shall hold the department heads responsible for performance of their responsibilities within the amounts appropriated by the board of education and in keeping with the budgetary policy statement hitherto adopted by the board.

This appropriation resolution is to take effect on June 20, 2022.

Board President	Date
Board Secretary	Date

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BE IT FURTHER RESOLVED, that the final amended total revenues and unappropriated fund balance to be available for the appropriations in the **SCHOOL SERVICE FUND** of Brandon Schools for the fiscal year 2021-2022 is as follows:

Revenue				
Local	\$	871,890		
State		132,999		
Federal		1,410,429		
Operating Transfers		-		
Total Revenue			\$	2,415,318
Fund Balance, July 1 Available to Appropriate			\$	<u>868,256</u>
Total Available to Appropriate			\$	3,283,574

BE IT FURTHER RESOLVED, that \$2,058,448 of the total available to appropriate in the **SCHOOL SERVICE FUND** is hereby appropriated in the amounts and for the purposes set forth below:

Expenditures:				
SUPPORT SERVICES				
25x	Food Service Fund	1,145,375		
3xx	Childcare Fund	433,073		
29x	Custodial Fund	400,000		
4xx-6xx	Other Financing Uses	<u>80,000</u>		
Total Appropriated:			\$	2,058,448

BE IT FURTHER RESOLVED, that no board of education member or employee of the school district shall expend any funds or obligate the expenditure of any funds except pursuant to appropriations made by the board of education and in keeping with the

budgetary policy statement hitherto adopted by the board.

BE IT FURTHER RESOLVED, that the superintendent of schools is hereby charged with general supervision of the execution of the budget adopted by the board and shall hold the department heads responsible for performance of their responsibilities within the amounts appropriated by the board of education and in keeping with the budgetary policy statement hitherto adopted by the board.

This appropriation resolution is to take effect on June 20, 2022.

Board President

Date

Board Secretary

Date

**Resolution for Adoption of Fiscal Year 2022-2023 Proposed Budget
by the Brandon School District Board of Education
June 20, 2022**

RESOLVED, that this resolution shall be the proposed general appropriations of the Brandon School District for the fiscal year 2022-2023; a resolution to make appropriations; to provide for the expenditure of the appropriations; and provide for the disposition of all revenue received by the Brandon School District.

BE IT FURTHER RESOLVED, that the proposed total revenues and unappropriated fund balance estimated to be available for appropriations in the **GENERAL FUND** of the school district for the fiscal year 2022-2023, which includes 17.8706 mills of ad valorem taxes to be levied on non-homestead and non-qualified agricultural property to used for operating purposes as follows:

Revenues:

Local	\$	3,065,000	
State	\$	21,376,591	
Federal	\$	2,158,705	
Other	\$	1,708,664	

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Total Revenue		\$ 28,308,960
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Fund Balance, July 1 Available to Appropriate		4,124,117
Total Available to Appropriate		\$ 32,433,077

BE IT FURTHER RESOLVED, that \$28,308,960 of the total available to appropriate in the **GENERAL FUND** is hereby appropriated in the amounts and for the purposes set forth below:

Expenditures

INSTRUCTION

11x	Basic Programs	\$	12,879,804
12x	Added Needs		3,056,916

SUPPORT SERVICES

21x	Pupil Services		1,805,657
22x	Instructional Staff Support		1,177,167
23x	General Administration		500,366
24x	School Administration		1,315,213
25x	Business Services		585,693
26x	Operations and Maintenance		2,739,158
27x	Transportation		1,707,910
28x	Other Central Support		922,902
29x	Student Activities		65,440
293	Student Activities-Athletics		622,069
3xx	Community Services		139,080
4xx-6xx	Other Financing Uses		791,585

Total Appropriated:		\$ 28,308,960
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BE IT FURTHER RESOLVED, that no board of education member or employee of the school district shall expend any funds or obligate the expenditure of any funds except pursuant to appropriations made by the board of education and in keeping with the budgetary policy statement hitherto adopted by the board.

BE IT FURTHER RESOLVED, that the superintendent of schools is hereby charged with general supervision of the execution of the budget adopted by the board and

shall hold the department heads responsible for performance of their responsibilities within the amounts appropriated by the board of education and in keeping with the budgetary policy statement hitherto adopted by the board.

This appropriation resolution is to take effect on June 20, 2022.

	Date
	Date

BE IT FURTHER RESOLVED, that the proposed total revenues and unappropriated fund balance to be available for the appropriations in the **SCHOOL SERVICE FUND** of Brandon Schools for the fiscal year 2022-2023 is as follows:

Revenue		
Local	\$	1,185,000
State		79,552
Federal		493,000
Operating Transfers		-
Total Revenue	\$	1,757,552
Fund Balance, July 1 Available to Appropriate	\$	<u>1,225,126</u>
Total Available to Appropriate	\$	2,982,678

BE IT FURTHER RESOLVED, that \$1,948,905 of the total available to appropriate in the **SCHOOL SERVICE FUND** is hereby appropriated in the amounts and for the purposes set forth below:

Expenditures:		
SUPPORT SERVICES		
25x	Food Service Fund	1,083,804
3xx	Childcare Fund	440,101
29x	Custodial Fund	425,000
4xx-6xx	Other Financing Uses	<u>0</u>
Total Appropriated:		\$ 1,948,905

BE IT FURTHER RESOLVED, that no board of education member or employee of the school district shall expend any funds or obligate the expenditure of any funds except pursuant to appropriations made by the board of education and in keeping with the

budgetary policy statement hitherto adopted by the board.

BE IT FURTHER RESOLVED, that the superintendent of schools is hereby charged with general supervision of the execution of the budget adopted by the board and shall hold the department heads responsible for performance of their responsibilities within the amounts appropriated by the board of education and in keeping with the budgetary policy statement hitherto adopted by the board.

This appropriation resolution is to take effect on June 20, 2022.

Board President

Date

Board Secretary

Date

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BRANDON SCHOOL DISTRICT
FINAL BUDGET 2021-22
PROPOSED BUDGET 2022-23
GENERAL FUND
JUNE 20, 2022

VARIANCE
(PROPOSED/
FINAL)

	2019-20	2020-21	2021-22	2021-22	2022-23	
	AUDITED	AUDITED	PROPOSED	FINAL	PROPOSED	
Revenue						
Local	\$ 3,048,507	\$ 2,993,646	\$ 2,977,497	\$ 2,981,738	\$ 3,065,000	83,262
State	\$ 19,002,745	\$ 19,744,636	\$ 18,928,398	\$ 21,442,991	\$ 21,376,591	(66,400)
Federal	\$ 949,366	\$ 1,878,631	\$ 1,410,312	\$ 1,042,282	\$ 1,042,282	0
Federal-ESSER	\$ -	\$ -	\$ 1,374,012	\$ 2,096,515	\$ 1,116,423	(980,092)
Interdistrict sources	\$ 1,431,860	\$ 1,397,815	\$ 1,351,137	\$ 1,413,748	\$ 1,242,395	(171,353)
Total Revenue	\$ 24,432,478	\$ 26,014,728	\$ 26,041,356	\$ 28,977,274	\$ 27,842,691	\$ (1,134,583)

	2019-20	2020-21	2021-22	2021-22	2022-23	
	AUDITED	AUDITED	PROPOSED	FINAL	PROPOSED	
Expenditures						
<i>Instruction:</i>						
Basic Programs	\$ 11,008,614	\$ 11,826,304	\$ 12,059,470	\$ 12,630,340	\$ 12,879,804	249,464
Added Needs	\$ 2,578,207	\$ 2,247,899	\$ 2,646,914	\$ 3,055,456	\$ 3,056,916	1,460
Total Instruction	\$ 13,586,821	\$ 14,074,203	\$ 14,706,384	\$ 15,685,796	\$ 15,936,720	250,924

<i>Support Services:</i>						
Pupil Services	\$ 1,386,148	\$ 1,300,870	\$ 1,307,514	\$ 1,829,416	\$ 1,805,657	(23,759)
Instructional Staff Services	\$ 970,794	\$ 1,012,683	\$ 1,042,703	\$ 1,004,151	\$ 1,177,167	173,016
General Administration	\$ 455,094	\$ 473,066	\$ 480,769	\$ 423,313	\$ 500,366	77,053
School Administration	\$ 1,331,464	\$ 1,242,816	\$ 1,313,570	\$ 1,360,587	\$ 1,315,213	(45,374)
Business Office	\$ 527,487	\$ 521,953	\$ 539,633	\$ 577,309	\$ 585,693	8,384
Operations, Maintenance, Security	\$ 2,499,267	\$ 3,274,680	\$ 2,686,917	\$ 2,770,325	\$ 2,739,158	(31,167)
Transportation	\$ 1,174,421	\$ 1,397,228	\$ 1,504,854	\$ 1,641,863	\$ 1,707,910	66,047
Central Services	\$ 709,579	\$ 767,431	\$ 861,523	\$ 1,614,056	\$ 922,902	(691,154)
Student Activities	\$ 84,939	\$ 41,454	\$ 44,367	\$ 64,558	\$ 65,440	882
Total Support Services	\$ 9,139,193	\$ 10,032,181	\$ 9,781,850	\$ 11,285,578	\$ 10,819,506	(466,072)
Athletics	\$ 569,704	\$ 569,089	\$ 646,129	\$ 605,499	\$ 622,069	16,570
Community Services	\$ 106,885	\$ 92,129	\$ 125,062	\$ 218,445	\$ 139,080	(79,365)
Debt Service	\$ 262,479	\$ 667,735	\$ 481,931	\$ 491,585	\$ 491,585	0
Payments to Other Public Schools	\$ 348,837	\$ 300,489	\$ 380,000	\$ 300,000	\$ 300,000	0
Total Expenditures	\$ 24,013,919	\$ 25,735,826	\$ 26,121,356	\$ 28,586,903	\$ 28,308,960	(277,943)

Excess of Revenue Over (Under)	\$ 418,559	\$ 278,902	\$ (80,000)	\$ 390,371	\$ (466,269)	\$ (856,640)
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BRANDON SCHOOL DISTRICT
FINAL BUDGET 2021-22
PROPOSED BUDGET 2022-23
GENERAL FUND
JUNE 20, 2022

2019-20 2020-21 2021-22 2021-22 2022-23 **VARIANCE**
(PROPOSED/
FINAL)

<u>Other Financing Sources (Uses)</u>						
Proceeds from Capital Assets		\$	9,519	\$	-	
Transfers In-Food Service	\$	75,000	\$	88,000	\$	80,000
Transfer In-IPA/Energy Bond Debt					\$	466,269
Transfer Out to Childcare Fund	\$	(4,201)	\$	-	\$	-
Transfers Out to Debt Service	\$	(518,832)	\$	(376,421)	\$	(60,527)
Proceeds from Capital Lease	\$	29,474	\$	-	\$	-
Total Other Financing Sources (uses)	\$	(418,559)	\$	(278,902)	\$	27,473
					\$	(390,371)
					\$	466,269
					\$	306,375

Net Change In Fund Balance \$ - \$ - \$ (52,527) \$ - \$ - \$ -

Fund Balance Beginning of Year \$ 4,124,117 \$ 4,124,117 \$ 4,124,117 \$ 4,124,117 \$ 4,124,117 \$ 4,124,117

Fund Balance - End of Year \$ 4,124,117 \$ 4,124,117 \$ 4,071,590 \$ 4,124,117 \$ 4,124,117 \$ 4,124,117

Fund Balance as a % of Revenue		16.88%		15.85%		15.64%		14.23%		14.81%
Assigned Fund Balance	\$	2,000,000	\$	2,000,000	\$	2,000,000	\$	2,000,000	\$	2,000,000
Unassigned Fund Balance		8.69%		8.17%		7.96%		7.33%		7.63%

BRANDON SCHOOL DISTRICT
 FINAL BUDGET 2021-22
 PROPOSED BUDGET 2022-23
 JUNE 20, 2022

	SCHOOL SERVICE FUND - FOOD SERVICE				VARIANCE
	2020-21	2021-22	2021-22	2022-2023	
	<u>AUDITED</u>	<u>PROPOSED</u>	<u>FINAL</u>	<u>PROPOSED</u>	
Revenue					
Local	\$ 70,886	\$ 72,000	\$ 119,890	\$ 345,000	225,110
State	\$ 69,482	\$ 57,633	\$ 90,998	\$ 57,916	(33,082)
Federal	\$ 1,060,952	\$ 1,093,000	\$ 1,152,974	\$ 493,000	\$ (659,974)
Total Revenue	\$ 1,201,320	\$ 1,222,633	\$ 1,363,862	\$ 895,916	(467,946)

	SCHOOL SERVICE FUND - CHILD CARE				VARIANCE
	2020-21	2021-22	2021-22	2022-2023	
	<u>AUDITED</u>	<u>PROPOSED</u>	<u>FINAL</u>	<u>PROPOSED</u>	
Expenditures					
Wages	\$ 295,825	\$ 327,013	\$ 277,258	\$ 277,427	169
Benefits	\$ 163,556	\$ 166,252	\$ 166,917	\$ 168,503	1,586
Purchased Services	\$ 90,516	\$ 92,039	\$ 109,500	\$ 111,374	1,874
Supplies and Materials	\$ 427,143	\$ 531,950	\$ 514,200	\$ 469,000	(45,200)
Capital Outlay	\$ 22,969	\$ 35,000	\$ 67,000	\$ 47,000	(20,000)
Other	\$ 8,142	\$ 10,300	\$ 10,500	\$ 10,500	-
Total Expenditures	\$ 1,008,151	\$ 1,162,554	\$ 1,145,375	\$ 1,083,804	(61,571)

Other Financing Sources (Uses)
 Transfer to General Fund \$ (88,000) \$ (80,000) \$ (80,000) \$ - (80,000)

Net Change In Fund Balance	105,169	(19,921)	138,487	(187,888)	(326,375)
Fund Balance-Beginning of Year	\$ 316,066	\$ 421,235	\$ 421,235	\$ 559,722	\$ 559,722
Fund Balance - End of Year	<u>\$ 421,235</u>	<u>\$ 401,314</u>	<u>\$ 559,722</u>	<u>\$ 371,834</u>	(187,888)

	SCHOOL SERVICE FUND - CHILD CARE				VARIANCE
	2020-21	2021-22	2021-22	2022-2023	
	<u>AUDITED</u>	<u>PROPOSED</u>	<u>FINAL</u>	<u>PROPOSED</u>	
Revenue					
Local	\$ 225,285	\$ 310,000	\$ 302,000	\$ 365,000	63,000
State	\$ 11,424	\$ 9,878	\$ 42,001	\$ 21,636	(20,365)
Federal	\$ 104,800	\$ -	\$ 257,455	\$ -	(257,455)
Total Revenue	\$ 341,509	\$ 319,878	\$ 601,456	\$ 386,636	(214,820)

	SCHOOL SERVICE FUND - CHILD CARE				VARIANCE
	2020-21	2021-22	2021-22	2022-2023	
	<u>AUDITED</u>	<u>PROPOSED</u>	<u>FINAL</u>	<u>PROPOSED</u>	
Expenditures					
Wages	\$ 107,229	\$ 150,613	\$ 165,476	\$ 181,899	16,423
Benefits	\$ 76,062	\$ 77,560	\$ 138,979	\$ 138,412	(567)
Purchased Services	\$ 79,240	\$ 83,580	\$ 105,523	\$ 114,290	8,767
Supplies and Materials	\$ 3,086	\$ 5,500	\$ 5,500	\$ 5,500	0

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 BRANDON SCHOOL DISTRICT
 FINAL BUDGET 2021-22
 PROPOSED BUDGET 2022-23
 JUNE 20, 2022

	2020-21	2021-22	2021-22	2022-2023	VARIANCE
	<u>AUDITED</u>	<u>PROPOSED</u>	<u>FINAL</u>	<u>PROPOSED</u>	
Other and Capital Outlay	\$ 36,689	\$ -	\$ 17,595	\$ -	<u>(17,595)</u>
Total Expenditures	\$ 302,306	\$ 317,253	\$ 433,073	\$ 440,101	7,028
<u>Other Financing Sources (Uses)</u>					
Transfer in From General Fund	\$ -	\$ -	\$ -	\$ -	-
Net Change in Fund Balance	\$ 39,203	\$ 2,625	\$ 168,383	<u>\$ (53,465)</u>	<u>(221,848)</u>
Fund Balance-Beginning of Year	\$ -	\$ 39,203	\$ 39,203	\$ 207,586	168,383
Fund Balance - End of Year	<u>\$ 39,203</u>	<u>\$ 41,828</u>	<u>\$ 207,586</u>	<u>\$ 154,121</u>	<u>(53,465)</u>

SCHOOL SERVICE FUND - CUSTODIAL FUND

	2020-21	2021-22	2021-22	2022-23
	<u>AUDITED</u>	<u>PROPOSED</u>	<u>FINAL</u>	<u>PROPOSED</u>
<u>Revenue</u>				
Local	\$ 274,203	\$ 275,000	\$ 450,000	\$ 475,000
Total Revenue	<u>\$ 274,203</u>	<u>\$ 275,000</u>	<u>\$ 450,000</u>	<u>\$ 475,000</u>
<u>Expenditures</u>				
School Activities	\$ 263,480	\$ 240,000	\$ 400,000	\$ 425,000
Total Expenditures	<u>\$ 263,480</u>	<u>\$ 240,000</u>	<u>\$ 400,000</u>	<u>\$ 425,000</u>
Net Change in Fund Balance	\$ 10,723	\$ 35,000	\$ 50,000	\$ 50,000
Fund Balance-Beginning of Year	\$ 397,095	\$ 425,829	\$ 407,818	\$ 457,818
Fund Balance - End of Year	<u>\$ 407,818</u>	<u>\$ 460,829</u>	<u>\$ 457,818</u>	<u>\$ 507,818</u>

All revised and replacement policies included in this update have been prepared and reviewed by Neola's legal counsel for statutory compliance.

- ✓ *New*: If a policy is marked as new, **you need to review the entire policy.**
- ✓ *Revised*: If a policy is marked as revised, the changes have been marked in “**bold green ink**” (to add material) and crossed out in “**bold red ink**” (to delete material). **You only need to review the green and red sections.**
- ✓ *Replacement*: If a policy is marked as a replacement, there have been enough changes to justify a complete, clean replacement copy. **You need to review the entire policy.**

NOTE: Although policy 7450 is marked as revised by Neola, it should be considered new to Brandon because it was never adopted by the Board.

Bylaw 0100 – Definitions (Revised)

The definition of "voting" has been revised to reflect the change in statute regarding allowable exceptions to "in person" voting at meetings of the Board. After December 31, 2021, only the military duty exception remains. The Board Chair should only approve a request that complies with the law. This revision should be adopted to maintain accurate policies. This is a first reading; therefore, no action is required.

Bylaw 0167.3 – Public Participation at Board Meetings (Revised)

Revisions to this bylaw are in line with the recent decision of the U.S. District Court for the 6th Circuit. Some of the optional language has been deleted, so as to remove the authority of the presiding officer at Board meetings where public participation is permitted to regulate speakers on the basis of comments that are “abusive,” “frivolous,” and/or “harassing.” These measures are intended to prevent districts from engaging in viewpoint discrimination for remarks that are oppositional in nature, perceived as hostile to the direction of the Board and/or merely offensive. In addition, options (which were deemed acceptable regulations by the Court) have been added for preregistration, including prohibiting individuals from signing up to speak for others. Finally, there are options for districts who livestream meetings to determine whether or not they will facilitate public participation remotely. These revisions and options should be considered for adoption. This is a first reading; therefore, no action is required.

Policy 3120 – Employment of Professional Staff (Revised)

This policy has been revised to reflect recent changes in certification/licensure statutes and regulations. Outdated "highly qualified" language has been deleted. Revisions to this policy should be adopted in order to maintain accurate policies. This is a first reading; therefore, no action is required.

Policy 5722 – School-Sponsored Publications and Productions (Replacement)

*This replacement policy is proposed because of the wide variety of school-sponsored student media that are present in schools today, and due to the many technological advances that have occurred. This policy provides several options available to the Board regarding the type of forum that will be provided, and what level of review and regulation will occur. The language in this policy has been modified to encompass the newer online electronic forms of school-sponsored student media, and provides four options to consider for the classification and regulation of such publications and production. Carly and district administrators examined and completed the template for Board Policy 5722. Neola provided a toolkit, which Carly and her team used to examine and complete this replacement policy. I have included a copy of the Neola toolkit for your perusal. **This is a first reading; therefore, no action is required.***

Policy 6152 – Student Fees, Fines, and Supplies (Revised)

*This policy has been revised to provide the authorization to allow for online payment of fees, fines, and charges. This revision is recommended for adoption if online payment is currently allowed or will be in the future. **This is a first reading; therefore, no action is required.***

Policy 7450 – Property Inventory (Revised / Not Adopted)

*A drafting note has been added to this policy noting the federal threshold of \$5,000 for differentiating between supplies/materials and a capital expenditure for equipment purchase. Jan reviewed and completed the template for Board Policy 7450. **This is a first reading; therefore, no action is required.***

Policy 8310 – Public Records (Revised)

Policy 8320 – Personnel Files (Revised)

*These policies have been revised to comply with the obligation not to disclose the address of a student or an employee who provides the District with notice that they have received a participation card issued by the attorney general under the address confidentiality program act. These revisions should be adopted in order to remain compliant with Michigan law. **This is a first reading; therefore, no action is required.***

Policy 8330 – Student Records (Revised)

*This policy has been revised to reflect the change in federal rule (2021 Solomon Amendment: Subtitle C—General Service Authorities and Correction of Military Records SEC. 521). If the District issues student email addresses, it must release such email addresses to military recruiters as part of directory information, as requested, unless prohibited by student or parent request in writing. This revision should be adopted in order to maintain accurate policies. **This is a first reading; therefore, no action is required.***

Book	Policy Manual
Section	Vol. 36, No. 1 - September 2021
Title	Vol. 36, No. 1 - September 2021 Revised DEFINITIONS
Code	po0100
Status	From Neola
Adopted	January 19, 2004
Last Revised	June 24, 2019

0100 - DEFINITIONS

Whenever the following items are used in these () bylaws and policies () bylaws, policies and administrative guidelines, 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 Services

Apps and services are software (i.e., computer programs) that support the interaction of personal communication devices (as defined in Bylaw 0100) over a network, or client-server applications in which the user interface runs in a web browser. Apps and 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 and services also are used to facilitate communication to, from and among and between, staff, students, and parents, Board members and/or other stakeholders and members of the community.

Board

The Board of Education.

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 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.

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 or 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 also 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.

President

The chief executive officer of the Board of Education. (See Bylaw 0171.1)

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 0171.3)

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.)

Social Media

Social media are online platforms where users engage one another and/or share information and ideas through text, video, or pictures. Social media consists of any form of online publication or presence that allows interactive communication, including, but not limited to, text messaging, instant messaging, websites, web logs ("blogs"), wikis, online forums (e.g., chat rooms), virtual worlds, and social networks. Examples of social media include, but are not limited to, Facebook, Facebook Messenger, Google Hangouts, Twitter, LinkedIn, YouTube, Flickr, Instagram, Pinterest, Skype, and Facetime. Social media does not include sending or receiving e-mail through the use of District-issued e-mail accounts. Apps and web services shall not be considered social media unless they are listed on the District's website as District-approved social media platforms/sites.

Student

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

Superintendent

The chief executive officer of the School District responsible to supervise all programs and staff of the District and to implement Board policy and follow Board directives. Consistent with Board policies and 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 0171.4)

Vice-President

The Vice-President of the Board of Education. (See Bylaw 0171.2)

Voting

A vote at a meeting of the Board of Education. Except to accommodate the absence of any member of the Board due to military duty or for any other purpose permitted by law, Board members must be physically present to have their vote officially recorded in the Board minutes. ~~(-) [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.~~

Book Policy Manual
 Section Vol. 36, No. 1 - September 2021
 Title Vol. 36, No. 1 - September 2021 Revised EMPLOYMENT OF PROFESSIONAL STAFF
 Code po3120
 Status From Neola
 Adopted January 19, 2004
 Last Revised June 24, 2019

3120 - 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.

Individuals employed in the following categories shall be considered members of the professional staff:

- A. () _____
- B. () _____
- C. () _____
- D. () _____
- E. () _____
- F. () _____
- G. () _____

All professional staff are subject to a criminal history record check. See Policy 3121.

Such approval shall be given only to those candidates for employment recommended by the Superintendent.

Such approval shall be given only to those candidates for employment chosen by the Board from a group selected 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 _____ 34 _____.

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.

[] The Board will not employ (but may reemploy) the

() children, siblings, spouse, parents, in-laws, or bona fide dependents (IRS criteria) of a Board member.

() children, siblings, spouse, parents, in-laws, or bona fide dependents (IRS criteria) of a regular full-time professional staff member.

[] 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 as otherwise permitted by law, 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.~~
- B. ~~The Superintendent may also employ a teacher without a valid teaching certificate as a substitute teacher, on a day-to-day basis, if the person has at least sixty (60) semester hours of college credit or an associate degree from a college, university or community college and, for substitute teaching in grades 9 to 12, or for a full school year if the person 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 teachers 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.

YES 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;~~
- 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);~~
- 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 required to submit documentation that they are "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.
 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. 380.1229 - 1231, 380.1233, 380.1233b, 380.1237, 380.1531d, 380.623
~~20 U.S.C. 6319 & 7801~~
 R 390.1105

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Legal M.C.L. 380.1229 - 1231, 380.1233, 380.1233b, 380.1237, 380.1531d, 380.623
 R 390.1105

Book	Policy Manual
Section	Vol. 36, No. 1 - September 2021
Title	Vol. 36, No. 1 - September 2021 Replacement SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS
Code	po5722
Status	From Neola
Adopted	January 19, 2004
Last Revised	July 15, 2011

5722 - SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS

The Board of Education sponsors student publications and productions as means by which students learn, under adult direction/supervision, the rights and responsibilities inherent when engaging in the public expression of ideas and information in our democratic society.

For purposes of this policy, "school-sponsored student media" shall include both student publications and productions. School-sponsored student media does not include student expression related to classes that are not directly associated with student publications/productions. The term "publication" shall include distribution, transmission, and dissemination of a student publication regardless of its medium. "Student publications" shall include any written materials, (including, but not limited to, banners, flyers, posters, pamphlets, notices, newspapers, playbills, yearbooks, literary journals, books, and t-shirts and other school-sponsored clothing)

~~(X)~~ as well as material in electronic or on-line form (including, but not limited to, Apps and Services (as defined in Bylaw 0100, webpages/sites, web logs ("Blogs"), video or audio clips, ~~(X)~~ (postings of Social Media (as defined in Bylaw 0100), and newsletters of announcements transmitted by e-mail, ~~(X)~~ text, wireless broadcast, or other similar distribution/dissemination).

The Board expressly prohibits the use of Social Media related to student publications.

The "term performance" shall include presentation and broadcast of a student production. "Student productions" shall include vocal, musical, and/or theatrical performance, impromptu dramatic presentation, or any electronic media (including, but not listed to, radio and television programs, videoblogs ("vlogs"), podcast,

~~(X)~~ Social Media (as defined in Bylaw 0100), and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology).

and other video or audio productions that are recorded for re-broadcastor broadcast in real time using any available broadcast technology). The Board expressly prohibits the use of Social Media related to student productions.

[DRAFTING NOTE: A Board should only select the following option if it selected either or both of the first options (above) under "student publication" or "student production."]

~~(X)~~ Only District-approved social media (as defined in Bylaw 0100) may be used to host school-sponsored student media, in accordance with Policy 7544. School-sponsored student media must also comply with Policy 7540.02. **[END OF OPTION]**

For purposes of this policy, "school community" is defined to include students, Board employees (i.e., administrators, and professional and classified staff), parent/family members

~~(X)~~ and other individuals who are

invited by the Superintendent

authorized or otherwise permitted by the Superintendent

to view a performance or receive directly from the District a publication

and those who have been issued credentials to access the District's secure portal.

The following speech is unprotected and prohibited in all school-sponsored student publications and productions: speech that is defamatory, libelous, obscene or harmful to minors (as that term is defined in Children's Internet Protection Action (CIPA)); speech that is reasonably likely to cause substantial disruption of or material interference with school activities or the educational process; speech that infringes upon the privacy or rights of others; speech that violates copyright law; speech that promotes activities, products or services that are unlawful (illegal) as to minors as defined by State or Federal law; and speech that otherwise violates school policy and/or State or Federal law. The Board authorizes the administration to engage in prior review and restraint of school-sponsored publications and productions to prevent the publication or performance of unprotected speech.

Student expression relates to classrooms or educational settings not otherwise directly associated with school-sponsored student publications/productions are nonpublic forums. As nonpublic forums, the content of such student expression can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of these student expressions prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker.

[DRAFTING NOTE: With respect to student expression related to classrooms or educational settings not otherwise directly associated with school-sponsored student publications/productions, select Option 1, Option 2, Option 3, Option 4, or Option 5.]

Option #1

Nonpublic forum student expression may be published/performed outside the school community (i.e., to the general public). See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION #1]

Option #2

While nonpublic forum student expression generally may be published/performed outside the school community (i.e., to the general public), the following nonpublic forum student expression may only be published/performed to members of the school community: _____ **[identify]** See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION #2]

Option #3

While ordinarily nonpublic forum student expression may only be published/performed to members of the school community, the Superintendent may authorize specific nonpublic forum student expression to be published/performed outside the school community (i.e., to the general public). A teacher, student, or group of students who wish to have nonpublic forum student expression published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance. See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION #3]

Option #4

[DRAFTING NOTE: The Board should select either Option 2 or Option 3 if it has authorized the limited use of District-approved Social Media to publish/perform nonpublic forum student expression.]

While ordinarily nonpublic forum student expression may only be published/performed to members of the school community, the following nonpublic forum student expression may be published/performed outside the school community (i.e. to the general public): _____ **[identify]**. See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION #4]

Option #5

[DRAFTING NOTE: The Board should select this option if it has prohibited the use of District-approved Social Media to publish/perform nonpublic forum student media, with the exception of nonpublic forum student media that is disseminated through District-approved Social Media that employs a secure portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security).]

[] Nonpublic forum student expression may only be published/performed to members of the school community. () See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION#5]

[DRAFTING NOTE: PLEASE CHOOSE ONE (1) OF THE FOLLOWING FOUR (4) OPTIONS (A-D). The order in which the below four (4) options are listed is not meant to convey a preference or recommendation. Boards should select the option that best reflects their current practice or a new practice they wish to henceforth follow. As they consider the following options, Board and administrators are encouraged to consult the accompanying Toolkit for a discussion of the different types of forums - e.g., nonpublic forum and limited public forum.

[] **Option A [Select if the Board intends to designate all school-sponsored student media, to be limited-purpose public forums (i.e., not subject to prior review/restraint) and allows them to be generally published/performed outside the school community. This is the most permissive of the options.]**

[] The Board designates all school-sponsored student media as limited-purpose public forums where students can address matters of concern and/or interest to their readers/viewers. All school-sponsored student media may be published/performed outside the school community. The student journalists, content-creators and/or performers involved in these publications/production have the right to determine the content of the student media.

[] The content may address general matters of public concern and is open to the public at large for comment at the discretion of the student journalists/content-creators/performers. School officials will not review or restrict the content of school-sponsored student media prior to publication/performance, except with respect to unprotected speech.

() Each medium should provide a full opportunity for students to inquire, question, and exchange ideas.

() Content should reflect all areas of student interest and may include topics about which there may be dissent and/or controversy.

All school-sponsored student media shall contain a notice to the reader/viewer that the material, while school-sponsored, is student directed and not subject to prior review. Given all student publications and/or productions have been designated as limited-purpose public forums, the school assumes no liability for their content. With editorial control comes responsibility. Student journalists, content-creators, and performers are expected to establish and enforce standards, for their publications/productions that are consistent with professional journalism/artistic/theatrical/broadcast standards.

[END OF OPTION A]

[] **Option B [Select if the Board intends to identify specific school-sponsored student publications/productions to be limited-purpose public forums (i.e., not subject to prior review/restraint), which may be published/performed outside the school community. School-sponsored student publications/productions not listed are considered nonpublic forums and will be subject to routine and systematic prior review and restraint. This is the second most permissive option and only permits prior review/restraint of nonpublic forums, and generally allows limited-purpose public forums to be generally published/performed outside the school community.]**

The Board designated the following official, school-sponsored student media to be limited-purpose public forums:

[List all publications so designated:]

- A. _____
- B. _____
- C. _____
- D. _____
- E. _____

As limited-purpose public forums the student journalists, content-creators, or performers associated with the above-listed publications and/or productions may address matters of concern and/or interest to their readers/viewers. The student journalists, content-creators, and/or performers involved in the above-listed publications/productions have the right to determine the content of this student media.

The content may address general matters of public concern and is open to the public at large for comment at the discretion of the student journalists/content-creators/performers.

School officials will not routinely and systematically restrict content of the publications and/or productions listed above prior to their publication/performance, except with respect to unprotected speech.

Each medium should provide a full opportunity for students to inquire, question, and exchange ideas.

Content should reflect all areas of student interest and may include topics about which there may be dissent and/or controversy.

The above-listed publications and/or productions shall contain a notice to the reader/viewer that the material, while school-sponsored, is student directed and not subject to prior review. Given the listed student publications and/or productions have been designated as limited-purpose public forums, the school assumes no liability for their content, with editorial control comes responsibility. Student journalists, content-creators and performers are expected to establish and enforce standards for their publications/productions that are consistent with professional journalism/artistic/theatrical/broadcast standards.

All other school-sponsored student media including classroom and/or other curricular, co-curricular, or extra-curricular/club-related publications and/or productions, are nonpublic forums. As nonpublic forums, the content of these other student publications and productions can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of all school-sponsored student media except for those publications/productions listed above, prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. **[DRAFTING NOTE: It is critical that the school officials actually engage in prior review/restraint and not just "reserve" the right to engage in such review/restraint. If the school officials fail to routinely and consistently exercise this authority, a court reviewing a student challenge to a review/restraint may hold that this policy is not being implemented as written, and therefore the Board may be found to have lost the authority it attempted to preserve for its administrators. The Board shall provide school officials with guidance and training in order to implement this duty of review/restrain effectively and legally.]**

[DRAFTING NOTE: Select Option B1, Option B-2, Option B-3, Option B-4, or Option B-5.]

[DRAFTING NOTE: The Board should only select this option if it has prohibited all nonpublic forum school-sponsored student publication/performance on Social Media, with the exception of nonpublic forum school-sponsored student media that is disseminated through District-approved Social Media that employs a secure portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security).]

Nonpublic forum school-sponsored student media may only be published/performed to members of the school community.

[END OF OPTION B-1]

[DRAFTING NOTE: The Board should select either Option B-2 or Option B-3 if it has authorized the limited use of District-approved Social Media to publish/perform nonpublic forum school-sponsored student media; as mentioned above, it is critically important that school officials routinely and consistently exercise their limited authority to engage in prior review/restraint with respect to the publication/performance of all nonpublic forum school-sponsored student media.]

Option B-2

While ordinarily nonpublic forum school-sponsored student media may only be published/performed to members of the school community, the following nonpublic forum student media may be published/performed outside the school community (i.e., to the general public): _____ **[identify]** () high school newspaper **[could substitute with the name of the publication]** () high school yearbook _____ **[insert name(s) of specific school-sponsored student publication/proiduction.** () See Board Policy 9160.

[END OF OPTION B-2]

Option B-3

While ordinarily nonpublic forum school-sponsored student media may only be published/performed to members of the school community, the Superintendent may authorize specific nonpublic forum student media to be published/performed outside the school community (i.e. to the general public). A student or group of students who wish to have his/her/their nonpublic forum student media published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance.

[END OF OPTION B-3]

Option B-4

While nonpublic forum school-sponsored student media generally may be published/performed outside the school community (i.e. to the general public), the following nonpublic forum student media may only be published/performed to members of the school community: _____ **[identify]**. () See Board Policy 9160.

[END OF OPTION B-4]

Option B-5

Nonpublic forum school-sponsored student media may be published/performed outside the school community (i.e. to the general public). () See Board Policy 9160.

[END OF OPTION B-5]

[END OF OPTION B]

Option C [Select if the Board intends to identify specific student publications/productions to be limited-purpose public forums but wants to retain the authority to engage in limited and consistent prior review/restrain on the basis of four (4) identified reasons. School-sponsored publications/productions not listed are considered nonpublic forums and will be subject to routine prior review and restraint. This is the second most restrictive and permits some prior review/restraint involving what are otherwise limited-purpose public forums.]

The Board designates the following official, school-sponsored student media to be limited-purpose public forums:

[List all publications so designated:]

- A. _____
- B. _____
- C. _____
- D. _____
- E. _____

As limited-purpose public forums the student journalist, content-creators or performers associated with the above-listed publications and/or productions may address matters of concern and/or interest to their readers/viewers. The student journalists, content-creators and/or performers involved in the above-listed publications/productions have the right to determine the content of this student media. () While designated as limited-purpose public forums, the listed publications/productions are not intended to address general matters of public concern and are not open to public comment.

School officials will not routinely and systematically restrict content of the publications and/or productions listed above prior to their publication/performance; however, school officials may review the content and reject an article/posting/publication/production due to one (1) of the following four (4) reasons:

- A. where poor grammar or writing is evident;
- B. where a legitimate question of age appropriateness of the material exists;
- C. where matters beyond the limited scope of the forum are included; and/or
- D. where the content involves unprotected speech.

The above-listed school-sponsored student publications/productions, while limited-purpose public forums are not intended to address general matters of public concern and therefore are not open to public comment.

The listed publications and or production shall contain a notice to the reader/viewer that the material, while school-sponsored, is student directed and subject only to limited prior review. Given the listed student publications and/or productions have been designated as limited-purpose public forums, the school assumes no liability for the content beyond that covered by the school officials' limited prior review, with editorial control comes responsibility. Student journalists, content-creators and performers are expected to establish and enforce standards for their publications/productions that are consistent with professional journalism/artistic/theatrical/broadcast standards.

[DRAFTING NOTE: Select Option C-1, Option C-2, Option C-3, Option C-4, or Option C-5.]

Option C-1

[DRAFTING NOTE: The Board should only select this option if it has prohibited all school-sponsored student publication/performance on Social Media, with the exception of school-sponsored student media that is disseminated through District-approved Social Media that employs a secure portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security.)]

School-sponsored student media may only be published/performed to members of the school community.

[END OF OPTION C-1]

[DRAFTING NOTE: The Board should select either Option C-2 or Option C-3 if it has authorized the limited use of District-approved Social Media to publish/perform school-sponsored student media; as mentioned below, it is critically important that school officials routinely and consistently exercise their limited authority to engage in prior review/restraint with respect to the publication/performance of all school-sponsored student media.]

Option C-2

While ordinarily school-sponsored student media may only be published/performed to members of the school community, the following student media may be published/performed outside the school community (i.e., to the general public):

_____ **[identify]** () high school newspaper **[could substitute with the name of the publication]** () high school yearbook **[could substitute with the name of the yearbook]** () _____ **[insert name(s) of specific school-sponsored student publications/productions]**. () See Board Policy 9160.

[END OF OPTION C-2]

Option C-3

While ordinarily school-sponsored student media may only be published/performed to members of the school community, the Superintendent may authorize specific student media to be published/performed outside the school community (i.e., to the general public). A student or group of students who wish to have his/her/their student media published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance.

[END OF OPTION C-3]

Option C-4

While school-sponsored student media generally may be published/performed outside the school community (i.e., to the general public), the following student media may only be published/performed to members to the school community: _____

[identify]. () See Board Policy 9160.

[END OF OPTION C-4]

Option C-5

School-sponsored student media may be published/performed outside the school community (i.e., to the general public). () See Board Policy 9160.

[END OF OPTION C-5]

All other school-sponsored student publications and productions, including classroom and/or other curricular, or extra-curricular/club-related publications and/or productions, are nonpublic forums. As nonpublic forums, the content of these other

student publications and productions can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of all school-sponsored student media except those publications/productions listed above, prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. **[DRAFTING NOTE: It is critical that the school officials actually engage in prior review/restraint and not just "reserve" the right to engage in such review/restraint. If the school officials fail to routinely and consistently exercise this authority, a court reviewing a student challenge to a review/restraint may hold that this policy is not being implemented as written, and therefore the Board may be found to have lost the authority it attempted to preserve for its administrators. The Board should provide school officials with guidance and training in order to implement this duty of review/restraint effectively and legally.]**

[END OF OPTION C]

Option D [Select if the Board intends all school-sponsored student media (i.e., publications/production) to be nonpublic forums - i.e., subject to routine prior review/restraint. This is the most restrictive option.]

[DRAFTING NOTE: for Options D-1 through D-5: It is critical that the school officials actually engage in prior review/restraint and not just "reserve" the right to engage in such review/restraint. If the school officials fail to routinely and consistently exercise this authority, a court reviewing a student challenge to a review/restraint may hold that this policy is not being implemented as written, and therefore the Board will be considered to have lost the authority it attempted to preserve for its administrators. The Board should provide school officials with guidance and training in order to implement this duty of review/restraint effectively and legally.]

All school-sponsored student media are nonpublic forums. While students may address matters of interest or concern to their readers/viewers, as nonpublic forums, the style and content of the student publications and productions can be regulated for legitimate pedagogical, school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the type and/or content of all school-sponsored student media prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. Legitimate pedagogical concerns are not confined to academic issues but include the teaching by example of the shared values of a civilized social order, which consists of not only independence of thought and frankness of expression but also discipline, courtesy/civility, and respect for authority. School officials may further prohibit speech that is grammatically incorrect, poorly written, inadequately researched, biased or prejudiced, vulgar, or profane, or unsuitable for immature audiences.

[DRAFTING NOTE: Select Option D-1, Option D-2, Option D-3, Option D-4, or Option D-5.]

Option D-1

[DRAFTING NOTE: The Board should only select this option if it has prohibited all school-sponsored student publication/performance on Social Media, with the exception of school-sponsored student media that is disseminated through District-approved Social Media that employs a portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security).]

School-sponsored student media may only be published/performed to members of the school community.

[END OF OPTION D-1]

[DRAFTING NOTE: The Board should select either Option D-2 or Option D-3 if it has authorized the limited use of District-approved Social Media to publish/perform school-sponsored media; as mentioned above, it is critically important that school officials routinely and consistently exercise their authority to engage in prior review/restraint with respect to the publication/performance of all school-sponsored student media.]

Option D-2

While ordinarily school-sponsored student media may only be published/performed to members of the school community, the following student media may be published/performed outside the school community (i.e., to the general public): _____
[identify] () high school newspaper [could substitute with the name of the publication] () high school yearbook [could substitute with the name of the yearbook] () _____ [insert name(s) of specific school-sponsored student publications/productions]. () See Board Policy 9160.

[END OF D-2]

Option D-3

While ordinarily school-sponsored student media may only be published/performed to members of the school community, the Superintendent may authorize specific student media to be published/performed outside the school community, (i.e., to the general

public). A student or group of students who wish to have his/her/their student media published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance.

[END OF OPTION D-3]

[] Option D-4

[] While school-sponsored student media generally may be published/performed outside the school community (i.e., to the general public), the following student media may only be published/performed to members of the school community: _____ [identify]. () See Board Policy 9160.

[END OF OPTION D-4]

[] Option D-5

[] School-sponsored student media may be published/performed outside the school community (i.e., to the general public). () See Board Policy 9160

[END OF OPTION D-5]

[END OF OPTION D]

[END OF OPTIONS A THROUGH D]

[NOTE: The following paragraph is optional.]

[] Students ~~()~~ staff will monitor comments posted to social media platforms/sites that have been approved under Policy 7544 for use as school-sponsored student media. Comments will be monitored to verify the age-appropriateness of the material, whether unprotected speech is involved, and whether there is compliance with posted rules for use of the forum and the platform/site's applicable terms of service. Comments that are not age-appropriate for the student-audience for the school-sponsored publication, constitute unprotected speech, and/or violate the posting rules for the use of the forum and/or the platform/site's applicable terms of service will be removed. The review of posted comments will be conducted in a viewpoint neutral manner, and consistent with State and Federal law.

[] Students shall not be disciplined and/or retaliated against for exercising and/or asserting their free speech rights as defined in this policy. Nothing in this policy, however, restricts the Board's ability to impose post-publication/performance discipline related to a student engaging in the impermissible publication/performance of unprotected speech.

[DRAFTING NOTE: CHOOSE ONE (1) OF THE FOLLOWING THREE (3) OPTIONS RE: ADVERTISING.]

CURRENT POLICY

~~()~~ Option #1 [Select if the Board intends to permit advertising in some or all school-sponsored student media but requires a school employee/official to pre-approve the advertisements.]

Advertising is permitted in

~~()~~ all school-sponsored student media

() the following school-sponsored student publication/productions: [identify publications/productions]

Any advertisements must be consistent with Policy 9700.01 ~~()~~ AG 9700B.

Advertisements submitted for publication or inclusion in a production shall be reviewed by

~~()~~ the class/activity advisor

~~()~~ the building principal

~~()~~ the Superintendent

~~()~~ school officials

for a determination that they are appropriate for juveniles. The ~~()~~ Superintendent () Board retains the final authority to determine whether an advertisement is appropriate and will be included in a publication/production. Advertisements may be rejected for legitimate pedagogical school-related reasons unrelated to the viewpoint of the advertiser (e.g., the advertisement encourages action that would endanger the health and safety of students).

[] Option #2 [Select if the Board intends to permit advertising in some or all school-sponsored student media that are designated to be limited-purpose public forums, and the students involved in the specific publications/productions will be responsible for accepting or rejecting the advertisements.]

Advertising is permitted in

() all school-sponsored student media that have been designated as limited-public forums.

() the following school-sponsored student media that have been designated as limited-purpose public forums: [identify publications/productions]

Any advertisements must be consistent with Policy 9700.01 () and AG 9700B.

The students in the class(es)/activity(ies) associated with

() all school-sponsored student media that have been designated as limited-purpose public forums

() the above-listed student media

will determine whether to include advertisements in the publications/productions. Acceptance or rejection of specific advertisements is within the control of the publication/production staff, which may accept those for activities, products, or services that are illegal for students and/or that violate State or Federal law.

[] The publication/production staff is encouraged to consider the age appropriateness of the ads they select.

[] Option #3 [Select if the Board intends to prohibit advertisements in all student publications/productions.]

Advertising is not permitted in school-sponsored student media.

[END OF OPTIONS RE: ADVERTISING]

General Prohibitions

Regardless of their status as non-public or limited-purpose public forums, the Board prohibits publications, productions, and advertisements that:

- A. promote, favor, or oppose any candidate for election or the adoption of any bond issue, proposal, or question submitted at any election;
- B. ~~()~~ fail to identify the student or organization responsible for the publication/performance;
- C. ~~()~~ solicit funds for non-school organizations or institutions when such solicitation has not been approved by the Board.

Book Policy Manual
Section Vol. 36, No. 1 - September 2021
Title Vol. 36, No. 1 - September 2021 TOOLKIT FOR REVIEW AND ADOPTION OF REPLACEMENT POLICY 5722 SCHOOL-SPONSORED STUDENT PUBLICATIONS AND PRODUCTIONS
Code 9 - Toolkit
Status From Neola

TO: Neola Clients in Michigan

SUBJECT: Neola Legal Counsel

RE: Toolkit for Review and Adoption of Replacement Policy 5722 - School-Sponsored Student Publications and Productions

FROM: September 2021

TOOLKIT

INTRODUCTION

In 2019, Neola released Policy and Administrative Guideline 7544 – Use of Social Media, which address the use of social media in the school setting by school staff and, to a more limited extent, students. Shortly thereafter, Neola issued a Toolkit to assist its clients as they navigated the numerous legal issues presented by the topic and to provide guidance to them as they worked through and selected among the myriad number of options presented in the two documents.

The 2019 Social Media Toolkit was the second Toolkit that Neola developed for its clients; the first one – Toolkit for Development and Adoption of Policy 5722 – School-Sponsored Student Publications and Productions – was released approximately ten years earlier in 2009. With the completion of its first social media policy, Neola decided to revisit and update Policy and AG 5722 in light of the many technological advances that have occurred since 2009 and which formed the impetus for the creation of the social media policy and guideline. As part of its Summer 2021 Update, Neola is issuing a replacement policy and a revised administrative guideline concerning school-sponsored student publications and productions.

As with the original Toolkit concerning Policy 5722, this Toolkit seeks to inform and guide you as you take a fresh look at the types of school-sponsored student media that are present in your schools and modify your policy and administrative guideline accordingly.

OVERVIEW

Like its predecessor, this Toolkit presents an overview of applicable laws and cases that impact school districts' ability to engage in prior review and restraint with respect to school-sponsored student expressive activities. The Toolkit also provides relevant information concerning the options available to boards of education and superintendents when considering the adoption and/or amendment of their policies and/or guidelines related to school-sponsored student publications and productions. While school officials are generally familiar with student publications such as student newspapers and/or yearbooks and student productions that are broadcast on radio and television, replacement Policy 5722 goes further and encompasses the myriad of newer online electronic forms of school-sponsored student media outlined on page 1 of the Policy (e.g., students' school-related blogs, podcasts, and productions posted on Internet sites such as YouTube).

With the preceding in mind, Neola urges its clients to carefully consider their options when addressing the evolving student media environment and adopt language that best fits their respective districts' needs and mission.

BACKGROUND AND LEGAL ANALYSIS

A. The U.S. Constitution and School Speech

The First Amendment of the United States Constitution provides "Congress shall make no law...abridging the freedom of speech, or of the press..." These prohibitions are applicable to the States and political subdivisions through the Fourteenth

Amendment.

B. Student Speech

For our purposes, student speech can be divided into two categories:

1. **Pure Student Speech** (i.e., off-campus student speech and student-initiated speech that happens to occur on school premises). Pursuant to *Tinker v. Des Moines Independent School District* (1969), such speech must be tolerated by the school "unless school authorities have reason to believe that such expression will 'substantially interfere with the work of the school or impinge upon the rights of other students.'" Justice Abe Fortas wrote in *Tinker*, "undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression."¹ The Court majority continued, "in our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school, as well as out of school, are 'persons' under our Constitution. They are possessed of fundamental rights which the State must respect."

In later cases, the Court held that schools need not tolerate on-campus speech that is vulgar or lewd, such as sexually explicit language that is inappropriate in a school setting, *Bethel School District v. Fraser* (1986), or promotes illegal drug use, *Morse v. Frederick* (2007).

Recently, the Court considered a case involving whether school districts have authority to regulate off-campus student speech. In *Mahoney Area School District v. Levy*, Case No. 20-255 (2021), the Court reaffirmed a school's special interest in regulating on-campus student speech that "materially disrupts classwork or involves substantial disorder or invasion of the rights of others," but concluded that the leeway the First Amendment grants to schools with respect to on-campus student speech is diminished when it comes to off-campus speech. In particular, the Court held that while the special characteristics that give schools additional license to regulate student speech do not always disappear when the speech takes place off campus, they are significantly curtailed. Consequently, students have broad First Amendment rights when it comes to off-campus speech; the Court noted that schools themselves have an interest in protecting a student's unpopular expression, especially when the expression takes place off school property, because America's public schools are the nurseries of democracy.² As such, the Court affirmed a student's right to engage in unfettered online speech/expression, using the student's personal cellphone, when it appears outside of school hours from a location outside the school, the student does not identify the school in the post and does not target any member of the school community with vulgar or abusive language, and the audience for the message consists of a private circle of the students' friends.

2. **School-Sponsored Speech** (i.e., student speech that a school affirmatively promotes as opposed to speech that the school merely tolerates). Pursuant to *Hazelwood School District v. Kuhlmeier* (1988), "expressive activities that students, parents, and members of the public might reasonably perceive to bear the imprimatur of the school" constitute "school-sponsored" speech over which the school may exercise editorial control, so long as its actions are "reasonably related to legitimate pedagogical concerns."

C. Identifying the Forum(s) Involved

In order to determine whether prior review and/or restraint (i.e., censorship/suppression) of student speech may occur, one needs to know the nature of the forum in which the speech occurs.

The U.S. Supreme Court recognizes three types of forums:

1. **Nonpublic Forum** – a forum reserved by the government for its intended governmental purpose (e.g., a journalism class that is limited to serving as a supervised learning experience for journalism students). The government can control access to a nonpublic forum "based on subject matter and speaker identity so long as the distinctions drawn are reasonable in light of the purpose served by the forum and are viewpoint neutral" (i.e., restrictions on speech need only be "reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view"). Thus, school officials are entitled to regulate in a reasonable manner the content of student media that constitutes a nonpublic forum.

With respect to nonpublic forums, the U.S. Supreme Court ruled in *Hazelwood* that the First Amendment does not prohibit school officials from exercising editorial control over "the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns." Legitimate pedagogical concerns are not confined to academic issues, but rather include the teaching by example of the shared values of a civilized social order, which consists of not only independence of thought and frankness of expression but also discipline, courtesy/civility, and respect for authority.

It is clear that nonpublic forum school-sponsored speech can be censored if it is "ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audience.

If the District chooses **Option D** in the replacement version of Policy 5722, a nonpublic forum will be created for all school-sponsored student media published or presented in the District. The replacement policy specifies that student media related to classes that are not directly associated with student publications/productions are almost always nonpublic forums.

2. **Limited Public Forum**³ – a forum that the government opens “[1] for use by the public at large for assembly and speech, [2] for use by certain speakers, or [3] for the discussion of certain subjects.” A limited public forum is created when the government gives its property/resources “for indiscriminate use by the general public, or by some segment of the public” for assembly and speech. The government may also designate a forum for a limited purpose such as use by certain speakers or the discussion of specific topics. A school facility or property may be deemed to be a limited-purpose public forum if the school authorities, “by policy or practice,” open the facility or property for indiscriminate use by the general public, or by some segment of the community (e.g., student reporters/editors, members of a journalism class, or the student body in general). Like traditional public forums, the government may impose content-based restrictions on speech only if they are necessary to serve a compelling state interest and are narrowly tailored to that end.

If the District chooses **Options A, B or C** that are presented in the replacement version of Policy 5722, the District will be creating a limited purpose public forum for some, or all, school-sponsored student publications and productions. The primary difference between **Option B** and **Option C** is that **Option C** allows for limited prior review/restraint on the basis of four identified criteria for those student publications and productions identified as limited-purpose public forums. The significant difference between **Option A** and **Options B or C** is that **Option A** designates all school-sponsored student media to be limited-purpose public forums. Again, the replacement policy differentiates school-sponsored student media from student media that originates in classes that are not directly associated with student publications/productions. The latter are almost always nonpublic forums. Critically, when the District designates a student publication or production to be a limited-purpose public forum student journalists, content-creators, and performers are expected to exercise responsible editorial control over the content of the publication/production and to produce a final product that is consistent with professional journalism/theatrical/broadcast standards.

3. **Traditional Public Forum** – “a place, which by long tradition or by government fiat has been devoted to assembly and debate.” The village square, a street corner, or a public park are examples of a traditional public forum. In a traditional public forum, “the rights of the state to limit expressive activity are sharply circumscribed.” The government may only enforce content-based restrictions if they are narrowly drawn to serve a compelling interest, and may enforce content-neutral time, place, and manner restrictions only if they are “narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication.” Public elementary and secondary schools are generally not viewed as traditional public forums.

None of the four options that are presented in Policy 5722 create a traditional public forum.

D. Factors for Determining the Forum Involved

Courts rely upon a two-part test to assess the type of forum at issue: (1) whether the school intended to create a limited-purpose public forum; and (2) the context in which the forum is found.

Courts consider the following factors when determining the nature of the forum:

1. Do the students publish/perform the publication (e.g., newspaper)/production as part of the High School curriculum? If yes, it points toward a nonpublic forum;
2. Do the students receive credits and grades for completing the course? If yes, it points toward a nonpublic forum;
3. Does a faculty member oversee the publication/production? If yes, it points toward a nonpublic forum. In answering this question, courts consider not only whether the expectation is that the faculty advisor exercises control over the student publication/production, but also whether such control is actually exercised;
4. Did the school deviate from its policy of producing the student media as part of the educational curriculum? In answering this question, courts consider the following:
 - (a) Whether the student newspaper allows the publication of letters to the editor and/or guest columns from persons outside the student staff. If yes, it points toward a limited-purpose public forum.
 - (b) Who has the right/authority to approve such columns and letters? If it is students instead of the faculty advisor/administration, it points toward a limited-purpose public forum.
 - (c) Whether the paper is distributed solely to the student/school population or whether it is distributed to the community as a whole, including whether portions of or the entire student publication is reprinted in the community’s

general circulation newspaper. If it is the former (i.e., the distribution is limited to the school community), it points toward a nonpublic forum. If it is the latter (i.e., the distribution is to the general public), it points toward a limited-purpose public forum;

5. The degree of actual control/review the administration and the faculty advisor exercise. The more control (i.e., routine, systemic prior review) they exercise, the more it points toward a nonpublic forum;
6. Applicable written policy statements of the board of education – In addition to looking at written policies, courts also examine curriculum guides, course descriptions, and the masthead of the publication to determine what the board’s intention is with regard to that medium. If the course descriptions or curriculum guidelines indicate that the purpose of the publication/production is to provide general news and not just serves as an educational tool, the court often will find a limited-purpose public forum exists. Other relevant factors are whether advertising revenue is generated by the publication/production, and if so, whether such revenue is used to cover the printing/production costs associated with the publication/production; and
7. The nature of the property at issue and its compatibility with expressive activity.

E. Intent is Critical

Courts generally recognize that the “government does not create a public forum by inaction or by permitting limited discourse, but only by intentionally opening a non-traditional forum to public discourse.” As such, courts will not presume a government converted a nonpublic forum into a limited public forum unless “by policy or by practice” the government demonstrated a “clear intent” to do so

1. Thus, as long as the school has not intentionally created a limited public forum by policy or by practice, school-sponsored student media is considered a non-public forum and the school may impose any “reasonable, non-viewpoint-based restriction on the students’ speech exhibited therein.
2. For example, a non-viewpoint-based restriction would be the prohibition of any articles about abortion in a school-sponsored publication; however, if school authorities forbid the publication of pro-choice articles but permit the publication of anti-abortion articles, such a decision would be subject to challenge in court, and it is unlikely the school would prevail.

F. Extent of District Control

The case law makes clear that courts will closely examine the nature of a publication when determining whether it is a nonpublic forum, or a limited-purpose public forum. In particular, they will examine whether the publication is prepared as part of a graded and credited class, and the level of actual review conducted by the faculty advisor and/or administration.⁴ Courts do not look favorably on situations where faculty advisors and/or administrations have refrained for years from engaging in any prior review of a publication and then suddenly exercise prior restraint when the publication addresses a controversial topic.

G. Not All Speech is Protected

Importantly, unprotected speech (such as defamation, libel, obscenity, and speech harmful to juveniles) falls outside the reach of the First Amendment and is not protected against prior review and restraint regardless of the type of forum that has been established pursuant to board policy and/or practice.

RECOMMENDED PROCEDURES FOR DEVELOPMENT AND ADOPTION OF A REPLACEMENT VERSION OF POLICY 5722

A. Involve All District Stakeholders

When revising Policy 5722, Neola urges its clients to involve all district stakeholders. Boards of education should take an active role, as a committee of the whole, in the consideration and assessment of its options when adopting a replacement version of Policy 5722. It is **not** recommended that work on this issue be solely delegated to the board’s policy committee. However, boards may elect to establish a special committee to tackle the topic of student publications (even resurrecting the special committee it may have created to assist in development and adoption of Policy 7544 – Use of Social Media) in order to broaden the scope of the participants in the committee beyond those who normally make-up the board’s policy committee; such a special committee could provide feedback and recommendations to the board as a whole after studying the issues presented by school-sponsored student publications and productions.

As part of the process, the superintendent should be charged with carefully investigating and delineating the district’s current practices with respect to school-sponsored student publications and productions. Upon adoption of the replacement policy, the superintendent should promulgate a guideline that corresponds with the replacement policy (see revised AG 5722).

B. Recommended Process

Neola recommends superintendents use the following process as they work through this topic and before they begin to consider the options listed in replacement Policy 5722:

Step 1. Identify what school-sponsored student publications/productions are currently being published/produced within the district (i.e., identify all school-sponsored student media that fall within the scope of Policy 5722).

When surveying current school-sponsored student media, it will be helpful to have a copy of the survey completed in 2009-2010 when this policy was last updated.

It would also be helpful to have a copy of the survey the district completed when it developed and adopted Policy 7544. The information gathered in that process may be of use in making sure you do not overlook any newer forms of student publications and productions.

Step 2. Determine the level of prior review/restraint that is currently taking place with respect to each of the school-sponsored student media. As noted above, reality may be different than the general understanding or expectation (i.e., what is currently contained in board policy) of the board or superintendent. In conducting this analysis, the mission of each publication and production should be clearly delineated.⁵

The Superintendent should solicit input/feedback on this topic from the various stakeholders before adopting a replacement policy. Consideration of community values and preferences about the balance between Freedom of Speech and tolerance for controversial subjects are an integral part of this process.

Step 3. Select the Intended Forum Applicable to Each School-Sponsored Student Publication/Production.

The greater the level of prior review and restraint that a board authorizes the faculty and administration to exercise, the more it will need to confirm, by policy and by practice, that it is maintaining a nonpublic forum. If, on the other hand, the board is willing to sanction greater freedom to the students developing the publication(s)/production(s), the board will want to affirmatively create a limited-purpose public forum.

(a) This subject engenders heated opinion by community members on both sides of the topic. For this reason, we recommend the public have an opportunity to provide feedback before the board adopts one of the options.

(b) It is also important to recognize that, given the hallowed place the First Amendment has in American society, there are many organizations, including but not limited to the Student Press Law Center ("SPLC"), that will take up the cause of a student publication when a school district decides to exercise prior review and restraint, when previously it had not done so. It is, therefore, absolutely critical – if the district intends to maintain a nonpublic forum – that it regularly and continually exercises its prior review authority with respect to a given publication/production and not let it slip into a situation where for years at a time there is no prior review, but when one specific topic comes up that is controversial, at that point in time the school staff and officials decide to suppress/censor it.

(c) The critical decision that must be made in developing the policy is whether the school-sponsored student publication(s)/production(s) are to be designated as nonpublic forums or limited-purpose public forums. There are strong arguments that can be raised in support of each.

C. The Case for Nonpublic Forums

A compelling argument in favor of the nonpublic forum option (**Option D** in the replacement version of Policy 5722) is that the district retains the right to determine the style and content of the school-sponsored student media and who has an opportunity to speak in the media, as long as it acts in a viewpoint neutral manner. Supreme Court Justice Byron White (writing for the majority in *Hazelwood*) expressly recognized the importance of permitting schools to retain control over the content of its school-sponsored student publications/productions:

*A school must be able to set high standards for the student speech that is disseminated under its auspices – standards that may be higher than those demanded by some newspaper publishers or theatrical producers in the "real" world – and may refuse to disseminate student speech that does not meet those standards. * * **

In addition, a school must be able to take into account the emotional maturity of the intended audience in determining whether to disseminate student speech on potentially sensitive topics, which might range from the existence of Santa Claus in an elementary school setting to the particulars of teenage sexual activity in a high school.

Justice White further wrote:

Educators are entitled to exercise greater control...of student expression to assure that participants learn whatever lessons

the activity is designed to teach, that readers or listeners are not exposed to material that may be inappropriate for their level of maturity, and that the views of the individual speaker are not erroneously attributed to the school.

As such, "a school need not tolerate student speech that is inconsistent with its basic educational mission." Previously, the Supreme Court recognized in *Bethel School District v. Fraser* (1986), that schools must balance students' freedoms with the educational purpose of teaching good behavior to students: "The undoubted freedom to advocate unpopular and controversial views in schools and classrooms must be balanced against the society's countervailing interest in teaching students the boundaries of socially appropriate behavior." William Coats, the attorney who represented the Bethel School District in *Fraser*, echoed this sentiment: "School officials have the responsibility to maintain an atmosphere that is conducive to the school setting. Schools have to maintain order and control and school officials can teach students proper decorum in different settings."⁶

One difficulty with **Option D** is that districts need to consistently (i.e., routinely and systematically) exercise their right of prior review/restraint in order not to jeopardize a publication's/production's status as a nonpublic forum. So long as the District acts in a uniform manner in maintaining the nonpublic forum, it should be in a defensible position if challenged in court for some act of prior review and/or restraint. On the other hand, if a district engages in arbitrary or sporadic prior review/restraint its practices may be subject to legal challenge.

Another argument regularly raised in opposition to districts maintaining nonpublic forums and engaging in prior review/restraint is that such an approach can be viewed as if the district's "heavy-hand" is preventing students from learning about the First Amendment Rights that they will be exercising after they leave school. David L. Hudson, Jr. articulated this argument as follows: "Many free-speech experts believe that students will not learn the lessons of democracy if they cannot experience firsthand the freedom to make their own choices. Therefore, school officials, politicians, teachers and parents should balance legitimate safety concerns with the constitutional right of freedom of speech."⁷

D. Limited-Purpose Public Forums

A primary argument in support of limited-purpose public forums (**Options A, B, and C** in the replacement version of Policy 5722) is that it demonstrates a respect for the First Amendment and a trust being extended to the members of the student body who are involved in the publication/production. Such an approach can, in turn, serve as an educational opportunity for students to learn about the responsibilities that come along with the rights afforded by the U.S. Constitution. Mark Goodman, a former Executive Director of the SPLC, summarized this rationale as follows: "One of the primary purposes of public education is to teach students the values of democracy. Students can only learn this lesson if they can operate in an environment that fosters the spirit of democracy."

Supreme Court Justice William Brennan (writing in dissent in *Hazelwood*) also raised this argument stating: "Such unthinking contempt for individual rights is intolerable from any state official. It is particularly insidious from one to whom the public entrusts the task of inculcating in its youth an appreciation for the cherished democratic liberties that our Constitution guarantees."⁸

Likewise, the Vision Statement for the national initiative entitled *First Amendment Schools: Educating for Freedom and Responsibility* (which is co-sponsored by the Association for Supervision and Curriculum Development (ASCD) and the First Amendment Center) expands upon this sentiment:

Today the need to sustain and expand our experiment in liberty is made more urgent by the challenge of living with our deepest differences in a diverse and complex society. The need to commit ourselves as a people to the rights and responsibilities that flow from the First Amendment has never been more vital – or more difficult. At a time in our history when we most need to affirm what we share as citizens across our differences, the ignorance and contention now surrounding the First Amendment threaten to divide the nation and undermine our freedom.

The key place to address this challenge is in our schools, the institutions most responsible for transmitting civic principles and virtues to each succeeding generation. Schools must not only teach the First Amendment; they must also find ways to model and apply the democratic first principles that they are charged with teaching. The rights and responsibilities of the First Amendment provide a much-needed civic framework for reaffirming and renewing the civic aims of education.

Recognizing the importance of student's First Amendment rights, to date, fifteen states (Arkansas, California, Colorado, Illinois, Iowa, Kansas, Maryland, Massachusetts, Nevada, North Dakota, Oregon, Pennsylvania, Rhode Island, Vermont, and Washington) have adopted anti-*Hazelwood* laws, which expressly limit the amount of censorship permitted in public high schools.⁹

Some of the many reasons often referenced in support of such laws and the granting to students of control over the style and content of school-sponsored student media are:¹⁰

1. It will teach student the importance of the Constitution⁵¹ and Bill of Rights, and will encourage them to honor and embrace these ideals as they grow into mature adults;

2. It will teach student readers that tolerance of other viewpoints is expected;
3. It will provide a structured place for students to have a voice without having to resort to such alternatives as underground newspapers and websites established for the purpose of publishing censored materials;
4. It will demonstrate to students and the local community that the school not only teaches the concepts put forth in the Constitution and Bill of Rights but also puts them into practice; and

5. It will lessen the legal financial liability for content of the student media for the school and the administrator.¹¹ Additionally, creation of a limited-purpose public forum requires the district to ensure that the faculty advisor/instructor assigned to the class/activity takes proactive steps to educate the students, prior to publishing/producing their student media, about what is legally protected speech and what is unprotected speech (e.g., speech that is defamatory, libel, profane, obscene, or otherwise harmful to juveniles). The students participating in a limited-purpose public forum need to be taught to understand that with the privilege of freedom of expression and the press comes the responsibility to use those rights ethically and legally.

The primary argument against creation of a limited-purpose public forum for school-sponsored student media is that controversial topics may be addressed in the publication/production. As such, there is always a chance that a segment of the community/public will be displeased that such topics are being covered in a school-sponsored student publication/production.¹²

E. Post-Publication Consequences

Policy 5722 addresses prior review of a publication/production – i.e., it controls whether a school has authority to prevent the publication/performance of a student publication/production based on its content; it does not, however, prevent a school from imposing post-publication/production consequences upon students who cross the line into the area of inappropriate or unprotected speech. It simply allows the speech to occur and the consequences (i.e., discipline) to be imposed thereafter.

Overview and Explanation of Content and Options Presented in Policy 5722 and Related Recommendations

As you review the options presented in the template policy, we recommend you have copies of the following policies easily accessible – Policy 7544 – Use of Social Media,¹³ Policy 8315 – Information Management, and Policy 8330 – Student Records – so you can make sure any overlapping or related content is consistent among the documents.

Replacement Policy 5722 begins by defining “school-sponsored student media” and takes care to include all student publications regardless of medium. Additionally, given the expectation that boards of education would always intend for classes to be non-public forums, the definition excludes student expression related to classes that are not directly related to student publications/productions.

The first set of options addresses whether the board intends to include various forms of online communication, including postings to Social Media, as forms of covered student publications. The board can either select a blanket prohibition or adopt language that specifies various forms of online communication, which could expressly include postings to social media.

Similarly, the term student production is defined, and the board will need to determine whether to include Social Media in the definition.

If the Board includes Social Media in either or both of the definitions concerning student publications and/or student productions, the board needs to include the language concerning complying with Policy 7544 – Use of Social Media and Policy 7540.02 – Web Accessibility, Content, Apps, and Services.

The board next needs to select the appropriate options concerning the definition of school community.

The following paragraph refers to the Children’s Internet Protection Act’s definition of material that is “harmful to minors.” The CIPA definition, which can be found in Policy 7540.03 – Student Technology Acceptable Use and Safety, provides the term means “any picture, image, graphic image file, or other visual depiction that – (i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.”

The introductory section of the policy next turns to expressly stating that student expression related to classrooms and/or educational settings not otherwise associated with school-sponsored student publications/productions are nonpublic forums; meaning that such student expression is subject to being regulated for legitimate pedagogical school-related reasons. This section of the policy concludes by offering five options from which the board must select concerning setting limitations on the publishing or performance of nonpublic forum student expression.

The policy then next turns to the primary options that board will need to select – **Options A, B, C, or D**. You may notice that Neola has reversed the options from what was presented in the original policy. This change was intentional because given the increasing use of online forms of communication – including Social Media – it seemed increasing unlikely that a school board would intentionally make all forms of school-sponsored student media a nonpublic forum. For this reason, the policy now begins with an option (**Option A**) that makes all school-sponsored student media a limited-purpose public forum that can be generally published/performed outside the school community. Under this option that are a few truly optional sections that a board may select or not.

Recognizing that many boards will not be comfortable with such a permissive option, the next two options (**Option B** and **Option C**) offer the board the opportunity to designate some student publications/productions as limited-purpose public forums and others as nonpublic forums. The difference between **Option B** and **Option C** is **Option B** specifically designates certain student media to be limited-purpose public forums and respects the full meaning of such a designation, while **Option C** also specifically designates certain student media to be limited-purpose public forums but retains the authority for a school official to engage in limited and consistent prior review/restraint on the basis of four identified reasons. All other forms of school-sponsored student publication/production are designated as nonpublic forums, which are subject to routine prior review and restraint. With respect to both **Option B** and **Option C**, the board will also need to select from one of five options concerning setting limitations on the publishing or performance of forum student expression – i.e., whether it may be published/performed solely to members of the school community or whether, under certain circumstances, it may be published/performed to the general public.

As noted above, the final option (**Option D**) is the most restrictive; it provides that all school-sponsored student media shall be a nonpublic forum. Again, however, the board has five options from which to choose whether the student publications/productions may be published/performed solely to members of the school community or whether, under certain circumstances, one or more of them may be published/performed to the general public.

Given the significance of the decisions that the board will be making when it selects either **Option A, Option B, Option C, or Option D** (including the applicable internal options that apply to **Options B, C or D**), it may want to consult with local counsel to address any additional questions it may have concerning the First Amendment implications associated with each Option. This may be particularly true with respect to determining the type of forum the board may want to apply to some of the newer mediums that may now make up a larger number of the school-sponsored student publications/productions.

Following **Options A – D**, the policy turns to a few optional paragraphs. The first addresses who will be responsible for monitoring comments posted to Social Media that has been designated as school-sponsored student media. The second one addresses the board's ability to discipline a student who engages in impermissible publication/performance of unprotected speech.

The final set of options address advertising as it relates to school-sponsored student publications/productions. The board must select one of the three main options offered.

Unlike the policy, the template administrative guideline does not contain a lot of options that "must" be selected. Instead, the AG offers the superintendent an opportunity to tailor the document to truly fit the district's current or intended practices. Nevertheless, there are a few places where an option has to be selected if the policy includes certain content. For example, if a school-sponsored student media is subject to prior review and restraint, the superintendent needs to designate which school official(s) or staff member will be responsible for conducting the review/restraint. The document also requires the superintendent provide some details concerning the timing associated with a publication/production being submitted for review and the timing by which the review will be completed.

The primary addition to the administrative guideline comes toward the end of the document (following the section that addresses the duties of faculty advisors and assistant advisors) where new language is offered that outlines a process for individual(s) to follow when monitoring comments posted to social media that has been approved for use as school-sponsored student media.¹⁴ The first set of options provide for either students or staff to monitor comments to verify they are age-appropriate, comply with rules for use of the forum, and do not contain unprotected speech. Comments that violate any of the preceding requirements will be removed. The AG also affords the person(s) removing the comment with the ability to impose further consequences on the offending poster – i.e., restricting, suspending, or terminating the individual's ability to post comments in the future. The guideline delineates specific procedures that must be followed if a person's right to post future comments is going to be restricted, suspended, or terminated. Finally, the AG sets forth optional language that addresses how students or staff charged with deciding whether to publish a submitted comment will fulfill this responsibility.

TRAINING

While the nature and scope of the professional development that is appropriate and necessary for staff related to this topic is beyond the purview of this Toolkit (which is focused on facilitating districts' ability to tailor the template replacement Policy 5722 and revised AG 5722 to their respective needs and intentions), Neola would be remiss if it did not at least briefly comment on the critical importance associated with training staff on the content of these two documents. In order for this policy and guideline to be effective, staff need to be trained on the applicable legal requirements associated with their roles in overseeing and implementing the policy and administrative guideline in the manner detailed in the documents and as intended by the board. Local counsel may be of assistance in helping the district to develop its training materials.

As with so many policies and guidelines, the district's ability to enforce the terms of the documents and hold staff and students accountable for appropriate student expression through school-sponsored student media, is dependent upon the staff and school officials being informed of and trained related to the requirements set forth in the policy and guideline. When establishing the training program, the superintendent should consider who needs to be trained, the scope of the training (i.e., the topics that all employees need to be trained on and subjects that are unique to specific categories of employees), and how often the training should take place.

This publication is intended as general information and not legal advice. No attorney-client relationship exists.

¹In *Tinker*, "[t]he record does not demonstrate any facts which might reasonably have led school authorities to forecast substantial disruption of or material interference with school activities, and no disturbances or disorders on the school premises in fact occurred."

²The Court acknowledged that school districts retain a legitimate interest in regulating students' off-campus speech when that speech involves serious or severe bullying or harassment targeting particular individuals; threats aimed at teachers or other students; the failure to follow rules concerning lessons, the writing of papers, the use of computers; or participation in other online school activities, and breaches of school security devices.

³Also known as "limited-purpose public forum" or "designated public forum."

⁴While courts will consider the content of board policies, if the policy has not been uniformly enforced and implemented, the courts will rely upon the maxim that "actual practice" speaks louder than words in determining whether the government intended to create a limited public forum.

⁵In his 2007 publication entitled, "Prior Review in the High School Newspaper: Perception, Practices, and Effects," Joe Dennis reports that some of the often-mentioned missions for high school newspapers are: forum for student expression; informational publication for student body; public relations tool for the school; venue for developing writing skills; and venue for developing critical thinking skills.

⁶Commonly cited reasons for engaging in prior restraint: (a) content deemed too mature for students; (b) content deemed too critical of administration; (c) content deemed too critical of students; (d) article deemed disruptive to the school's educational mission; (e) article likely to be perceived embarrassing to the school; (f) article likely to generate bad publicity for the school; (g) article not well-researched/contained factual omissions; (h) grammatical errors contained in the article; and (i) public will mistakenly interpret the article as a school endorsement. From Joe Dennis's publication entitled: "Prior Review in the High School Newspaper: Perceptions, Practices, and Effects" (2007).

⁷"The Silencing of Student Voices: preserving free speech in America's schools" [published by the First Amendment Center], p. 6.

⁸The Supreme Court first recognized students' rights in *West Virginia v. Barnette* (1943). Specifically, Justice Robert Jackson stated that the Court must ensure "scrupulous protection of constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes."

⁹Most journalism education groups in the country have condemned the practice of administrative prior review as both educationally and journalistically unsound.

¹⁰The following list is excerpted from Dianne Smith's article entitled: "Advantages to Ending Prior Review and Censorship" in *Principal Leadership* (March 2001).

¹¹Specifically, courts have ruled that schools are responsible for the content of their student publications when administrators engage in prior review or other forms of content control but are not responsible for the content of those student publications that are not subject to prior review or censorship. Additionally, students may have more ability to reject advertisements than schools (because it is not considered state action).

¹²Justice Brennan (again writing in dissent in *Hazelwood*) looked at the issue of public discomfort with controversy and concluded that the censorship in *Hazelwood* was indefensible, and "aptly illustrates how readily school officials (and courts) can camouflage viewpoint discrimination as the 'mere' protection of students from sensitive topics."

¹³For those Boards that did not initially elect to adopt Policy 7544 – Use of Social Media, Neola encourages them to reconsider this decision; events that have transpired since the social media policy template was released two years ago have only heightened the need for boards to proactively address and state how they want their districts to use social media to communicate with stakeholders. Thus, while the board is going through the above-described recommended process of surveying its diverse forms of school-sponsored student media, it could also use this as an opportunity to identify the various social media platforms that are currently in use throughout the district which is a critical step in developing and/or updating a social media policy.

¹⁴If a board selects **Option D** in the Policy (i.e., all student publications/productions are nonpublic forums), there should be no need to add the offered language because the board will not be allowing comments to be submitted.

Book	Policy Manual
Section	Vol. 36, No. 1 - September 2021
Title	Vol. 36, No. 1 - September 2021 Revised STUDENT FEES, FINES, AND SUPPLIES
Code	po6152
Status	From Neola
Adopted	January 19, 2004
Last Revised	January 24, 2005

6152 - STUDENT FEES, FINES, AND SUPPLIES

Fees

The Board of Education may assess certain charges to students to cover the costs for extra-curricular and noncredit activities. Such charges might be made for expendable items such as magazines, workbook materials, paperback selections, and laboratory supplies and materials for clubs, independent study or special projects, and as well transportation costs and admission/participation fees for District-sponsored trips and activities.

No student, however, shall be deprived of participation in any mandatory school activity or required curriculum activity due to a lack of financial ability to pay and fees will not be charged for such activities. Extra-curricular activities for which fees will be charged may not be used in determining credit or grades in any course.

A fee shall not exceed the combined cost of the service(s) provided and/or materials used. An accurate accounting of all fees collected and all fees expended shall be provided to the Superintendent or his/her designee for each fee based activity at the conclusion of the activity, along with remission of any fees not expended.

Fines

When school property, equipment, or supplies are damaged, lost, or taken by a student, whether in a regular course or extra-curricular offering, a fine will be assessed. The fine will be reasonable, seeking only to compensate the school for the expense or loss incurred.

The late return of borrowed books or materials from the school libraries will be subject to appropriate fines. Failure to pay the fines may result in loss of privileges.

Any fees or fines collected by members of the staff are to be turned in to the _____ within twenty-four (24) hours after collection.

In the event the above course of action does not result in the fee being collected, the Board authorizes the _____ to take the student and/or his/her parents to Small Claims Court for collection.

Supplies

The District will provide all basic supplies needed by the student to complete the required course curriculum. The student and/or his/her family may choose to purchase their own supplies if they desire to have a greater quantity or quality of supplies, or desire to help conserve the limited resources for use by others. The teacher or appropriate administrator may recommend useful supplies for these purposes.



For convenience to families, the Board may enter into an agreement with one or more credit card/online payment processing vendors to facilitate online payment of fees, fines, and charges. Parents/guardians or students may elect but are not required to make payments online. Vendors will comply with all Board policies and procedures related to confidentiality and security of information transmitted electronically. Payees will be notified of any processing or other nominal fees that may be charged for use of an online payment system before the transaction is completed.

[END OF OPTION]

Students Experiencing Homelessness - McKinney-Vento Act

No fine or fee shall be charged to a student identified as a student experiencing homelessness unless it is determined that the student has the ability to pay the fee or fine and that its imposition does not create a barrier to the student's ability to enroll, or attend school, achieve academic success, or cause the student to be identified as experiencing homelessness. Any dispute regarding a fine or a fee that is imposed shall not delay the student's enrollment or serve as a barrier to enrollment by delaying the transfer of student records to another school or school district if applicable.

Immediate enrollment notwithstanding fines or fees shall be extended to extra-curricular and co-curricular activities as well as to academic programming.

Students experiencing homelessness who are able to pay () fees or fines (X) fees or fines and refuse to do so [END OF OPTION] may be prohibited from participating in graduation ceremonies until paid. No such student shall be prevented from receiving his/her student records, including diploma if earned, and final transcripts.

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Book Policy Manual
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Title Vol. 36, No. 1 - September 2021 Revised PROPERTY INVENTORY
Code po7450
Status From Neola

7450 - **PROPERTY INVENTORY**

As steward of this District's property, the Board of Education recognizes that efficient management and full replacement upon loss requires accurate inventory and properly maintained property records.

The Board shall

conduct a complete inventory

maintain a continuous inventory

of all District-owned equipment

and supplies

annually.

every 2 years. [specify number; Federal regulations require at least once every two (2) year]

at such intervals as will coincide with property insurance renewal.

and Generally Accepted Accounting Principles ("G.A.A.P.") reporting requirements.

For purposes of this policy, "equipment" shall mean a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which retains its shape and appearance with use, is nonexpendable, costs at least \$ 5,000.

to replace

as a single unit

and does not lose its identity when incorporated into a more complex unit. When defining supplies for inventory purposes, no items will be counted whose total value is less than \$ 5,000. [The Federal threshold for a supply designation is \$5,000 regardless of length of useful life, however, the District may set an early acquisition cost level for designation as supply. Capital expenditures with a unit cost of \$5,000 or more require prior written approval of the Federal awarding agency or pass-through entity.]

It shall be the duty of the

Superintendent

Business Manager

to ensure that inventories are recorded systematically and accurately and property records of equipment are updated and adjusted annually by reference to purchase orders and withdrawal reports.

[] Major items of equipment shall be subject to annual spot check inventory to determine loss, mislocation, or depreciation; any major loss shall be reported to the Board.

[] Property records of consumable supplies shall be maintained on a continuous inventory basis.

The BUSINESS OFFICE shall maintain a system of property records which shall show, as appropriate to the item recorded, the:

- A. description and identification;
- B. manufacturer;
- C. year of purchase;
- D. initial cost;
- E. location;
- F. condition and depreciation;
- G. evaluation in conformity with insurance requirements.

Equipment acquired under a Federal award will vest upon acquisition to the District, subject to the following conditions:

- A. The equipment shall be used for the authorized purposes of the award project during the period of performance or until the equipment is no longer needed for the purposes of the project.
- B. The equipment shall not be encumbered without the approval of the Federal awarding agency or the pass-through entity.
- C. The equipment may only be used and disposed of in accordance with the provisions of the Federal awarding agency or the pass-through entity and Policy 7300 and Policy 7310, and AG 7310.
- D. Property records shall be maintained that include a description of the equipment, a serial number or other identification number, the source of funding for the equipment (including the Federal Award Identification Number (FAIN), title entity, acquisition date, cost of the equipment, percentage of Federal participation in the project costs for the award under which the equipment was acquired, the location, use, and condition of the equipment, and ultimate disposition data, including date of disposal and sale price of the equipment.
- E. A physical inventory of the property must be taken and results reconciled with property records at least once every two (2) years.
- F. A control system shall be developed to provide adequate safeguards to prevent loss, damage, or theft of the property. Any such loss, damage, or theft shall be investigated.
- G. Adequate maintenance procedures shall be implemented to keep the property in good condition.
- H. Proper sales procedures shall be established to ensure the highest possible return, in the event the District is authorized or required to sell the equipment/property.
- I. When original or replacement equipment acquired under a Federal award is no longer needed for the original project/program or for activities currently or previously supported by a Federal awarding agency, and except as otherwise provided by Federal statutes, regulations, or Federal awarding agency disposition instructions, the District shall request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment shall be made in accordance with the provisions of C.F.R. 200.313.

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2 C.F.R. 200.313

Book Policy Manual

Section Vol. 36, No. 1 - September 2021

Title Vol. 36, No. 1 - September 2021 Revised PUBLIC RECORDS

Code po8310

Status From Neola

Adopted January 19, 2004

Last Revised December 21, 2009

8310 - PUBLIC RECORDS

The Board of Education recognizes its responsibility to maintain the public records of this District and to make such records available to residents of Michigan for inspection and reproduction.

The public records of this District include any writing or other means of recording or retaining meaningful content prepared, owned, used, in the possession of, or retained by the District, its Board, officers, or employees, subject to certain exemptions according to the Michigan Freedom of Information Act (FOIA). The District shall not disclose the confidential address of a student or of an employee who has provided proper notice of a participation card issued by the department of the attorney general under the address confidentiality program act.

Any person may make a written request for any public records of the District. The person may inspect, copy, or receive copies of the public record requested. The District shall respond to such requests within five (5) working days after receipt unless otherwise agreed to in accordance with the Freedom of Information Act.

An individual may purchase copies of the District's public records upon payment of a fee. No original public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties. Neither the Board nor its employees shall permit the release of the social security number of an employee, student, or other individual except as authorized by law (see Policy 8350 and AG 8350).

Option #1

The Board authorizes the Superintendent to provide, upon written request, enhanced i.e. immediate access to any public record which the District has stored in an electronic database and is not confidential or exempt from disclosure by State or Federal statute. Such a record may be provided by means of a computer disk provided by the requestor, electronic mail, or a modem providing the requestor has paid the fee established for such transmission.

Option #2

The Board chooses not to provide for enhanced access to any of its public records.

[END OF OPTIONS]

[] The Board has determined that personal and confidential information provided to and retained by the District on parents, students, staff and others will be considered exempt from disclosure pursuant to a Freedom of Information Act request, unless advised specifically by the District's legal counsel that the particular information must be released. Such personal and confidential information shall include home addresses, telephone numbers, e-mail addresses or website pages (e.g. My Space, Facebook), except as they are specifically related to the operation of the schools, or specifically authorized for release by the individual, or the parent/guardian if the individual is a minor.

Nothing in this policy shall be construed as preventing a Board member from inspecting in the performance of his/her official duties any record of this District, except student records and certain portions of personnel records.

The Superintendent is authorized to dispose of correspondence on a daily basis including those transmitted by means of voice mail or E-mail, providing the message does not alter existing District records.

The Superintendent is responsible for transmission of data contained in the single record student data base established by the Michigan Department of Education. Such transmission shall be in accordance with procedures established by the _____ Intermediate School District and the Center for Educational Performance and Information (CEPI).

The Superintendent shall establish administrative guidelines to ensure proper compliance with the intent of this policy and the Freedom of Information Act.

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M.C.L. 15.231 et seq.

M.C.L. 445.81 et seq.

Michigan Federation of Teachers v. University of Michigan, 481 Mich. 657 (2008)

Book Policy Manual
 Section Vol. 36, No. 1 - September 2021
 Title Vol. 36, No. 1 - September 2021 Revised PERSONNEL FILES
 Code po8320
 Status From Neola
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8320 - PERSONNEL FILES

It is necessary for the orderly operation of the School District to prepare a personal information system for the retention of appropriate files bearing upon an employee's duties and responsibilities to the District and the District's responsibilities to the employee.

The Board of Education requires that sufficient records exist to ensure an employee's qualifications for the job held; compliance with Federal, State, and local benefit programs; conformance with District rules; and evidence of completed evaluations. Such records will be kept in compliance with the laws of the State of Michigan.

The District shall not disclose an employee's home address or contact information to a third party without the employee's written authorization.

The Board delegates the maintenance of an employee personal information system to the

- Superintendent.
- Business Manager.
- Assistant Superintendent for Personnel.
- _____.

A single central file shall be maintained, and subsidiary records shall be maintained for ease in data gathering only.

- and shall be destroyed annually.

Only that information which pertains to the professional role of the employee and submitted by duly authorized school administrative personnel and the Board may be entered in the official record file. Employees shall provide necessary information for their personnel files. If providing the requested information is optional, employees shall be informed of their right to decline to supply the information.

Employee medical records, including, but not limited to, insurance forms, medical certifications by a physician, and requests for leave or accommodation, shall not be maintained in the employee's personnel file and shall instead be maintained in a confidential medical file.

A copy of each such entry shall be given to the employee upon request.

- except for matters pertaining to pending litigation.

A copying cost will be charged for each copy given to the employee at his/her request at the rate determined by the _____.

An employee may review their personnel record upon written request.

~~[-]~~ The employee may periodically review their his/her file at reasonable intervals, generally not more than two (2) times in a calendar year or as otherwise provided by law or by a collective bargaining agreement. (IN CURRENT POLICY)

Personnel wishing to review their own records shall:

- A. request access in writing;
- B. ~~review the record in the presence of the administrator designated to maintain said records or designee;~~
- C. ~~make no alterations or additions to the record nor remove any material therefrom;~~
- D. ~~sign a log attached to the file indicating date and person reviewing.~~

Personnel records

shall be available to Board members and school administrators as may be required in the performance of their jobs.

shall not be available to Board members and school administrators except as may be required in the performance of their jobs.

The personnel files shall be reviewed annually and material no longer required shall be destroyed.

and no record shall be maintained of said destruction.

~~[-]~~ Any employee who inappropriately releases information, or uses confidential information for personal reasons, will be disciplined in accordance with established policies and procedures. If an employee is approached to provide information inappropriately, the employee must refuse to release the requested information in accordance with applicable procedures or refer the requestor to the employee's immediate supervisor.

~~Personnel wishing to review their own records shall:~~

- A. ~~(-) request access in writing;~~
- B. ~~(-) review the record in the presence of the administrator designated to maintain said records or designee;~~
- C. ~~(-) make no alterations or additions to the record nor remove any material therefrom;~~
- D. ~~(-) sign a log attached to the file indicating date and person reviewing.~~

Personnel wishing to appeal material in their record as to its accuracy, completeness, relevance, or timeliness shall make a request in writing to the administrator delegated to maintain the records and specify therein:

- A. name and date;
- B. material to be appealed;
- C. reason for appeal.
- D. _____.

The responsible administrator shall hear the appeal and make a determination within ninety (90) days of the appeal in accordance with law.

If the appeal does not resolve the disagreement, the employee may submit a written statement, not exceeding five (5) sheets of 8 1/2 inch by 11 inch paper, explaining the employee's position. This written statement shall be kept in the employee's file.

Records Retention

Generally, personnel files shall be maintained for the duration of the individual's employment with the District, plus six (6) years. Files maintained on employees who were cited for unprofessional conduct shall be maintained for the duration of employment plus fifty (50) years.

Medical files shall be maintained for the period during which the individual is employed by the District or receiving benefits, whichever is longer, plus seven (7) years.

Per the State of Michigan Records Retention and Disposal Schedule for Public Schools, 404A.

State of Michigan Records Retention and Disposal Schedule for Public Schools at 400A and 400B.

~~The Superintendent shall prepare administrative guidelines defining which personnel records are to be maintained and the procedures for their maintenance and review.~~

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M.C.L. 423.501 et seq

Book	Policy Manual
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8330 - STUDENT RECORDS

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

~~After June 26, 2021,~~ if the parent or legal guardian of a student provides the District with notice that s/he/they have received a participation card issued by the attorney general under the address confidentiality program act, the District shall not disclose the confidential address of the student, regardless of any other provision of this policy. The Superintendent, or his or her designee, shall develop a process to ensure that a student's participation in the address confidentiality program act is appropriately noted to avoid disclosure of this information to any person or entity.

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

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

- A. observations and ratings of individual students by professional staff members acting within their sphere of competency
- B. samples of student work
- C. information obtained from professionally acceptable standard instruments of measurement such as:
 - 1. interest inventories and aptitude tests,
 - 2. vocational preference inventories,
 - 3. achievement tests,
 - 4. standardized intelligence tests,

5. () _____

- D. () authenticated information provided by a parent or eligible student concerning achievements and other school activities which the parent or student wants to make a part of the record
- E. () verified reports of serious or recurrent behavior patterns
- F. () rank in class and academic honors earned
- G. () psychological tests
- H. () attendance records
- I. () health records
- J. () custodial arrangements

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

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

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

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

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

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

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

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

The Board authorizes the administration to:

- A. forward student records, including any suspension and expulsion action against the student, on request to a school or school district in which a student of this District seeks or intends to enroll upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;

- B. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a public school or school district in which a student in foster care is enrolled. Such records shall be transferred within one (1) school day of the enrolling school's request;
- C. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
- D. report a crime committed by a child with or without a disability to appropriate authorities and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education records and disciplinary records including any suspension and expulsion action against the student to the authorities and school officials for their consideration;
- E. release de-identified records and information in accordance with Federal regulations;
- F. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the District for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;

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

[NOTE: Districts without AGs should include the following paragraph] This written agreement must include: 1) specification of the purpose, scope, duration of the study, and the information to be disclosed; 2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; 3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and 4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed. **[END OF OPTION]**

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

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

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

[NOTE: the following sentence should be selected by districts with AGs] The District will verify that the authorized representative complies with FERPA regulations.

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

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

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

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

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

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

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

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

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

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

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

DIRECTORY INFORMATION

Each year the Superintendent shall provide public notice to students and their parents of the District's intent to make available, upon request, certain information known as "directory information." The Board designates as student "directory information":

- A. () a student's name;
- B. () address (except for students participating in the address⁶⁷ confidentiality program act);

- C. telephone number;
- D. date and place of birth;
- E. major field of study;
- F. participation in officially recognized activities and sports;
- G. height and weight, if member of an athletic team;
- H. height if member of an athletic team;
- I. weight, if member of an athletic team which requires disclosure to participate;
- J. dates of attendance;
- K. date of graduation;
- L. awards received;
- M. honor rolls;
- N. scholarships;
- O. telephone numbers for inclusion in school or PTO directories;
- P. school photographs or videos of students participating in school activities, events or programs;
- Q. _____.

[The following option should be selected if the Board assigns school email accounts to students per Policy 7540.03. *This option is provided to address potential confidentiality issues presented by Policy 7540.03 and is supported by Federal FERPA regulation 34 C.F.R. 99.37(d).]

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

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

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

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

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

Armed Forces Recruiting

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

If a student or the parent or legal guardian of a student submits a signed, written request to the Board that indicates that the student or the parent or legal guardian does not want the student's directory information to be accessible to official recruiting

representatives, then the officials of the school shall not allow that access to the student's directory information. The Board shall ensure that students and parents and guardians are notified of the provisions of the opportunity to deny release of directory information.

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

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

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

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

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

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

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

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

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

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

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

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

- A. college or other postsecondary education recruitment, or military recruitment;
- B. book clubs, magazines, and programs providing access to low-cost literary products;
- C. curriculum and instructional materials used by elementary and secondary schools;

- D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- E. the sale by students of products or services to raise funds for school-related or education-related activities; and
- F. student recognition programs.

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

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

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

The Superintendent shall also develop procedural guidelines for:

- A. () the proper storage and retention of records including a list of the type and location of records;
- B. () informing Board employees of the Federal and State laws concerning student records.

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

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

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

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Legal

M.C.L. 380.1135, 380.1136

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

34 C.F.R. Part 99, 2002

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

Title IV of Public Law 90-247

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

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

20 U.S.C. 7165(b)

26 U.S.C. 152

20 U.S.C. 7908

Book	Policy Manual
Section	Vol. 36, No. 1 - September 2021
Title	Vol. 36, No. 1 - September 2021 Revised PUBLIC PARTICIPATION AT BOARD MEETINGS
Code	po0167.3
Status	From Neola
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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.

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 shall be guided by the following rules:

A. Public participation shall be permitted

- as indicated on the order of business.
- before the Board takes official action on any issue of substance.
- at a time as determined by the presiding officer.

B. Anyone with concerns related to the operation of the schools or to matters within the authority of the Board may participate during the designated public participation portion(s) ~~public portion~~ of a meeting.

C. ~~()~~ Attendees must register their intention to participate in the public participation portion of the meeting

~~()~~ upon their arrival at the meeting.

~~()~~ within two (2) business days before the meeting.

~~()~~ within _____ business days before the meeting.

[DRAFTING NOTE: The time line for registration should be reasonably determined in consideration of the posting of the meeting agenda and should be consistently applied.]

D. ~~()~~ Individuals may not register others to speak during public participation.

E. ~~()~~ Participants must first be recognized by the presiding officer

and will be requested to preface their comments by an announcement of their name;

address;

() group affiliation, if and when appropriate.

F. () Each statement made by a participant shall be limited to _____ () minutes duration.

G. () During the portion of the meeting designated for public participation, no participant may speak more than once on the same topic unless all others who wish to speak on that topic have been heard. ~~No participant may speak more than once.~~

H. () Participants shall direct all comments to the Board and not to staff or other participants.

I. () The presiding officer may:

1. ~~() interrupt, warn, or terminate a participant's session when they make comments that are repetitive, obscene, and/or comments that constitute a true threat (i.e., statements meant to frighten or intimidate one (1) or more specified persons into believing that they will be seriously harmed by the speaker or someone acting at the speaker's behest); prohibit public comments which are frivolous, repetitive, or harassing;~~
2. ~~() interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;~~
3. ~~() request any individual to stop speaking and/or leave the meeting when that person behaves in a manner that is disruptive of the orderly conduct and/or orderly progress of the meeting;~~
4. () 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;
5. ~~() call for a recess or an adjournment to another time when the lack of public decorum so interferes with the conduct and/or orderly conduct of the meeting as to warrant such action;~~
6. () waive these rules.

() with the approval of the Board when necessary for the protection of privacy or the administration of the Board's business.

J. () The portion of the meeting during which the participation of the public is invited shall be limited to _____ minutes, but the timeframe will be extended, if necessary, so that no one's right to address the Board will be denied.

[] The Board may permit individuals to attend meetings remotely through live broadcast; however, public participation will be limited to those who are in attendance at the meeting site only. The Board is not responsible for any technology failures that prevent or disrupt any individual from attending remotely.

OR

~~[] The Board permits individuals who attend meetings remotely to participate in public participation, subject to the same rules that apply to individuals who attend in person. The Board is not responsible for any technology failures that prevent or disrupt any individual from attending and/or participating remotely.~~

AudioTape 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.

Legal

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