



*Regular  
Board Meeting*

*Board Room*

*September 18, 2023*



**Fruitport Community Schools**  
**BOARD OF EDUCATION MEETING**  
**Board Room**  
3255 E. Pontaluna Rd, Fruitport 49415  
**Monday, September 18, 2023 - 7:00 p.m.**

- I. CALL to ORDER**
- II. PLEDGE of ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. PRESENTATIONS**
- VI. COMMUNICATIONS**
- VII. SUPERINTENDENT/ADMINISTRATIVE REPORTS**
  - 1. Update on Athletic Conference Discussion
  - 2. Update on Grade 3-8 M-STEP Data / Special Education Data Portrait
  - 3. Update on Strategic Action Plan
    - i. Suicide Prevention Strategies and Action Plan
    - ii. MTSS Behavior Services and Student Support / Truancy Coordinators
  - 4. Post-graduation Informational Packet – MCL 380.1293
- VIII. REMARKS FROM THE PUBLIC\***

**IX. CONSENT AGENDA**

- 1. Approval of Bill Listing (attachment IX-1)

<u>Fund</u>	<u>Amount</u>
<b>General Fund:</b>	\$682,390.59
<b>Other Funds:</b>	
Early Childhood Center	\$811.05
Food Service	\$112,619.03
Cooperative Education (ISD) – Tech Millage	\$67,715.90
Capital Projects – Bond (2021)	\$25,685.00
<b>Total Bill List:</b>	<hr/> <b>\$889,221.57</b>

- 2. Acceptance of Monthly Financial Report (attachment IX-2)
- 3. Acceptance of Student Activity Summary Report (attachment IX-3)
- 4. Acceptance of Credit Card and Utilities Report (attachment IX-4)
- 5. Approval of Transfers and ACH Transactions Report (attachment IX-5)
- 6. Approval of Personnel Report (includes confirmation of new hires, resignations, retirees, and transfers) (attachment IX-6)
- 7. Approval of Regular Meeting Minutes from August 21, 2023 (attachment IX-7)

**X. GENERAL BOARD BUSINESS**

1. 2023-2024 Secondary Course Offerings / MCVA Course Catalog (attachment X-1)

**XI. BUSINESS & FINANCE COMMITTEE REPORTS & RECOMMENDATIONS  
Elroy Buckner, Chairperson**

1. Report of Committee Meeting held September 11, 2023 (attachment XI-1)
2. Fiber Installation Recommendation – 259 N. 3<sup>rd</sup> Ave. Fruitport (attachment XI-2)

**XII. PERSONNEL COMMITTEE REPORTS & RECOMMENDATIONS  
Steve Kelly, Chairperson**

1. Report of Committee Meeting held September 11, 2023 (attachment XII-1)
2. Construction Project / HVAC Project / Bond Stipends (attachment XII-2)

**XIII. STUDENT AFFAIRS COMMITTEE REPORTS & RECOMMENDATIONS  
Susan Franklin, Chairperson**

1. Report of Committee Meeting held September 11, 2023 (attachment XIII-1)
2. Thrun Law Firm Annual Policy Update: Second Reading (attachment XIII-2)

**XIV. BOARD MEMBER REPORTS AND DISCUSSIONS**

**XV. AGENDA ITEMS FOR FUTURE MEETINGS**

The Board will need to confirm the following dates and times:

1. Business & Finance Committee Meeting: October 9, 2023 at 6:00 p.m.
2. Personnel Committee Meeting: October 9, 2023 at 5:00 p.m.
3. Student Affairs Committee Meeting: October 9, 2023 at 5:30 p.m.
4. Board of Education Meeting: October 16, 2023 at 7:00 p.m.

**XVI. REMARKS FROM THE PUBLIC\***

**XVII. ADJOURNMENT**

\*Time is provided for members of the audience to address the Board of Education regarding any topic including items on the agenda. The Board is providing two opportunities for the public to comment during the meeting. The first is for people who wish to bring issues to the Board of Education for board consideration. At the end of the meeting, the Board will provide a brief opportunity for community members to comment on activities and/or discussion that took place during the Board meeting. Time limits may be placed if a large number of individuals would like to address the Board.

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

September 11, 2023

We decided to continue these discussions at the conclusion of our meeting on August 25th and scheduled our next meeting for September 29th. Please plan to attend this meeting to keep the momentum moving forward. I'll try to secure a meeting space at the MASA Fall Conference in the event we can get together while in Traverse City.

I spoke with Dave Feenstra after the August 25th meeting and shared the following information:

- Five (5) schools noted an interest in moving away from the conference immediately; however, it was determined doing so might not be in the best interest of our student athletes with only 5 schools committed.
- Four (4) other schools attending the meeting indicated an interest in continuing the conversations to explore options other than the OK Conference. There are additional schools that are interested if the process is not rushed.

Dave confirmed there are 2 options available to schools wishing to withdraw from the OK Conference. One option is a board of education can submit their interest in withdrawing from the conference. This option requires a 2-year notice made by June 30th, so schools utilizing this option would start in their new conference for the Fall 2026 season. The other option is to petition the OK Conference Executive Council for a variation from this timeline. This would require three-fourths (3/4) or more votes from the OK Conference Executive Council.

I indicated to Dave it was status quo at this time, but the schools would continue evaluating its options.

I look forward to reconnecting with you.

Sincerely,

Gerald Hopkins  
Superintendent  
Kenowa Hills Public Schools

**2022-2023 M-STEP Assessment Results**

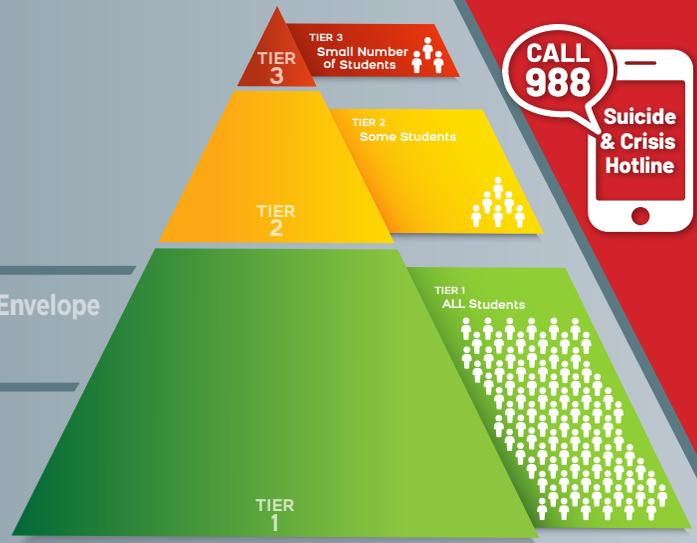
	State	MAISD	District		State	MAISD	District
<b>3rd Grade</b>				<b>4th Grade</b>			
ELA	40.9%	35.6%	43.5%	ELA	44.3%	38.7%	51.7%
Math	42.9%	36.2%	51.1%	Math	38.6%	30.8%	46.8%
<b>5th Grade</b>				<b>6th Grade</b>			
ELA	43.9%	36.1%	50.3%	ELA	37.5%	26.9%	32.8%
Math	31.5%	21.0%	32.3%	Math	29.6%	21.5%	25.0%
<b>7th Grade</b>				<b>8th Grade</b>			
ELA	36.9%	25.6%	31.1%	Science	37.4%	27.2%	45.8%
Math	31.0%	24.6%	27.5%	Social Studies	26.7%	19.8%	37.5%
<b>Legend:</b>							
Outperformed the State and MAISD Average Assessment Score.							
Outperformed the MAISD Average Assessment Score, but did not outperform the State Average.							
Did not outperform the State or MAISD Average Assessment Score.							

# Muskegon County Suicide Prevention Programs & Strategies



TIER 1: QPR • HOPE Squad • Be NICE • SafeTALK TIER 2: School Blue Envelope  
 TIER 3: CISM • HealthWest Psychological First Aid (PFA)

For more information, contact  
**Matt Johnson,**  
 Mental Health Systems Coordinator  
 mgjohnson@muskegonisd.org • 231-720-5255



PREVENTION

## QPR: Question, Persuade, Refer

**QPR** reduces suicidal behaviors by providing innovative, practical and proven suicide prevention training. This can be provided to staff, families, or high school students. This training focuses on risk factors, warning signs, and how to use the **QPR** steps to access help for a person contemplating suicide.

### Support

Training provided by **MAISD** staff

### Preparation

- Provide 1.25-1.5 hours for PD
- Universal training for all staff

## HOPE Squad

**HOPE Squad** is a peer-to-peer suicide prevention program. HOPE Squad members are nominated by their classmates as trustworthy peers and trained by advisors. The program reduces youth suicide through education, training, and peer intervention. *Reach out regarding payment requirement/options.*

### Support

6-hour training provided for “Advisors” who then train “selected” students

### Preparation

1 all-day training and meeting 30 mins/week with students

## Be NICE

When used effectively, the **Be N.I.C.E.** action plan - to notice, invite, challenge, and empower - encourages individuals to challenge themselves and others to seek appropriate professional help when they notice mental health changes or concerns

### Support

Training provided by **Be NICE** staff

### Preparation

A district/building liaison(s) is selected who champions the programming and action plan.

## SafeTALK

Learn and practice powerful, life-saving skills using a simple yet effective model. SafeTALK is evidence based and is recommended for anyone in the community. QPR laid the foundation of suicide prevention and SafeTALK brings us a little farther into the practice of saving lives.

### Support

HealthWest **SafeTALK** trained staff

### Preparation

3.5 hour training provided for staff/students

INTERVENTION

## School Blue Envelope

When an individual is contemplating suicide a standardized process is used and may include:

- Columbia Suicide Severity Rating Scale
- Stanley-Brown Safety Plan
- Refer to Community Health Partner or for hospitalization, depending on severity
- MiSafe Student model for after care coordination and integrating the student back to the classroom

**S-** Stay with the student

**A-** Access Help

**F-** Feelings: Validate their feelings

**E-** Eliminate safety risk

*\*Blue Envelope provides the structure, and training for staff within a school district to safely refer someone to a mental health professional to determine their level of risk.*

### Support

Level 1, Level 2, and Level 3 Advanced training provided by CoreWell Health School Blue Envelope Clinical Specialist

### Preparation

- Provide 2 hours for PD
- Training for administrators, counseling/mental health staff, SRO, athletic directors & trainers
- 1 hour condensed refresher training in year 2
- *Train the Trainer* for school champions in year 3 and beyond

POSTVENTION

## Critical Incident Stress Management (CISM)

**Crisis Contact: Matt Johnson (231-720-5255)** After a death by suicide, a CISM response serves as a postvention for those individuals impacted by the event. This process helps to normalize trauma responses, ventilate emotions, and identify individuals who need additional support, and connect them with the resources available. Multiple times per year CISM responders are invited to a county level meeting to debrief from crisis events, share what was learned, and discuss any trends.

### Support

Internal CISM trained staff. A countywide network of CISM trained responders can assist

### Preparation

- Provide 6 hours for PD
- Provide 3 hours for “Refresher” PD
- Training for “crisis” responders

## HealthWest Psychological First Aid (PFA)

**Crisis Contact: Kara Jaekel (231-724-3600-Mon-Fri/ 8am-5pm)**  
 (\*Call 231.722.HELP if immediate response is needed after hours)

HealthWest along with our community partners has a Psychological First Aid (PFA) team that responds to traumatic events in our county. PFA aims to reduce stress symptoms and assist in a healthy recovery following a traumatic event, natural disaster, public health emergency, or even a personal crisis.

*\*Coordinates with CISM responders to provide collaborative crisis response to our Muskegon County school districts.*

### Support

HealthWest and Community PFA trained staff can support throughout Muskegon County

### Preparation

Online training provided by [www.learn.nctsn.org](http://www.learn.nctsn.org) - In-person training, contact: [kara.jaekel@healthwest.net](mailto:kara.jaekel@healthwest.net)

## School Blue Envelope (Data Review)

Countywide data and clinical review meetings are held two times during the year to unite participating schools, share best practices, and review aggregate county SBE events data & trends. This reinforces strong prevention partnerships and allows counties to band together to reduce suicide, while also addressing gaps in the community from a unified approach. End of Year Data Review meetings will also be available to share building/district specific data with level 2 representatives to identify successes, areas for improvement and identify additional needs.

### Support

School Blue Envelope staff lead this meeting with level 2 district representatives

### Preparation

- Allow 1-2 level 2 trained staff to attend the meetings on behalf of each district



Annual Report

Documents & Forms

Emotional Health Resources

Fruitport Focus

Kindergarten Registration

School Menus

Student Portal

Teacher Pages

Safety and Drill Documentation

COVID-19 Information

Title IX Policy, Forms, and Training

Post Graduation Information

By no later than October 1 each year, the Board of Education shall ensure that the Superintendent provides, in electronic or non-electronic form, the informational packet made available to the school by the Department of Education to each pupil enrolled in grades 8 to 12. The informational packet may consist of a collection of links to web-based exploratory programs or written material shared in electronic form.

### Post Graduation Informational Packet

Fruitport Community Schools is excited to share tools that can help your child plan for their future after high school graduation. Click on the links below as a part of the informational packet provided to you by the District:

- [Pathfinder](#) is an online resource in Michigan that provides information about in-demand and sought-after careers, along with the credits and/or certifications that are needed to achieve them.
- [Xello](#) is an online platform that helps your child explore careers and track their progress in skills that line up with their career interests. Click on this link and log in to your child's account to begin exploring post graduation options.

In addition to these resources, the District has a world-class counseling department with incredible counselors who love serving students. They would be eager to meet with your child to help them map out their post-high school journey. Click on the links below to learn more about the services provided by our counseling departments.

- [Fruitport High School Counseling Office](#)
- [Fruitport Middle School Counseling Office](#)

With our students already receiving an excellent education, these tools complement our efforts to prepare them for impactful work post-graduation! Information contained in these links meets the requirement of MCL 380.1293.

**BOARD ACTION REQUEST FORM**

**Meeting Date:** September 18, 2023

To: Board of Education

Attachments # IX-1 through IX-7

From: Jason Kennedy

**Subject to be Discussed and Policy Reference:**

- Bill Listing
- Monthly Financial Report
- Student Activity Summary Report
- Credit Card and Utilities Report
- Transfers and ACH Transactions
- Personnel Report
- Regular Meeting Minutes – August 21, 2023

**Background Information:**

See attached

**Financial Impact:**

**Recommended Action:**

Approval of the Consent Agenda as presented.

**Action Taken:**

**Vote:** \_\_\_ Buckner      \_\_\_ Burgess      \_\_\_ Cole      \_\_\_ Franklin      \_\_\_ Hazekamp  
         \_\_\_ Kelly      \_\_\_ Meeuwenberg



**FRUITPORT COMMUNITY SCHOOLS  
BILL LIST  
Month of August 2023**

<b><u>FUND</u></b>	<b><u>AMOUNT</u></b>
GENERAL FUND	\$682,390.59
EARLY CHILDHOOD CENTER	\$811.05
FOOD SERVICE	\$112,619.03
COOPERATIVE EDUC (ISD) - TECH MILLAGE	\$67,715.90
CAPITAL PROJECTS (BOND)2021	\$25,685.00
<b>GRAND TOTAL</b>	<b><u><u>\$889,221.57</u></u></b>

Fruitport Community Schools Monthly Financial Report 8/31/2023

		GENERAL FUND	SCHOOL SERVICE FUNDS			CAPITAL PROJECTS					Totals
			Food Service	Tech/Security	ECC	Bldg & Site	Capital Projects 2021	2010	2017	2021	
<b>Beginning Fund Balance:</b>		5,089,704	432,824	582,640	713,947	1,534,325	5,449,435	142,624	639,207	117,048	
<b>Revenues:</b>											
Budgeted revenues:		38,563,198	1,585,296	557,500	866,500	-	-	-	-	-	
Actual revenues:											
	Jul.	37,208	-	-	68,957	18,309	17,109	5,047	15,862	3,965	166,456
	Aug.	335,172	-	8,174	68,067			89,929	282,642	70,649	854,632
Total Actual Revenues		372,380	-	8,174	137,024	18,309	17,109	94,976	298,503	74,614	1,021,088
Pro Rated budget Variance to date: Rev		6,054,820.17	264,216.00	84,743.13	7,392.83						
<b>Expenses:</b>											
Budgeted expenditures:		(38,956,169)	(1,739,666)	(318,410)	(1,021,305)	-	-	-	-	-	
Actual expenditures: ^											
	Jul.	(765,085)	(17,702)	(16,730)	(44,254)	(5,000)	46,657	-	-	-	(802,112)
	Aug.	(876,495)	(121,738)	(58,506)	(18,425)	(520,000)	(16,537)				(1,611,701)
Total Actual Expenses		(1,641,580)	(139,439)	(75,235)	(62,679)	(525,000)	30,121	-	-	-	(2,413,813)
Pro Rated budget Variance to date: Exp		(4,851,114.70)	(150,504.89)	22,166.91	(107,538.80)						
<b>Ending Balance to date:</b>		3,820,503	293,385	515,578	788,292	1,027,633	5,496,665	237,600	937,710		
<b>Projected Ending Balance:</b>		4,696,733	278,454	821,730	559,142	1,534,325	5,449,435	142,624	639,207		
<b>Revenues over (under) Expenses to date:</b>											(1,392,725)
^Fifth Third Bank auto deductions have been included in actual expenditure totals											

Fruitport Community Schools  
Student Activity Summary Report  
Month ending August 31, 2023

<b>Student Activity Sub Totals</b>	<b>BEGINNING BALANCE</b>	<b>NET CHANGE</b>	<b>ENDING BALANCE</b>
District Wide Student Activity Accounts	55,298.39	17,305.60	72,603.99
Beach Elementary Student Activity Accounts	20,815.73	98.00	20,913.73
Edgewood Elementary Student Activity Accounts	61,648.15	(285.00)	61,363.15
High School Class of Student Activity Accounts	7,254.47	-	7,254.47
High School Athletic Student Activity Accounts	77,105.43	4,536.37	81,641.80
High School Student Activity Accounts	239,189.75	(3,823.19)	235,366.56
Middle School Student Activity Accounts	38,925.70	1,035.65	39,961.35
Shettler Elementary Student Activity Accounts	28,704.00	-	28,704.00
Alt. High School Student Activity Accounts	600.44	-	600.44
Millionaire Party Accounts	15,981.47	8.80	15,990.27
<b>Total Student Activity Fund</b>	<b>\$ 545,523.53</b>	<b>\$ 18,876.23</b>	<b>\$ 564,399.76</b>

Credit Card and Utilities Detail  
For the month ending August 31, 2023

	July	August	September	October	November	December	January	February	March	April	May	June	Total
Utilities:													
<b>Consumers</b>	\$ 576.76	\$ 769.55											\$ 1,346.31
<b>Frontier</b>	\$ 46.82	\$ 46.89											\$ 93.71
<b>MISEC</b>	\$ 28,332.91	\$ 27,808.37											\$ 56,141.28
<b>Total Utilities</b>	\$ 28,956.49	\$ 28,624.81	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 57,581.30
Credit Cards:													
<b>General Fund</b>													\$ -
<b>Early Childhood</b>													\$ -
<b>Food Service</b>													\$ -
<b>Tech/Security Millage</b>													\$ -
<b>Capital Projects</b>													\$ -
<b>Student Activities</b>													\$ -
<b>Total Credit Card Charges</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

\*\*\*Credit cards are always a month behind

		August 2023 Transfers	
Payment Date	Debit Account Desc	Credit Account Desc	Amount
8/4/2023	Checking - General Fnd Inv - USD	Checking - Payroll - USD ***8/4/23 Payroll & ORS Transfer	\$ 780,774.81
8/9/2023	Checking - General Fnd Inv - USD	Checking - Payroll - USD ***Summer HSA Transfer	\$ 59,500.00
8/9/2023	Checking - General Fnd Inv - USD	Checking - General Account - USD ***MESSA Transfer	\$ 502,593.10
8/17/2023	Checking - General Fnd Inv - USD	Checking - General Account - USD ***General Account Low	\$ 300,000.00
8/17/2023	Checking - General Fnd Inv - USD	Checking - Payroll - USD ***8/18/23 Payroll, ORS, & 147c Transfer	\$ 1,231,714.14
8/30/2023	Checking - General Account - USD	Checking - Trust and Agency - USD Misc Items - General Fund owes Trust & Agency	\$ 1,248.70
8/30/2023	Checking - Trust and Agency - USD	Checking - General Account - USD ***Misc Items - Trust & Agency owes General Fund FY23	\$ 81,687.61
8/31/2023	Checking - General Fnd Inv - USD	Checking - Payroll - USD ***9/1/23 Payroll & ORS Transfer	\$ 895,546.69
		Total Transfers in August	<u>\$ 3,853,065.05</u>

## **Personnel Report – September 18, 2023**

It is recommended that the following candidates be offered contracts and/or salary increases pending final approval from the Board of Education:

Christina Eckert – Food Service (Middle School)  
Patrick Everett – Food Service (High School)  
Megan Herrema – Cook/Server (High School)  
Courtney Moe – Instructional Assistant (Edgewood / ASD Program)  
Clara Moore – Volleyball Assistant Coach (Middle School)  
Mia Ramos – Instructional Assistant (Middle School)  
Ethan Reynolds – Physical Education (High School and Edgewood)  
Elisa Rosenberger – Food Service (High School)  
James Sherill – Student Support Specialist (District)  
Taylor Thelen – Instructional Assistant (Edgewood)  
Wendy Wineland – Elementary Special Education Teacher (Beach/Shettler)  
Kristen Worst – Instructional Assistant (Edgewood)

The following staff members will Resign/Retire/Reduce Hours/Transfer:

None

The following positions are currently posted:

Special Education Resource Room Teacher  
Student Support Specialist Assistant  
Instructional Assistant – Multiple Positions  
Bus Driver  
Bus Aide  
Noon Supervisor  
Year Round Child Care Assistant  
Year Round School Age Care and Summer Fun Camp Assistant  
Central Receiving Specialist

# Memo

To: FCS Board of Education  
From: Allison Camp, Curriculum Director  
Date: August 24, 2023  
Re: Recommendation for Hire

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On August 21, Christian Doctor, Shaun Danicek, and myself interviewed 3 candidates for our open Physical Education position at Edgewood and FHS. We brought 2 of those candidates back for a 2<sup>nd</sup> round teaching interview on August 24 for a teaching interview with Christian, Shaun and Kim Smith (FHS). After much consideration, the team offered the position to Ethan Reynolds. Ethan will graduate from Grand Valley State University in the winter. We are very excited to have Ethan join the FCS team!

# Ethan Reynolds

17139 Birchview Dr. Nunica, MI 49448 | 616-490-4062 | ethanreynolds4134@gmail.com |

## Objective:

*To teach and care for students with enthusiasm and motivate them to succeed in their goals; to provide leadership for students; and to instill a passion for healthy living and physical movement in students, coworkers, and members of the community.*

## EDUCATION

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**Grand Valley State University**, Allendale, MI

*Anticipated Graduation: December 2023*

*Bachelor of Science*

Overall GPA: 3.7

Major: Health and Physical Education, Education

**Mid Michigan Community College**, Mt. Pleasant, MI

*August 2018- May 2020*

*Associates Degree*

Overall GPA: 3.7

## RELEVANT EXPERIENCE

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**Whitehall Middle School**, Whitehall, MI

April 2023 – June 2023

Baseball Coach

- Created weekly practice plans
- Communicated with parents
- Worked 1-on-1 with athletes to improve baseball skills

**Alward Elementary**, Hudsonville Public Schools

January 2023 – April 2023

Teacher Apprenticeship

- Assist my host teacher, Alison Johnson, with day-to-day activities and lessons
- Monitor student's behaviors and support students 1 to 1
- Practice writing and teaching lessons in an authentic gym setting

**EDUStaff**

October 2022-June 2023

Substitute Teacher

- Substitute taught for various classes K-12
- Followed and taught the provided lesson plans
- Monitored student behavior and practiced classroom management

**Spring Lake Country Club**, Spring Lake, MI

June 2020-August 2020

Summer camp leader

- Organized daily activities for children ages 4-10
- Engaged children in healthy outdoor recreational activities

**Camp Jubilee (Christian Summer Camp)**

August 2019 and 2020

Beechwood Hills Christian Camp, Hopkins, MI

- Overnight camp counselor to a group of 9-13-year-old boys

- Organized scheduled activities

**Allshores Church**, Spring Lake, MI

2014-2018

Sunday School leader

- Followed and taught weekly lessons
- Managed groups of children between the ages of 4-10

## ADDITIONAL WORK EXPERIENCE

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### **Jaeco Construction**

May 2022 – August 2022

*Worker*

- Built concrete forms for driveways, patios, basements, and sidewalks
- Demolished old concrete
- Poured and finished concrete jobs
- Worked with a team

### **Teatime Cafe**, Allendale, MI

January 2020 – May 2023

*Chef*

- Cut, cooked, and prepared foods
- Trained new workers
- Worked with a team of employees
- Interacted with and served customers

### **Lincoln Golf Club**

June 2020 – September 2022

*Bartender*

- Served drinks and prepared food
- Semi-private club – memorized many names of consistent customers
- Interacted and cooperated with many guests at once

### **Seif Lawn Care**

May 2019 – August 2019

*Landscaper*

- Helped design and finish landscapes
- Spread mulch, cut grass
- Worked with a team

### **Jump Station**

October 2019 – March 2020

*Team Member*

- Handled and counted money
- Interacted with customers and monitored kids on trampolines
- Clean/ Maintenance

### **Walker Car Wash**

June 2016 – March 2020

*Worker*

- Washed cars, cleaned tunnel
- Handled and counted money
- Interacted with customers

## ADDITIONAL SECTIONS –

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### HONORS/ACTIVITIES-

#### SHAPE conference

- I am a member of SHAPE Michigan and attended the SHAPE conference in 2022 (Traverse City)

#### HPE Club

- Active in attending and planning events for the Health and Physical Education club at GVSU

#### Dean's List

- Have been on the Dean's list multiple times throughout high school and college

#### Athlete

- 4-year varsity baseball player at Coopersville High School and 2 years of community college baseball on an athletic scholarship
- 4-year varsity tennis player at Coopersville

### HOBBIES/INTERESTS

- Athletics
- Fitness and Nutrition
- Working/Volunteering with kids
- Coaching

## REFERENCES –

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#### **Ed Kaman**

PE teacher/head football coach  
Coopersville High School  
198 East St.  
Coopersville, MI 49404  
616-299-4509 / ekaman@capk12.org

#### **Alison Johnson**

PE Teacher  
Alward Elementary (Hudsonville)  
3811 Port Sheldon St  
Hudsonville, MI 49426  
616-460-7643 / ajohnson@hpseagles.net

#### **Dave Goodrich**

Health and PE Teacher  
Whitehall District Schools.  
3100 W White Lake Drive.  
Whitehall, MI, 49461  
231-740-4395 / davegoodrich@whitehallschools.net

#### **Emily MacArthur**

School Social Worker  
Whitehall High School  
3100 W White Lake Dr.  
Whitehall, MI 49461  
(231)740-8070/emilymacarthur@whitehallschools.net

# Memo

To: FCS Board of Education  
From: Allison Camp, Curriculum Director  
Date: September 14, 2023  
Re: Recommendation for Hire

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On July 11, Greg Bodrie and I interviewed 2 candidates for the Behavior Services position. From that interview process, James Sherrill showed promise as someone for the yet to be posted Student Support Specialist position. Once we had that position posted, we brought James as well as 2 other candidates back for another round of interviews on July 25 with Greg Bodrie, Lauren Chesney, Rob Rogers, Jason Kennedy and I. After that process, I am excited to recommend James for hire as our Student Support Specialist. In this role, he will work to build attendance and truancy processes as a part of our MTSS work. Additionally, he will work with the secondary buildings to run small group counseling for students who have been identified as having issues with substance abuse.

James has earned a Bachelor's Degree in Elementary Education from Greenville College and a Master of Science Degree in Counseling from the University of Phoenix. He is a Licensed Professional Counselor and is a Certified Advanced Alcohol and Drug Counselor.

# James Sherrill

Fruitport, MI 49415

[jamessherrill34\\_ude@indeedemail.com](mailto:jamessherrill34_ude@indeedemail.com)

+1 231 215 0923

Authorized to work in the US for any employer

## Work Experience

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### **Clinical Supervisor**

Hope Network, Harbor Point - Nunica, MI

April 2023 to Present

Clinical supervisor of a team of clinicians and case managers in an adult, severe and persistent mental illness, residential treatment program. Oversight of clinical documentation and practices, individual case management and group facilitation.

### **Staff Development Trainer**

Wedgwood Christian Services - Fruitport, MI

September 2020 to Present

As in-house trainer I lead classroom and in-line instruction for staff development. As of August 2021 classes taught include Motivational Interviewing for both clinician and direct care residential staff, and co-occurring disorders training for clinical and direct care residential staff.

### **Owner/Counselor**

James Sherrill, LLC, & Reconciliation Counseling Services - Fruitport, MI

2010 to Present

Owner and primary Therapist/Counselor I am responsible for all marketing, accounting, bookkeeping and counseling duties. Therapeutic tasks include assessment, diagnosis, treatment planning, counseling sessions

(individual, couple, family and group), record keeping and discharge.

### **Clinical Manager of Outpatient Services (Hope Partners)**

Hope Network - Grand Rapids, MI

November 2022 to March 2023

Supervise a team of up to six case managers and six therapists. Lead team professional development and training (Jan 2023 five part Motivational Interviewing). Monthly clinical staff professional supervision. Regular professional consultation. Recruit and hire team members. Program closure on March 31st, 2023.

### **Limited License Professional Counselor's Supervisor**

Wedgwood Christian Services - Fruitport, MI

September 2020 to November 2022

Professional supervision for all clinical staff with LLPC licensure to meet the requirements for full licensure. Group and individual plus on-call availability for all Wedgwood LLCs.

### **Clinical Staff Peer supervisor**

Wedgwood Christian Services - Fruitport, MI  
September 2020 to November 2022

Facilitated bi-weekly staff meeting for clinicians. Meetings to include training and professional development, implementation of organization-wide changes to policies and procedures, and professional support.

### **Clinician/Counselor, Adolescent Substance Use Disorder**

Ottawa Juvenile Court Program, Wedgwood Christian  
2017 to November 2022

As a Substance Use Disorder Clinician in the Ottawa Juvenile Court program I took referrals from the court workers and probation officers. Starting with assessment, through treatment planning, Intensive Outpatient Group leading and drug screening I worked with young men and women age 10-18 who were on probation or court involved. I was also responsible for court testimony and reports and family sessions. Certifications earned/training completed; CAADC, Trauma Focused Cognitive Behavioral Therapy, Motivational Interviewing, Seeking Safety, Global Assessment of Individual Needs (GAIN) certification.

### **Classroom Instructor**

Access Health - Muskegon, MI  
2015 to 2020

Leading hour-long educational classes to facilitate more proactive health decisions and behaviors. As a guest instructor I developed and presented classes such as Understanding Depression and Anxiety, Understanding Addictions, Sleep: What is it and How do I Get More of It, and Workplace Stress Management.

### **Group Counselor**

Recovery Cooperative of Muskegon  
2012 to 2016

Facilitator for two weekly groups; Men's Group and Dual Disorders (co-occurring SUD and MH)

### **Secretary of the Board, Board of Directors, Recovery**

Cooperative of Muskegon  
2012 to 2016

The Recovery Cooperative of Muskegon is a drop-in center for people with a mental illness. As a member of the Board of Directors I was one of seven elected and volunteer leaders who oversaw the general leadership of the center. Secretary duties include record keeping maintenance of board functions and occasional direction of board meetings. Secondary duties include serving of the center Policy Committee and Executive Committee.

### **Intern Counselor**

Webster House Youth Services  
2009 to 2010

During my internship I worked with Homeless and Runaway youth of Muskegon County, ages 8 to 21 years of age. Responsibilities included individual and family therapy, individual assessments, treatment planning and diagnosis. Highlights of my internship included working with a family for three months to

overcome interpersonal communication difficulties, helping runaway youth to return home, and serving homeless young adults as a therapist and life coach while they worked to gain independence.

## Education

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### **Master's**

University of Phoenix - Grand Rapids, MI  
2007 to 2010

### **Bachelor's in Elementary Education**

Greenville College - Greenville, IL  
2002 to 2005

## Skills

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- Cognitive Behavioral Therapy (10+ years)
- Motivational Interviewing (10+ years)
- Group Therapy (10+ years)
- Crisis Intervention (10+ years)
- Individual / Group Counseling (10+ years)
- Behavioral Therapy (10+ years)
- Social Work
- Trauma Focused Cognitive Behavioral Therapy (3 years)
- Presentation Skills (10+ years)
- Addiction Counseling (8 years)
- Intake Experience
- Child & Family Counseling (10+ years)
- Mental health counseling
- Psychotherapy
- Mental health counseling
- Behavioral health
- Supervising experience
- Meeting Facilitation
- Curriculum Development
- Crisis Management
- Program Development
- PTSD Care
- Case Management

## Certifications and Licenses

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### **Trauma Focused Cognitive behavioral Therapy (TFCBT)**

## **Certified Advanced Alcohol and Drug Counselor (CAADC)**

### **LPC**

## **Substance Use Disorder Counseling Certification**

### Assessments

---

#### **Electronic Health Records: Best Practices — Highly Proficient**

August 2020

Knowledge of EHR data, associated privacy regulations, and best practices for EHR use

Full results: [Highly Proficient](#)

Indeed Assessments provides skills tests that are not indicative of a license or certification, or continued development in any professional field.

## **Wendy B. Wineland**

6766 Bryant Road  
Ludington, Michigan 49431  
269.519.7978  
wendy.wineland66@gmail.com

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August 2023

Dear Human Resources Director,

Please allow me to introduce myself! My name is Wendy Wineland, I am a highly skilled and passionate educator with 30 plus years of experience. I hold a B.S. degree with a double major in Elementary Education and Language Arts from Andrews University, a master's degree in Curriculum and Instruction with an emphasis in reading from Grand Canyon University, and a Special Education (cognitive impairment) license.

As a professional educator I strive daily to meet the needs of all students and families emotionally as well as academically. I care deeply for each student and my desire is that each one feels loved and welcomed. Students have backgrounds that may or may not be conducive to learning. When I interact with them, it is imperative that they are in a safe, consistent, and loving atmosphere where they can feel good about being and learning.

I have spent most of my career in the general education setting but have recently finished the class requirements for special education and received my State of Michigan special education interim license. Having a strong background in curriculum and instruction, emphasis reading and now a special education license gives me a valuable and unique opportunity to guide, instruct, and support educators and students in both the general and special education setting.

My resume will provide you with an overview of my relevant experience and training. I wish to build on these achievements and become part of a dynamic team of educators that continually strive to help and support students and families as well as improve their own educational knowledge.

As you consider my resume and references, I believe that you will find some of my key qualifications and strengths to include:

- Enthusiastic, creative, and innovative.
- Caring and kind with students and parents.
- Excellent communication and interpersonal skills with students, parents, and colleagues.
- Conscientious, punctual, dedicated, and willing to learn.
- Passionate about education.

I welcome the opportunity to participate in a personal interview to answer any questions you may have and better present my qualifications. Please contact me via email or cell phone at your convenience. Thank you for your time and consideration in this matter.

Sincerely,

*Wendy B. Wineland*

# Wendy B. Wineland

6766 Bryant Road Ludington, Michigan 49431

269.519.7978

wendy.wineland66@gmail.com

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## OBJECTIVE

Become an integral team member with the Fruitport Public Schools as a special education resource room teacher.

## EDUCATION

### #TEACH

Plymouth, Michigan

2023: Special Education: Cognitive Impairment

Grand Canyon University

Phoenix, Arizona

2007: Master of Education Curriculum & Instruction: Reading

Andrews University

Berrien Springs, Michigan

1990: Bachelor of Science in Elementary Education/  
Language Arts

## PROFESSIONAL EXPERIENCE

2021-2023: West Shore Educational Service District

Ludington, Michigan

2022-Present: Early childhood special education teacher  
consultant and teacher

2021-2022: Substitute teacher and paraprofessional

2020-2021: Benton Harbor Area Schools

Benton Harbor, Michigan

2020-2021: Academic Interventionist/Literacy Coach

1999-2020: Village Elementary School

Berrien Springs, Michigan

1999-2020: Second Grade Teacher

1990-1999: Edwardsburg Public School District

Edwardsburg, Michigan

1997-1999: Fourth Grade Teacher

1995-1997: Third-Fourth Grade Looping Teacher

1992-1995: Third Grade Teacher

1990-1992: Kindergarten Teacher

## CERTIFICATION

State of Michigan: Professional Teaching Certificate

Elementary K-5 All Subjects

K-8 All Subjects in self-contained classroom (ZG)

Language Arts (BX) K-8

State of Michigan: Interim Teaching Certificate

Special Education Cognitive Impairment (SA)

# COURTNEY MOE

301 W. Hile · (231)215-9265  
[courtney.chester@hotmail.com](mailto:courtney.chester@hotmail.com)

I am currently enrolled with Michigan Teachers of Tomorrow, working on my masters in special education. I received my bachelors in *Comp Sci & Arts for Teaching-BS* this past December from Grand Valley State University. I knew I wanted to be a teacher as young as fourth grade. I have been working, and volunteering, in schools since I was a junior in high school. I just finished the 21/22 school year being a premier substitute for Fruitport Public Schools. For the last six months I spent every day that school was in session in an elementary classroom. My favorite classrooms to be in were the ECSE classroom and the MOCI classroom. I enjoy working with student who need extra help, who I see great thing in.

## EXPERIENCE

**AUGUST 2022– NOVEMBER 2022**

**LEAD TEACHER, MAISD**

Lesson planning, working on goals, team participation. Caring for students who are three and four years old. Prepping activities. Doing trainings

**JANUARY 2022– JUNE 2022**

**SUBSTITUTE, EDUSTAFF**

Taking jobs in schools filling in for teachers and paraprofessionals. Following schedules and lesson plans. Taking on the responsibilities of someone who cannot be there.

**2020 – 2021**

**LEAD TEACHER, TREE HOUSE CHILD CARE CENTER**

Caring for children as young as six weeks and as old as four. Changing diaper, preparing lunch, and creating lesson plans are only a few of my responsibilities. Preparing young children for success socially, emotionally, physically, and intellectually by partnering with families and serving as a gateway to seamless community-based and educational services.

**2017 – 2020**

**FRESH ASSOCIATE, WALMART**

Stocking, labeling and organizing multiple departments to allow to shop efficient. Inventory management.

**AUGUST 2019 – DECEMBER 2019**

**CHILDCARE, MONA SHORES**

Preparing young children for success socially, emotionally, physically, and intellectually by partnering with families and serving as a gateway to seamless community-based and educational services.

**2015 – 2017**

**LEAD TEACHER, MICHIGAN DUNES MONTESSORRI**

Caring for children as young as six weeks and as old as two. Changing diaper, preparing lunch, and creating lesson plans are only a few of my responsibilities.

## EDUCATION

2017 -2017

**BACHOLORS**, GRAND VALLEY STATE UNIVERSITY

Bachelor of Science

College

College of Liberal Arts and Sciences

Major

Comprehensive Science & Arts for Teaching

MAY 2017

**ASSOCIATES IN APPLIES SCIENCE**, MUSKEGON COMMUNITY COLLEGE

My major was Early Child Education- Instructional Assistances in Special Education with my Associates in Applied Science

## SKILLS

- Organization
- Leadership
- Decision Making
- Quick feet
- CPR certification
- Computer skills
- Creative thinking
- Teamwork
- Creating strategic plans

## ACTIVITIES

Becoming a teacher has been a dream of mine as long as I can remember. I have worked and volunteered in school for many years. While in college I was involved in many school-based programs. Such as, but not limited to, STEPS camp and family math night. I am CPR certified, along with many other school related trainings. I always look for new trainings to educate myself. I enjoy being outside and doing activities with others. Currently I work at Yodels for the summer while looking for a position in a school this coming fall. I have had a few odd jobs but I am ready to find my career.

# Mia Ramos

Muskegon, MI 49444

[miaramos9\\_c78@indeedemail.com](mailto:miaramos9_c78@indeedemail.com)

+1 231 246 0787

Experienced Office Coordinator providing detailed documentation, reporting and data tracking. Talent for handling various administrative needs and activities.

History of elevating customer experiences, improving operations and increasing service quality and performance.

## Work Experience

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### **National Sales Coordinator**

Source One Digital - Muskegon, MI

July 2021 to September 2022

- Gathered and organized materials to support operations.
- Received and responded to customer requests via letters, emails, telephone calls and in-person interactions.
- Entered data, generated reports and produced tracking documents.
- Coached employees through day-to-day work and complex problems.

### **Club Host/Bartender**

VFW Post 3195 - Muskegon, MI

October 2016 to March 2020

- Performed opening and closing duties, printing sales reports, setting up for incoming shift, preparing cash drawers and taking inventory.

### **Production Assembler**

G.A. Richards - Spring Lake, MI

September 2016 to March 2020

- Kept work areas clean, organized and safe to promote efficiency and team safety.
- Worked different stations to provide optimal coverage and meet production goals.
- Reviewed project specifications and drawings prior to assembling complex components to better understand assignments and expected deadlines.

### **Home Health Aide**

Lisa Anderson, Charles Belinger - Muskegon, MI

January 2008 to April 2018

- Assisted patients with dressing, grooming and feeding needs, helping to overcome and adapt to mobility restrictions.
- Traveled to clients' homes to complete healthcare services and promote continuity of care.
- Provided mobility assistance such as walking and regular exercising.
- Completed entries in log books, journals and care plans to accurately document and report patient progress.

## **Machine Operator**

Herman Miller - Spring Lake, MI

June 2014 to August 2016

- Operated machining equipment safely with team of operators.
- Complied with company and OSHA safety rules and regulations.
- Set up and ran machinery to produce exceptional products for industrial needs.
- Monitored machines during operation to detect sounds of malfunction or excessive vibration and adjusted machines to eliminate problems.

## Education

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### **High School Diploma**

Clarksville High School - Clarksville, TN

June 1998

## Skills

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- Flexible and Adaptable
- Self-Motivated
- Team building
- Dependable and Responsible
- Data Entry
- Clerical Support
- Home Care
- Bartending
- Host/Hostess
- Machining
- Typing
- Computer operation

## Assessments

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### **Security guard skills — Proficient**

May 2023

Assessing risks, enforcing security standards, and handling complaints

Full results: [Proficient](#)

### **Sales skills — Proficient**

April 2023

Influencing and negotiating with customers

Full results: [Proficient](#)

### **Management & leadership skills: Impact & influence — Proficient**

April 2023

Choosing the most effective strategy to inspire and influence others to meet business objectives

Full results: [Proficient](#)

**Work style: Reliability — Proficient**

May 2023

Tendency to be reliable, dependable, and act with integrity at work

Full results: [Proficient](#)

Indeed Assessments provides skills tests that are not indicative of a license or certification, or continued development in any professional field.

# Taylor Thelen

## **Registered Behavior Technician**

Muskegon, MI 49441

[taylorthelen5\\_xak@indeedemail.com](mailto:taylorthelen5_xak@indeedemail.com)

+1 231 220 7493

Hard working team player. Follows and takes direction well. I enjoy making life easier for those around me and doing what I can to help others.

Authorized to work in the US for any employer

## Work Experience

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### **Registered Behavior Technician (RBT)**

HealthWest - Muskegon, MI

March 2021 to Present

Behavior Technicians work with clients diagnosed with autism based on the principles of Applied Behavior Analysis. Main job duties include providing one-on-one ABA therapy to clients aged 18months-26 years old, taking, analyzing, and entering data, writing clinical notes, cleaning and organization of office.

### **Applied Behavior Analysis Technician**

HGA Support Services - Muskegon, MI

March 2019 to March 2021

Behavior Technicians work with clients diagnosed with autism based on the principles of Applied Behavior Analysis. Main job duties include providing one-on-one ABA therapy to children aged 18 months- 26 years, taking, analyzing, and entering data, writing clinical notes, and cleaning and organization of office space.

### **Cashier/Lifeguard**

Planet 3 Extreme Air Park - Muskegon, MI

June 2018 to March 2019

Delivered an exceptional level of service to each customer by listening to concerns and answering questions. Tallied the cash register at the end of each shift and ensured that there was cash in the till for the next cashier on shift. Provided professional and courteous service at all times. Unboxed new merchandise. Worked with customer service to resolve issues. Maintained store areas in a neat and clean fashion for a professional appeal. Worked overtime shifts during busy periods or times of unexpected high volume. Cleaned and organized register counters.

### **Teacher Aide**

Reeths Puffer Elementary School - Muskegon, MI

August 2017 to June 2018

Applied the positive reinforcement method to redirect negative behaviors. Assisted 4 children per station during small group learning periods. Conducted small group and individual classroom activities based on differentiated learning needs. Encouraged students to be understanding of and helpful to others.

Supplied one-on-one attention to each student, while maintaining overall focus on the entire group.

### **Ride Operator**

Michigan's Adventure - Muskegon, MI  
April 2017 to August 2017

Operate rides for young children. Clean and organize ride stations. Keep track of riders and the amount of times the ride was operator.

### **Cashier/Waitress**

Chuck E. Cheese's - Muskegon, MI  
March 2017 to May 2017

Up-sold additional menu items, beverages and desserts to increase restaurant profits. Took necessary steps to meet customer needs and effectively resolve food or service issues. Prepared and served beverages such as coffee, tea and fountain drinks. Quickly and efficiently processed payments and made accurate change. Carefully maintained sanitation, health and safety standards in all work areas. Frequently washed and sanitized hands, food areas and food preparation tools. Maintained a neat, well groomed appearance including impeccable personal hygiene, hair restraint and minimal jewelry that met company standards. Worked well with teammates and openly invited coaching from the management team. Took initiative to find extra tasks when scheduled duties were completed.

### **Merchandise Associate**

Michigan's Adventure - Muskegon, MI  
June 2016 to August 2016

Designed displays to make the store experience interactive and engaging. Arranged items in favorable positions and areas of the store for optimal sales. Provided professional and courteous service at all times. Unboxed new merchandise.

## Education

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Reeths-Puffer High School - Muskegon, MI  
September 2014 to May 2018

### **High School Diploma**

College Preparatory

## Skills

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- Detail-oriented
- Fast learner
- Team player
- Multitasking
- CPR/AED (5 years)
- Applied Behavior Analysis (3 years)

- Autism Experience (3 years)
- Experience with Children (4 years)
- Data Collection

## Certifications and Licenses

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### **Registered Behavior Technician**

May 2022 to May 2024

Behavior Technicians work with clients diagnosed with autism based on the principles of Applied Behavior Analysis.

## Assessments

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### **Medical receptionist skills — Proficient**

August 2023

Managing physician schedules and maintaining accurate patient records

Full results: [Proficient](#)

### **Administrative assistant/receptionist — Proficient**

August 2023

Using basic scheduling and organizational skills in an office setting

Full results: [Proficient](#)

Indeed Assessments provides skills tests that are not indicative of a license or certification, or continued development in any professional field.

# Kristen Worst

Fruitport, MI

[kristenworst7ijiv\\_653@indeedemail.com](mailto:kristenworst7ijiv_653@indeedemail.com)

+1 616 510 6780

I have 15+ years experience, working with children, in a variety of roles, including; gymnastics coach, childcare, preschool assistant and lead teacher, paraprofessional and math and reading interventions.

## Work Experience

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### **Paraprofessional**

Timberland Charter Academy - Muskegon, MI

October 2020 to Present

- I work in a K-8 Charter school, working with children who come from trauma backgrounds.
- I provide math interventions, mainly working with 3-5 graders, but have worked in all grade levels, doing Bridges Math Interventions and Reading Mastery.
- I am part of our Behavior Tag Team. We are a group, who works on building positive relationships and a positive school culture, through PBIS, CKH, and SEL language and programs.
- My lunch duty coverage included lower EI, upper EI, and middle school.
- I work closely with our math coach and teachers, to provide students the best support they need.

### **Lead Preschool Teacher and coach**

Tri-Cities Family YMCA - Grand Haven, MI

September 2008 to August 2020

- I began my career at the Y, through coaching gymnastics.
- I moved into our preschool program, in 2014, as a teacher assistant.
- My role included assisting the lead teacher, providing help to students, and helping with bathroom needs, as needed.
- After completing my degree, I moved into the role of lead teacher.
- I developed and delivered lesson plans, based on the Creative Curriculum.
- I provided a safe and nurturing environment for my students.

## Education

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### **Associate of Applied Science in Child Development**

Muskegon Community College - Muskegon, MI

September 2015 to May 2018

## Skills

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- Childcare
- Gymnastics
- Dancing

- Classroom Management
- Teaching
- Experience with Children
- Math
- Experience Working With Students
- Applied Behavior Analysis
- Early Childhood Education
- Toddler Care

## Certifications and Licenses

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### **Child Development Associate Certification**

June 2018 to June 2021

Along with my Associates of Applied Science, in Child Development, I received my CDA credential, by demonstrating competence in working with young children.



Fruitport Community Schools  
**REGULAR BOARD MEETING MINUTES**  
Monday, August 21, 2023 – 7:00 p.m.

**Meeting Location:**

Fruitport Community Schools Central Office  
Board of Education Meeting Room  
3255 E. Pontaluna Rd.  
Fruitport, MI 49415

- I. **CALL TO ORDER:** The Regular meeting of the Board of Education was called to order at 7:00 p.m. by Board President, Dave Hazekamp.
- II. **ROLL CALL:** Present – Elroy Buckner, Tim Burgess, Kris Cole, Susan Franklin, Dave Hazekamp, Steve Kelly, and JB Meeuwenberg.
- III. **APPROVAL OF AGENDA**  
  
Item 23-140. MOTION by Cole, SECOND by Franklin to approve the agenda, as presented  
  
MOTION CARRIED: 7-0.
- IV. **PRESENTATIONS:** None
- V. **COMMUNICATIONS:** None
- VI. **SUPERINTENDENT/ADMINISTRATIVE REPORTS:**

- **Fall 2022 and Spring 2023 Audit Narrative and Confirmation Request**

Superintendent Kennedy provided the Board with a copy of the Fall 2022 and Spring 2023 Audit Narrative and Confirmation Request from the Pupil Membership Auditors. No issues were identified in either of the audits, no FTE reductions were made to the counts submitted by the District, and our staff was commended for their effort in completing the audit process. Jessica Wiseman was publicly acknowledged by the District for her leadership of the audit process.

- **2022-2023 End of Year Reports**

Superintendent Kennedy provided the Board with a copy of the year end report for athletics, as submitted by athletic director Jonny Morehouse. This report highlighted championships won by our teams, as well as the all-conference, all-area, all-district, all-region, and all-state (including academic all-state) honorees. The report also highlighted senior athlete honorees, FEF outstanding achievement award winners, and OK Conference honorees. Participation rates by all sports were provided, as were all sport standings for the OK Blue Conference.

The Board was also provided a copy of the end of year report submitted to the District by the School Resource Officer. This report highlighted the work of the officer over the course of the year, including, but not limited to: home visits, student interventions, presentations made to students, visibility, and miscellaneous other activities completed by the SRO.

- **Athletic Conference Discussion**

The Board discussed a joint letter that was issued to OK Conference member schools by Kenowa Hills Superintendent Gerald Hopkins and OK Conference Commissioner Dave Feenstra, dated August 14, 2023. The Board discussed meetings that had taken place between some OK Conference member schools on June 22, 2023, July 20, 2023, and August 2, 2023. The intent of these meetings was to investigate alternative athletic conference options for interested schools. Options for Fruitport Community Schools were discussed with the Board with the intent of the District to remain with the OK Conference as of the date of this meeting.

- **Section 98b Reporting**

It was reported to the Board that with the repeal of Section 98b, goal reporting by September 15th and mid-year and end of year benchmark assessment reporting are no longer mandated under this section of the law. The District will continue to develop and implement continuous improvement goals through the MiCIP platform. It will also collect and analyze benchmark assessment data that will continue to be shared with the Board of Education to monitor progress and adjust our continuous improvement plans.

**VII. REMARKS FROM THE PUBLIC:** None

**VIII. CONSENT AGENDA**

Item 23-141. MOTION by Buckner, SECOND by Kelly to approve the Consent Agenda as listed below:

1. Approval of Bill Listing in the amount of \$660,353.87
2. Acceptance of Monthly Financial, Bond, and Capital Projects Report
3. Acceptance of Student Activity Summary Report
4. Acceptance of Credit Card and Utilities Report
5. Approval of Transfers and ACH Transactions Report
6. Approval of Personnel Report (includes confirmation of new hires, resignations, retirees, and transfers)
7. Approval of Special Meeting Minutes: August 14, 2023

MOTION CARRIED: 7-0.

## **IX. GENERAL BOARD BUSINESS:**

### **1. School Resource Officer Agreement (2023-2026)**

Item 23-142. MOTION by Buckner, SECOND by Franklin to approve the three (3) year renewal agreement with Fruitport Township to provide the District with a School Resource Officer. The District will reimburse the Township in the amount of \$83,000 for the first year of the Agreement, with a 4% increase annually for the SRO to complete functions described in A through L of the Agreement. The Agreement will be in effect from September 1, 2023 through August 31, 2026, as discussed.

MOTION CARRIED: 7-0.

## **X. BUSINESS AND FINANCE COMMITTEE REPORTS & RECOMMENDATIONS**

### **1. Report of committee meeting held on August 14, 2023**

Elroy Buckner reported on a Business and Finance Committee meeting held on August 14, 2023 at 5:45 p.m. Elroy Buckner, Kris Cole, Dave Hazekamp, and Jason Kennedy were present. The Committee discussed a letter received from the OK Conference that was jointly signed by the superintendent at Kenowa Hills Public Schools and the OK Conference Commissioner, dated August 14, 2023. The Committee discussed ongoing meetings between OK Conference schools where discussions about various conference alignments continue to take place. The meeting was adjourned at 5:58 p.m.

## **XI. PERSONNEL COMMITTEE REPORTS & RECOMMENDATIONS:**

### **1. Report of committee meeting held on August 14, 2023**

Steve Kelly reported on a Personnel Committee meeting held on August 14, 2023 at 5:00 p.m. Dave Hazekamp, Steve Kelly, JB Meeuwneberg, Jonny Morehouse,

and Jason Kennedy were present. The Committee discussed the August 2023 Personnel Report. The Committee also discussed a letter received from the OK Conference that was jointly signed by the superintendent at Kenowa Hills Public Schools and the OK Conference Commissioner, dated August 14, 2023. The Committee discussed ongoing meetings between OK Conference schools where discussions about various conference alignments continue to take place. The meeting was adjourned at 5:20 p.m.

## **XII. STUDENT AFFAIRS COMMITTEE REPORTS & RECOMMENDATIONS**

### **1. Report of committee meeting held on August 14, 2023**

Susan Franklin reported on a Student affairs Committee meeting held on August 14, 2023 at 5:20 p.m. Tim Burgess, Dave Hazekamp, Susan Franklin, Jonny Morehouse, and Jason Kennedy were present. The Committee discussed a purchase recommendation for new AP Literature and AP Language textbooks and resources, and it discussed the first reading of the Thrun Law Firm Annual Policy Update. The Committee also discussed a letter received from the OK Conference that was jointly signed by the superintendent at Kenowa Hills Public Schools and the OK Conference Commissioner, dated August 14, 2023. The Committee discussed ongoing meetings between OK Conference schools where discussions about various conference alignments continue to take place. The meeting was adjourned at 5:30 p.m.

### **2. Advanced Placement Literature and Advanced Placement Language Textbook and Resource Purchase**

Item 23-143. MOTION by Franklin, SECOND by Burgess to approve a cost not to exceed \$17,000 for the purchase of Literature and Composition: Essential Voices, Essential Skills, Third Edition (Jago et al.), and The Language of Composition: Essential Voices, Essential Skills, Fourth Edition (Shea, Scanlon, & Aufses) to support these AP courses, as recommended by the high school faculty, with funds coming out of ESSER to support this expenditure, as discussed.

MOTION CARRIED: 7-0.

### **3. Thrun Law Firm Annual Policy Update: First Reading (No action)**

The Board reviewed the Thrun Law Firm Annual Policy Update that was discussed with the Committee. The Board was provided copies of each of the updated policies. A first reading of the policies was conducted with the second reading of the policies and recommended policy approval taking place at the September Board meeting.

**XIII. BOARD MEMBER REPORTS AND DISCUSSIONS:**

Kris Cole shared that the robotics kickoff for the upcoming season will take place on September 9, 2023 at the Fruitport Performing Arts Center. A sample playing field will be available for teams to see and begin planning around. Several area schools are expected to join Fruitport for this event.

**XIV. AGENDA ITEMS for FUTURE MEETINGS & SCHEDULING OF ANY SPECIAL MEETINGS**

1. The Business and Finance Committee will meet on September 11, 2023 at 6:00 p.m.
2. The Personnel Committee will meet on September 11, 2023 at 5:00 p.m.
3. The Student Affairs Committee will meet on September 11, 2023 at 5:30 p.m.
4. The Board of Education will meet on September 18, 2023 at 7:00 p.m.

**XV. REMARKS FROM THE PUBLIC: None**

**XVI. ADJOURNMENT**

Item 23-143. MOTION by Buckner, SECOND by Burgess to adjourn.

MOTION CARRIED: 7-0.

The meeting adjourned at 7:37 p.m.

Respectfully submitted,

Susan Franklin, Board Secretary

Danielle VanderMeulen, Recording Secretary

**BOARD ACTION REQUEST FORM**

**Meeting Date:** September 18, 2023

To: Board of Education  
From: Jason J. Kennedy

Attachment #X-1

**Subject to be Discussed and Policy Reference:**

Approval of 2023-2024 Secondary Course Offerings / Muskegon County Virtual Academy Course Offerings

**Background Information:** There have been no changes to the secondary course offerings from the 2022-2023 academic year to the 2023-2024 academic year. All course offerings will remain the same for this year. Students enrolled in the MCVA for the 2023-2024 academic year will utilize Accelerate and eDynamics curricula as the foundational courses for students in grades 6-12. Stride K12 curriculum will be utilized as the foundational courses for students in grades K-5. This will be supplemented by Mystery Science (K-5), MobyMax (K-5), Desmos (math 6-8), and iReady (K-8). Grade 6-12 students will access curricular and instruction materials through the Agiliz Buzz Learning Management System (LMS). Grade K-5 students will enroll in classes for the four core areas of Literacy, Math, Science and Social Studies. Grade 6-12 students will enroll in courses outlined in the MCVA course catalog including core and elective options. All courses will have a teacher of record that meets the requirements in MCL 388.1621f. It is recommended that the Board approve the Secondary Course Offerings and the MCVA Course Offerings pursuant to requirements under Michigan's Pupil Accounting Manual.

**Financial Impact:**

Billing will be based on a per student fee calculated on the above costs. Districts will only be billed for the number of days a student is enrolled in the program. Member districts will be invoiced by MAISD at the end of each semester. The cost per pupil to attend will be: \$5,900 per year for a full-time student, and \$550 per course for a part-time student.

**Recommended Action:**

1. To approve the Secondary Course Offerings and the MCVA Course Offerings pursuant to requirements under Michigan's Pupil Accounting Manual for the 2023-2024 school year.

**Action Taken:**

**Vote:** \_\_\_ Buckner      \_\_\_ Burgess      \_\_\_ Cole      \_\_\_ Franklin      \_\_\_ Hazekamp  
\_\_\_ Kelly      \_\_\_ Meeuwenberg

**MUSKEGON COUNTY VIRTUAL ACADEMY (MCVA) EDUCATION PROGRAM  
COLLABORATIVE AGREEMENT**

MCVA is a collaborative effort among local, participating school districts to provide a 100% online educational option for students and families. The undersigned school districts are committed to providing virtual learning options for students and elect to do so as a “cooperative education program” under MCL 388.1603(5). This agreement begins on August 1, 2023 and extends through June 30, 2024. In recognition thereof, between and among the undersigned school districts (hereinafter referred to as “member districts”) it is agreed:

- I. The MCVA Education Program (hereinafter referred to as the “MCVA”) is established for the purpose of providing virtual learning options to participating students from each of the member districts. Providing virtual learning options means providing “virtual courses” as defined in MCL 388.1621f.
  
- II. **Curriculum/Content Delivery**
  - A. Accelerate and eDynamics curriculums will be utilized as the foundation of courses for students grades 6-12. Stride K12 curriculum will be utilized as the foundation of courses for students grades K-5. This will be supplemented by Mystery Science (K-5), MobyMax (K-5), Desmos (math 6-8), and iReady (K-8).
  - B. 6-12 students will access curriculum and instruction materials through the Agiliz Buzz Learning Management System (LMS).
  - C. K-5 students will enroll in classes for the four core areas of Literacy, Math, Science and Social Studies.
  - D. 6-12 students will enroll in courses outlined in the MCVA course catalog including core and elective options.
  - E. A synchronous format is available for students in classes taught by MCVA staff. An asynchronous format is available for courses taught by Accelerate and eDynamics staff. All courses will have a teacher of record that meets the requirements in MCL 388.1621f. Synchronous or asynchronous courses are available at district recommendation.
  
- III. **Primary Education Providing Entity**

Each member district will remain the primary education providing entity (PEPE) for its students in the Michigan Student Data System.
  
- IV. **Student Records**

Each member district will retain for its own students the cumulative student record, residency, enrollment, course scheduling, attendance/participation, special education, discipline, and any other records required to be maintained.
  
- V. **Student Privacy**

Member districts may, as needed to support the operations of MCVA, disclose data and information between and among member districts, including student-identifying information, as defined by the Family and Educational Rights and Privacy Act (FERPA), provided the disclosure is only made to those parties within MCVA who have a legitimate educational interest in that data.

**VI. State Reporting**

Each member district is responsible to maintain and report all required data to the Michigan Department of Education or the Center for Performance and Information. A student participating in MCVA should be reported in the building he/she would otherwise attend in the district. Member districts are responsible for reporting any teachers assigned as the teacher of record for students/courses claimed in membership, including any teachers shared through MCVA.

**VII. Assessment and Accountability.**

MCVA is not established as a Shared Educational Entity; therefore, each member district will be responsible for state assessments of its own students, and test scores (and other accountability data) will be attributed to the member district reporting the pupil. Students enrolled in MCVA will be required to physically attend their local district to complete required state assessments.

**VIII. State Aid.**

Each member district will receive directly the per-pupil foundation allowance for its own students (based on FTE reported) and will need to ensure the building staff in which the FTE was claimed has copies of all documentation necessary to support an audit of FTE membership claimed in the building, including MCVA students.

**IX. Pupil Accounting and State School Aid Act Requirements**

To comply with state aid requirements, member districts acknowledge they must comply with the following provisions for virtual courses:

- A. Virtual courses are published in the district's catalog of board-approved courses.
- B. Students must not be enrolled in a virtual course without parent or legal guardian consent.
- C. Virtual courses have been determined to be in the best interest of the student, and a parent or legal guardian has provided consent for enrollment in the virtual course, if the student is under the age of 18.
- D. Students enrolled in MCVA have an education development plan that is kept on file by the district
- E. If a student successfully completes a virtual course, the district shall grant appropriate academic credit for completion of the course and shall count that credit toward completion of graduation and subject area requirements.

To comply with state aid requirements, MCVA acknowledges it must comply with the following provisions for virtual courses:

- A. Document attendance in a virtual course on count day where synchronous instruction occurred with the teacher, or the completion of assignments for a course during the count period. When necessary, MCVA will work to document two-way communication.
- B. All courses will have a certificated teacher assigned as the teacher of record. The teacher of record must hold a valid Michigan teaching certificate or a teaching permit recognized by MDE, and if applicable, is endorsed in the subject area and grade of the virtual course. The teacher of record is responsible for providing instruction, determining instructional methods for each student, diagnosing learning needs,

assessing student learning, prescribing intervention strategies and modifying lessons, reporting outcomes, and evaluating the effects of instruction and support strategies.

- C. Assign a mentor (Success Coach) to each student enrolled to monitor the student's progress, ensure the student has access to needed technology, is available for assistance, and ensures access to the teacher of record.

**X. Student Support**

- A. Special Education - Each member district is responsible for all aspects of special education including oversight of IEP goals and implementation. The local district special education director will provide the appropriate offer of FAPE ([District Guidance for Providing Virtual FAPE](#)) and provide MCVA teachers with specifics for implementing the IEP within the MCVA online course. Districts are also responsible for any identified transportation, assistive technology, extended-year needs, or other areas required by IEP's.
- B. Other Educational Plans - Each member district is responsible for 504 plans or other educational support plans for students. This is the same for 504 plans and any other educational plans. This includes all coordination of services for ELL, homeless, and/or foster care students. Districts are also responsible for any identified transportation, assistive technology, extended-year needs, or other areas required by 504 plans, other various educational plans, or specific state and federal programs.
- C. Counseling Support - Each member district is responsible to provide counseling services to their students who attend MCVA.
- D. MTSS - MCVA will approach student support with a MTSS framework. MCVA staff will implement multi-tiered interventions to increase student academic success and provide positive behavior support.
- E. MCVA Staff Responsibility - While districts are responsible for the case management and oversight of IEPs and 504s as stated above, MCVA teachers are responsible for the implementation of any and all accommodations.

**XI. Staffing**

- A. Teaching Staff
  - 1. Member districts agree to contribute an annually established per FTE amount for staff associated with MCVA (General Education Teachers, Success Coaches, Special Education Teacher Consultant).
  - 2. Muskegon Area ISD agrees to meet the following Teacher Assurances of Qualifications when hiring staff:
    - a) Knowledge of current state standards for pupils in courses/grades assigned to the teacher
    - b) Implementing an instructional delivery model based on frequent use of formative assessments, best practices in content-area strategies, positive behavior interventions & supports, and a multi-tiered system of support to determine individual progress and interventions necessary for pupils in courses/grades assigned to the teacher

- c) Ability to use data from diagnostic tools to determine the necessary additional supports and interventions needed by individual pupils in courses/grades assigned to the teacher
- d) Strong communication skills in working alongside parents and families as learning partners
- e) Sufficient knowledge of scientifically based instructional strategies for virtual learning.
- f) Possession of a valid Michigan Teaching certificate.
- g) Appropriate instructional technology practices for virtual learning.
- h) The Virtual Classroom Teacher will support all students assigned from across the county partner schools and be available to support all assigned student's IEPs, 504s, and other educational plans enacted by the student's home district or MCVA.

B. Program administrator

- 1. Muskegon Area ISD will provide an administrator for MCVA

**XII. Cost Reimbursement**

A. Member districts agree to share the costs of the following items for MCVA:

- 1. Teaching staff
- 2. Success Coaches
- 3. Special Education Teacher Consultant
- 4. Curriculum and Instructional Materials
- 5. Learning Management System (LMS)
- 6. Student Devices (\$50/semester a student is enrolled)

B. Billing will be based on a per student fee calculated on the above costs. Districts will only be billed for the number of days a student is enrolled in the program. Member districts will be invoiced by MAISD at the end of each semester. The cost per pupil to attend will be:

- 1. \$5,900 per year for a full-time student
- 2. \$550 per course for a part-time student
- 3. The costs outlined above will be revised annually in proportion to changes in the student foundation allowance. Any future changes will be outlined in future MOU agreements.

**XIII. Technology Support**

- A. MAISD will be responsible for student devices.
- B. Member districts will be responsible for student connectivity needs such as hotspots.
- C. MAISD will manage technology support.
- D. A dedicated phone number and email address will be provided for help desk support for students, parents and staff in MCVA.

**XIV. Miscellaneous.**

- A. The Teacher of Record will assign grades or other marks to Eligible Students participating in a MCVA course.
- B. MCVA staff will work collaboratively with local districts and the county truancy coordinator to address truancy issues for students enrolled in the program.
- C. An Eligible Student may not participate in the MCVA during a time the Eligible Student is suspended or expelled from the member district.
- D. Students must adhere to the local district code of conduct as well as that of the MCVA.
- E. Nothing in this agreement changes or modifies a member district's ability to establish graduation requirements, including for Eligible Students participating in the MCVA. Each member district retains sole discretion to determine whether an Eligible Student participating in the MCVA has satisfied the member district's graduation requirements. Only the member district may issue a diploma to an Eligible Student participating in the MCVA.
- F. Students participating in MCVA must complete the academic semester with MCVA. Students may choose to return to in-person instruction at their school district, with parent/guardian and school district approval, at the start of the next academic semester.

**XV. Nondiscrimination**

- A. The parties will not discriminate against a student or any other person who may receive a benefit or service under this agreement based on race, color, religion, sex, national origin, disability, or any other characteristic for which discrimination is prohibited by law, except that the parties reserve the right to make placement and programming decisions based on a student's age and individual needs as authorized and required by state and federal law.
- B. The parties will not exclude from participation in or deny benefits of employment to any person in connection with the execution of this agreement based on race, color, religion, sex, national origin, pregnancy, age, disability, height, weight, marital status, veteran status, genetic information, or any other characteristic for which employment discrimination is prohibited by law.

**XVI. Term.**

This agreement is in effect for August 1, 2023 - June 30, 2024, and may be renewed annually by the member districts.

**XVII. Dispute Resolution**

The parties will meet in good faith to resolve any disputes related to this agreement. If a meeting does not resolve the dispute to the parties' satisfaction, the parties will participate in facilitated mediation with a mutually agreed upon mediator.

**XVIII. Termination.**

A member district agrees to follow this MOU for the length of the 2023-2024 school year.

Consent to the terms and conditions of the MCVA member districts is witnessed by the authorized signatures below:

_____	_____
Fruitport Community Schools Superintendent or Designee	Date
_____	_____
Holton Public Schools Superintendent or Designee	Date
_____	_____
Mona Shores Public Schools Superintendent or Designee	Date
_____	_____
Montague Area Public Schools Superintendent or Designee	Date
_____	_____
MHPSAS Superintendent or Designee	Date
_____	_____
Muskegon Public Schools Superintendent or Designee	Date
_____	_____
North Muskegon Public Schools Superintendent or Designee	Date
_____	_____
Oakridge Public Schools Superintendent or Designee	Date

<hr/> <p>Reeths-Puffer Schools Superintendent or Designee</p>	<hr/> <p>Date</p>
<hr/> <p>Three Oaks Public School Academy Superintendent or Designee</p>	<hr/> <p>Date</p>
<hr/> <p>Whitehall District Schools Superintendent or Designee</p>	<hr/> <p>Date</p>
<p>Facilitated by Muskegon Area ISD</p>	
<hr/> <p>Muskegon Area ISD Superintendent or Designee</p>	<hr/> <p>Date</p>

## **Business and Finance Committee**

Monday June 19, 2023

6:00 p.m., Superintendent's Office

### **Meeting Minutes**



Attendance: Kris Cole, Dave Hazekamp, Jason Kennedy, Elroy Buckner, and Mark Mesbergen

#### 1. Fiber Recommendation

Mark discussed a recommendation from the Technology Department to run fiber from the High School to the newly purchased building. Fiber is needed for internet, access control, security cameras and other technology equipment. This is one of the first steps that the building will need in order to get the building secured when the district starts to renovate the building. It is estimated to be a 6-month lead time. The quote has some assumptions so the recommendation is to have the board approve a not to exceed amount of \$40,000 coming out of the Technology Fund.

#### 2. Audit Update

Mark gave an update regarding the audit as the auditors were on site the week of the 6<sup>th</sup>. Mark went through where the fund balance will be compared to the final budget amendment assuming that no auditing adjustments need to be made. The audit will be presented during the October board meeting.

Meeting adjourned at 6:28 p.m.

Respectfully submitted by Mark Mesbergen

**BOARD ACTION REQUEST FORM**

**Meeting Date:** September 18, 2023

To: Board of Education

Attachment # XI-2

From: Mark Mesbergen

**Subject to be Discussed and Policy Reference:**

Fiber Connection to New Building

**Background Information:**

As the district purchased a building, one of the first things that the team felt was to get fiber over to the new building as the fiber is needed to run internet, access controls, security cameras and other technology equipment. The estimated timeline is roughly 6 months due to Consumers being slower to approve school's using their poles to put the fiber lines on. The attached quote has some assumptions based on the poles the fiber will run on so Kyle's recommendation is to make a not to exceed amount of \$40,000 just in case we run into issues when we request the use of the poles. The quote amount is over the bid threshold, however, Western-Tel-Com Inc is the contractor that was awarded the bid from the MAISD so they are the only contractor that can do this work so there is no need to do an RFP.

**Financial Impact:**

Not to exceed \$40,000 coming out of the Technology-Security Millage.

**Recommended Action:**

To approve the quote from Western-Tel-Com Inc along with \$7,110 in contingency for a total not to exceed \$40,000.

**Action Taken:**

**Vote:** \_\_\_ Buckner      \_\_\_ Burgess      \_\_\_ Cole      \_\_\_ Franklin  
         \_\_\_ Hazekamp      \_\_\_ Kelly      \_\_\_ Meeuwenberg



Mesbergen, Mark <mmesbergen@fruitportschools.net>

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## Fiber Quote

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**Nielsen, Kyle** <knielsen@fruitportschools.net>  
To: Mark Mesbergen <mmesbergen@fruitportschools.net>

Thu, Sep 7, 2023 at 12:29 PM

Mark,

Attached is the quote from Western Telco for the fiber optic cabling installation from the HS to the future District Offices.

Western Telco provided this quote as they are the service vendor under contract with the MAISD for the County Fiber Network. This quote is firm, however, Consumers Energy will need to assess each pole for 'make ready' conditions, as such, this project should be approved to 'not to exceed \$40,000'.

Please let me know if you have any other questions.

Thanks,

Kyle

--

Kyle Nielsen  
Director of Technology  
Fruitport Community Schools  
Office 231-865-4000



**Fruitport Comm Schools - Firm Fiber Quote - NEW Admin Building 9-6-2023.pdf**  
393K



## Fruitport Community Schools

Fiber Quote: 12ct Fiber Connection to New Administration Building

Date: **9/6/2023**  
 Contact: **Kyle Nielsen**  
 Submitted By: **Western Tel-Com Inc.**  
 Location A: **Fruitport High School: 357 N. 6th Avenue, Fruitport, MI 49415**  
 Location Z: **NEW Administration Building: 259 N. 3rd Avenue, Fruitport, MI 49415**

FUNCTION	QUANTITY	
<i>WAN ROUTE CONSTRUCTION:</i>		
Install new aerial .25" messenger strand on existing utility poles	2,200	feet
Lash new 12ct fiber optic cable to new aerial messenger strand	2,200	feet
Underground 1.25" HDPE duct installation - at New Admin	250	feet
Pull new 12ct fiber optic cable through new 1.25" HDPE duct - New Admin	250	feet
Underground 1.25" HDPE duct installation - at High School	225	feet
Pull new 12ct fiber optic cable through new 1.25" HDPE duct - High School	225	feet
Pull new 12ct fiber optic cable through existing conduit - into High School	75	feet
<i>BUILDING ENTRANCE - NEW ADMINISTRATION BUILDING:</i>		
Core exterior wall & install 2" LB	1	each
Install new Wall-Mount Fiber Distribution Housing near building entrance	1	each
Terminate fiber strands to LC pigtails - house in new wall-mount	12	each
<i>BUILDING ENTRANCE - HIGH SCHOOL:</i>		
Route outdoor fiber through ceiling space of classroom to existing splice closure	50	feet
Splice fiber strands to existing indoor fiber strands - House in existing closure	12	each
<i>FIBER OPTIC CABLE:</i>		
Provide Fiber Optic Cable - Outdoor, Armored 12SM*	3,400	feet
<i>INCLUDED MISCELLANEOUS COSTS:</i>		
OTDR Testing		
WTC's Engineering/Design/Permit Fees		
AutoCAD As-Builts		
Utility Pole Owners - Initial Engineering and Application Fees		

<b>Total Labor &amp; Materials Quote:</b>	<b>\$ 32,890.00</b>
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**Notes:**

*This quote includes obtaining any necessary permits.*

*All aerial hardware, 1.25" HDPE duct, hand holes, fiber optic cable and fiber hardware will be provided.*

*This quote does not include any "make ready" work that the pole owners may determine to be necessary on their poles to accommodate a new communications cable attachment. Any pole make ready costs will be the direct responsibility of Fruitport Community Schools.*

*This quote has been assembled with the assumption that permission will be granted by the pole owners and Village of Fruitport for the proposed route provided with this quote. If any portions of the proposed route are denied by the permitting authorities for any reason, Western Tel-Com reserves the right to redesign and recalculate our quote*

*accordingly.*

*If any fiber troubleshooting/investigation time is needed to determine which existing fiber strands to splice to in the High School classroom, fiber optic technicians can assist at a rate of \$115.00 per man hour.*

Please contact me with any questions.

Thank you.

A handwritten signature in black ink, appearing to read "Eric Merrifield". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Eric Merrifield  
Western Tel-Com, Inc.

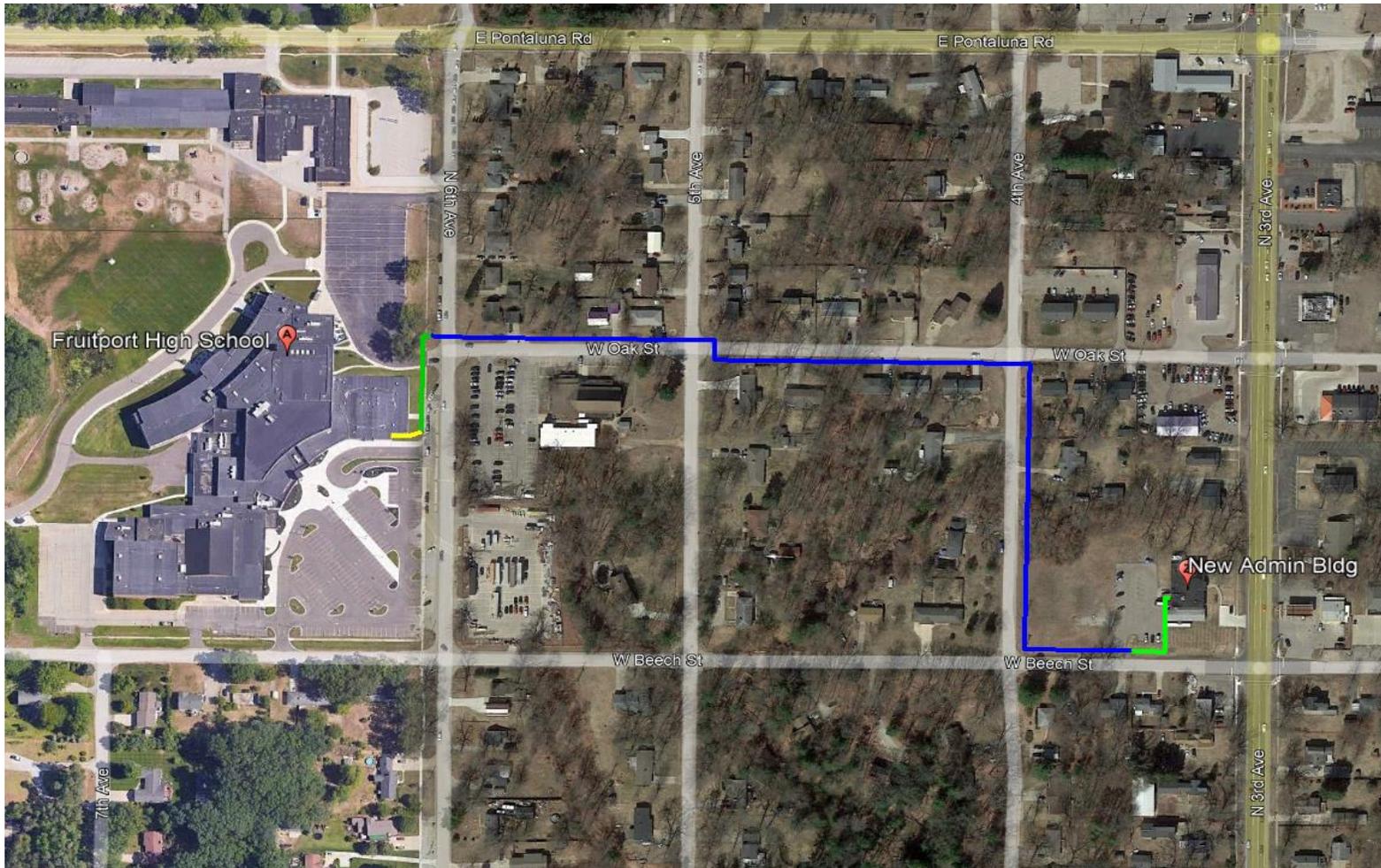
Fiber Quote: 12ct Fiber Connection to New Administration Building

**ROUTE MAP - PROPOSED**

Green lines represent proposed underground installation.

Yellow lines represent pulling the proposed fiber optic cable through existing underground duct

Blue lines represent proposed aerial installation on existing utility poles





Personnel Committee  
Monday, September 11, 2023  
5:00 p.m.

## MEETING MINUTES

### **Meeting Location:**

Fruitport Community Schools Central Office  
3255 E. Pontaluna Rd.  
Fruitport, MI 49415

### **Attendance:**

The meeting was called to order at 5:00 p.m. Dave Hazekamp, Steve Kelly, JB Meeuwenberg, and Jason Kennedy were present.

- 1. September 2023 Personnel Report** - The Committee reviewed the Personnel Report for September 2023. This report included each of the recommendations for new hire, resignations, retirement notices, and positions that are still posted and vacant in the District.
- 2. Bond and Construction Management Stipends** - The Committee discussed the continuation of a bond stipend in the amount of \$2,500 for business services and operations management of the summer bond project for the additional time necessary to manage the District's bond projects, namely the HVAC portion of the bond this past summer. A recommendation will be placed on the Board agenda for approval on September 18, 2023.
- 3. COVID-19 Protocols** - The Committee discussed COVID-19 protocols for the 2023-2024 school year, with the District currently implementing the protocols that were used to end the 2022-2023 school year.
- 4. Other** - The Committee reviewed items from the other Board Committee meetings to provide a general overview of the topics to be discussed at the Regular Board Meeting on Monday, September 18, 2023.
- 5. Public Comment:** None
- 6. Adjournment:** The meeting was adjourned at 5:20 p.m.

Respectfully submitted by Jason Kennedy, Superintendent

**BOARD ACTION REQUEST FORM**

**Meeting Date:** September 18, 2023

To: Board of Education

Attachment #: XII-2

From: Jason Kennedy

**Subject to be Discussed and Policy Reference:**  
Construction Project / HVAC Project / Bond Stipends

**Background Information:**

The District has provided bond and construction management stipends to John Winkas and Mark Mesbergen for responsibilities and time above their normally worked hours within their pay agreements to manage and oversee the construction projects within the District. Again, time above the normally worked hours has been necessary to complete the various bond construction projects this summer and fall. It is recommended that John Winkas and Mark Mesbergen be provided with \$2,500 stipends to compensate them for time above their normally worked contractual hours to manage these projects.

**Financial Impact:**  
\$5,000

**Recommended Action:**

To approve bond and construction management stipends in the amount of \$2,500 for John Winkas and Mark Mesbergen, as discussed. The stipend will be paid through a non-elective 403b plan contribution.

**Action Taken:**

**Vote:** \_\_\_ Buckner      \_\_\_ Burgess      \_\_\_ Cole      \_\_\_ Franklin  
         \_\_\_ Hazekamp      \_\_\_ Kelly      \_\_\_ Meeuwenberg



Student Affairs Committee  
Monday, September 11, 2023  
5:30 p.m.

## **MEETING MINUTES**

### **Meeting Location:**

Fruitport Community Schools Central Office  
3255 E. Pontaluna Rd.  
Fruitport, MI 49415

### **Attendance:**

The meeting was called to order at 5:30 p.m. with Tim Burgess, Susan Franklin, Dave Hazekamp, and Jason Kennedy present.

1. **Athletic Conference Discussion** - The Committee discussed an email and calendar invitation received from the superintendent at Kenowa Hills Public Schools, dated September 11, 2023. The Committee discussed ongoing meetings between OK Conference schools where discussions about various conference alignments continue to take place.
2. **COVID-19 Protocols** - The Committee discussed COVID-19 protocols for the 2023-2024 school year, with the District currently implementing the protocols that were used to end the 2022-2023 school year.
3. **Review of Grade 3-8 M-STEP Data and Special Education Data Portrait** - The Committee discussed grade 3-8 M-STEP data from the spring 2023 assessment, and the special education data portrait provided to the District by the MAISD. The District received a 100% compliance rating and a meets requirements determination for the second year in a row.
4. **Thrun Law Annual Policy Update** - The Committee discussed the annual policy update from Thrun Law Firm and was provided a copy of the policies with recommended changes. A second reading of the policies and a recommendation for approval will take place on September 11, 2023.

5. **Other:** The Committee reviewed items from the other Board Committee meetings to provide a general overview of the topics to be discussed at the Regular Board Meeting on Monday, September 18, 2023.
6. **Public Comment:** None
7. **Adjournment:** The meeting was adjourned at 5:53 p.m.

Respectfully submitted by Jason Kennedy, Superintendent

**BOARD ACTION REQUEST FORM**

**Meeting Date:** September 18, 2023

To: Board of Education

Attachment #: XIII-2

From: Jason Kennedy

**Subject to be Discussed and Policy Reference:**

Board / Thrun Law Firm Annual Policy Update

**Background Information:**

The Board has adopted policies developed by Thrun Law Firm. Annually, Thrun Law Firm provides policy updates to districts updating their policies to comply with any changes in state or federal law. The Board has been provided with each of these policy updates, including a highlighted version of the policies and policy changes through two readings. It is the recommendation of the Superintendent that the Board approve the second reading of the 2023 Thrun Law Firm Annual Policy updates, as discussed.

**Financial Impact:**

None

**Recommended Action:**

To approve the second reading of the 2023 Thrun Law Firm Annual Policy updates, as discussed.

**Action Taken:**

**Vote:** \_\_\_ Buckner      \_\_\_ Burgess      \_\_\_ Cole      \_\_\_ Franklin  
         \_\_\_ Hazekamp      \_\_\_ Kelly      \_\_\_ Meeuwenberg

## THRUN LAW FIRM, P.C.

### July 2023 Policy Service Update Summary- School District Board Policy Manual

Policy	Revision(s) Made
<b>2000 Series</b>	
<b>2303</b> Violation of Board Code of Ethics	Language added re: criminal violations.
<b>2306</b> Board Member Compensation	Minor technical/clarifying revisions.
<b>2405</b> Board Officers	Minor revisions regarding the timing of organizational meetings at which board officers are elected.
<b>2501</b> Meetings	Language added to provision re: emergency school board meetings.
<b>2501A</b> Electronic Board of Education Meetings	Minor technical/clarifying revisions.
<b>2506</b> Organizational Meetings	Minor revisions regarding the timing of organizational meetings.
<b>3000 Series</b>	
<b>3118</b> Title IX	Updated the definition of sexual assault; other minor clarifying revisions.
<b>3301A</b> Purchasing and Procurement with Federal Funds	Language added to allow for exceptions where bidding is not required.
<b>3303</b> Gifts and Donations	Language added to clarify that donations of personal property accepted by the superintendent/designee are done so on behalf of the Board.
<b>3308</b> Distribution of Printed Material and Advertising in School	Updated spelling of "marijuana" to be consistent with alternate spelling "marihuana" in Policies 4201, 4211, and the Michigan Public Health Code.
<b>3405</b> Bloodborne Pathogens	Language added to address OSHA requirements.
<b>3407</b> Asbestos Management	Updated legal reference.
<b>3408</b> Firearms and Weapons	Minor technical revision, and updated legal reference.
<b>4000 Series</b>	
<b>4101</b> Non-Discrimination	<ul style="list-style-type: none"> <li>• Language added to align the policy with the Pregnant Workers Fairness Act.</li> <li>• Updated to reflect the 2023 amendment to the Elliott-Larsen Civil Rights Act (ELCRA) that includes "sexual orientation" and "gender identity or expression" as protected categories</li> </ul>
<b>4102</b> Anti-Harassment, Including Sexual Harassment	Updated to reflect the 2023 amendment to the Elliott-Larsen Civil Rights Act (ELCRA) that includes "sexual orientation" and "gender identity or expression" as protected categories

## THRUN LAW FIRM, P.C.

### July 2023 Policy Service Update Summary- School District Board Policy Manual

<b>4103</b> Whistleblowers' Protection	Language added to clarify the Whistleblowers' Protection Act application for an employee making or about to make a report of retaliation.
<b>4104</b> Employment Complaint Procedure	Language added to Employment Compliance Officer information.
<b>4105</b> Workplace Accommodations for Employees and Applicants with Disabilities	Language added to align the policy with the Pregnant Workers Fairness Act.
<b>4216</b> Personal Communication Devices	Optional language added addressing the recording of students, parents, co-workers, or non-public meetings where there is an educational purpose.
<b>4220</b> Use or Disposal of District Property	Language added concerning intentional damage to District property.
<b>4227</b> False Medicaid Claims	Minor technical/clarifying revisions.
<b>4228</b> No Expectation of Privacy	This is a new policy addressing the search of person and personnel property, search of desk cabinet, and school equipment.
<b>4404</b> Performance Based Compensation for Teachers	Updated legal reference.
<b>4504</b> Performance Based Compensation	Updated legal reference.
<b>4106-F</b> FMLA- Fitness for Duty Form <i>(See: A.G.s and Forms Updates)</i>	New form for FMLA Fitness for Duty exams.
<b>4224-F</b> Cash in Lieu Form <i>(See: A.G.s and Forms Updates)</i>	New form for employee Cash in Lieu election.
<b>5000 Series</b>	
<b>5202</b> Unlawful Discrimination, Harassment, and Retaliation Against Students	Minor technical revision.
<b>5206B</b> Student Discipline - Students with Disabilities	Updated legal reference.
<b>5407</b> Instructional Program and Curricular Development	Minor technical and formatting revisions.
<b>5411</b> Student Promotion, Retention, and Placement	Removed reference to the retention requirements of the Read by Grade Three Law.
<b>5419</b> Reading Assessments, Instruction, Intervention, and Retention	Removed reference to the retention requirements of the Read by Grade Three Law.
<b>5510</b> Student-Initiated, Non-Curricular Clubs	Language added to address the Boy Scouts of America Equal Access Act.

**THRUN LAW FIRM, P.C.**

**July 2023 Policy Service Update Summary- School District Board Policy Manual**

<b>5707</b> School Wellness Policy	Language added to address the MDE requirements regarding meal charges and bad debt.
<b>5305-F</b> Schools-of-Choice Denial Letter <i>(See: A.G.s and Forms Updates)</i>	New template letter for the denial of Schools-of-Choice applications.

## Series 2000: Bylaws

### 2300 Board Member Conduct

#### 2303 Violation of Board Code of Ethics

The Board is responsible for enforcing the Code of Ethics (Policy 2302) for its members.

- A. If it is suspected or alleged that a Board member has violated the Code of Ethics, the following may occur:
  1. The President (or Vice President, if the President is the focus of the inquiry) may confer with that Board member to determine whether the suspected or alleged violation is disputed.
    - a. If the suspected or alleged violation is not disputed, the President/Board may propose how the member may remedy the violation; or
    - b. If the suspected or alleged violation is disputed, the President may initiate an investigation.
  2. The Board may discuss the alleged violation as an agenda item at a Board meeting. At the affected Board member's request, the Board may convene in a closed session under the Open Meetings Act to consider complaint(s) or charge(s) brought against the Board member.
- B. If the violation is admitted or the Board determines that a disputed violation has been established by at least a preponderance of the evidence, the Board may consider:
  1. whether to publicly censure the Board member through a formal Board resolution reprimanding the Board member;
  2. whether to remove the Board member from committee assignments;
  3. whether to remove the Board member from any Board office or position (e.g., Vice President, Secretary);
  4. whether the violation rises to the level of gross neglect of duty or corrupt conduct in office, or other misfeasance or malfeasance, warranting referral to the Governor pursuant to Michigan Constitution, Article V, §10 for possible suspension or removal from public office;
  5. whether the violation may constitute a criminal violation of the Revised School Code, the Michigan Penal Code, or other applicable Michigan law, warranting referral to local law enforcement; and
  6. any other act authorized by law.

Legal Authority: Const 1963, art 5, §10, Const 1963, art 11, §1; MCL 380.619, 380.1107, 380.1804, 380.1815, 380.1816, 380.1230, 380.1230a, 380.1230b

Date adopted:

Date revised:

## Series 2000: Bylaws

### 2400 Board Membership and Duties

#### 2405 Board Officers

Board officers will consist of a President, Vice President, Treasurer, and Secretary. **Board officers must be Board members.**

##### A. Election of Board Officers

1. The Board must elect a President and Vice President. The Board may also elect a Treasurer and Secretary.
2. Board officer elections will take place at an organizational meeting of the Board.
3. A candidate for a Board officer position must receive a majority vote of the Board members then serving on the Board.
  - a. If no person receives a majority vote in an initial vote, the candidates for a second vote will consist of:
    - i. the 2 persons who received the most votes; or
    - ii. if more than 2 persons are tied for the most votes received, all persons tied for most votes received; or
    - iii. if 1 person received the most votes and there is a tie for second place, the person who received the most votes and the persons tied for the second place.
  - b. The process for narrowing candidates will be repeated in subsequent voting rounds.
4. Elected Board officers will serve in that capacity until the following year's organizational meeting at which board officers are elected, unless a Board member resigns from the officer position or a Board majority votes to remove that Board member from the officer position.

B. If the Board does not elect a Secretary, the President must appoint a Board member to the vacant office.

##### C. Removal of Board Officers

The Board, by a majority vote of the members then serving, may remove a Board officer from the officer position, with or without cause.

##### D. Board Officer Vacancies

1. If the office of President becomes vacant, the Vice President will succeed to the office of President for the balance of that office's term.

2. If the office of Vice President, Secretary, or Treasurer becomes vacant, the Board must promptly elect a Board member to fill that vacancy.
3. If the office of Secretary or Treasurer becomes vacant, the Board may elect a Board member to fill that vacancy or the President may appoint a Board member to fill that vacancy. The person elected or appointed to a vacant Board office will serve in that office for the balance of that office's term.

E. Assistants to the Secretary and Treasurer

1. The Board may appoint an assistant to the Secretary and an assistant to the Treasurer who are not required to be Board members.
2. The Board may remove an assistant to the Secretary or an assistant to the Treasurer by majority vote. After a removal, the Board may appoint a person to fill the vacant position.

Legal authority: MCL 380.11a

Date adopted:

Date revised:

## Series 2000: Bylaws

### 2500 Board Meetings and Open Meetings Act Compliance

#### 2501 Meetings

Board meetings must be conducted in accordance with the Open Meetings Act.

##### A. Notice

1. The Board must publicly post its regular meeting schedule within 10 calendar days after the Board's first meeting in each calendar or fiscal year. The notice must include the dates, times, and places of the regular meetings. If the regular meeting schedule is changed, the Board must publicly post the revised regular meeting schedule within 3 calendar days after the Board meeting at which the change was made.
2. Special meeting and rescheduled regular meeting notices must be posted at least 18 hours in advance of a special or rescheduled regular meeting.
3. Regular, rescheduled regular, and special meeting notices must be posted at the Board's principal offices. The notice, or a prominent and conspicuous link to the notice, also must be posted on the District website's homepage as required by the Open Meetings Act, if the District's website is updated at least monthly with meeting agendas or minutes.
4. Meeting notices must contain:
  - a. the name, address, and telephone number of the Board;
  - b. the time, date, and place of the meeting;
  - c. a statement where official minutes are stored and available for inspection; and
  - d. a disability accessibility notice.
5. Emergency meetings may be held without complying with the above-described notice requirements if there is a severe and imminent threat to the health, safety, or welfare of the public exists, and two-thirds of the Board members elected or appointed to and serving on the Board determine that delay would be detrimental to efforts to lessen or respond to the threat. The Board will provide notice of an emergency meeting in compliance with the Open Meetings Act.
6. Public hearing notices must contain a description of the purpose(s) for which the public hearing will be conducted to the extent required by law.
7. The notice for an electronic Board meeting must comply with Policy 2501A.

## B. Quorum

1. A quorum of the Board means a majority of the Board members elected or appointed to and serving on the Board, unless different quorum and voting rules are otherwise provided by law.
2. All deliberations of a quorum of the Board must take place at a meeting that is open to the public, unless closed session deliberations are permitted by law.
3. All decisions made by the Board constituting a quorum of its members must take place at a meeting that is open to the public, except as otherwise provided by the Open Meetings Act.

## C. Meeting Types

1. The Board will hold its regular meetings at the dates, times, and locations specified in the District's annual notice published pursuant to the Open Meetings Act. If the notice is amended, then meetings will be held according to the amended notice.
2. Special, rescheduled regular, or emergency meetings may be called by the President, the Superintendent, or two Board members. Notice of such meetings will be provided in accordance with the Open Meetings Act.
3. The Board may, in compliance with the Open Meetings Act, hold work sessions and retreats to provide Board members and administrators with the opportunity to plan, research, and engage in discussion.
4. The Board may meet as a committee of the whole. See Policy 2505(C).

## D. Closed Session

1. The Board may meet and deliberate in closed session only for 1 or more purposes authorized by the Open Meetings Act.
2. Depending on the closed session purpose(s), the Open Meetings Act may require a two-thirds roll call vote for the Board to meet in closed session. A vote to enter closed session must be made in open session.
3. Closed session meeting minutes must be kept confidential. Board members must keep matters discussed and documents received confidential unless otherwise authorized by the Board or law. See Section G, below.
4. All discussions in closed session are limited to the purpose(s) identified in the motion calling the closed session.
5. The Board will determine the non-member attendees for a closed session unless attendance is required by Policy or law.
6. No decisions will be made during a closed session.

## E. Meeting Cancellation

The Board is legally required to hold at least 1 public meeting each month. The President or designee may cancel a Board meeting if the President or designee determines that a quorum of the Board will not be present for the meeting, there is no business for the Board to conduct at the meeting, or it would be unreasonable or dangerous for Board members or the public to attend the meeting (e.g., inclement weather). The President or designee will ensure that a District staff member posts notice of the cancellation on the District's website on the same day as the cancellation. If necessary, a cancelled meeting will be rescheduled.

## F. Electronic Board Meetings and Remote Participation

Electronic Board meetings may be held, and a Board member may participate in a Board meeting remotely, as authorized by Policy 2501A.

## G. Minutes

The Board will keep minutes of each Board meeting in accordance with the following:

1. The Secretary will record and maintain meeting minutes.
2. The Secretary, or an acting Secretary in the absence of the Secretary, will sign meeting minutes.
3. Meeting minutes will comply with the Open Meetings Act.
  - a. Open session meeting minutes.
    - i. Minutes for a meeting open to the public will include at least the following information:
      - A) the meeting date, time, and location;
      - B) the Board members present for or otherwise participating in the meeting;
      - C) the Board members absent from the meeting;
      - D) board decisions;
      - E) the purpose(s) for which any closed session meeting was held and the specific provision(s) of the Open Meetings Act that permitted the closed session;
      - F) any roll call votes conducted by the Board; and
      - G) corrections, if any.

- ii. The Board must make proposed open session meeting minutes available for public inspection within 8 business days after the applicable Board meeting.
  - iii. The Board must make approved open session meeting minutes available for public inspection within 5 business days after the meeting at which the Board approved the minutes.
- b. Closed session meeting minutes.
- i. Closed session meeting minutes must be prepared and maintained separately from open session meeting minutes.
  - ii. Closed session meeting minutes will not be made available to, or be disclosed to, the public, except as required by court order.
  - iii. Closed session meeting minutes may be destroyed by the District 1 year and 1 calendar day after the approval of the minutes of the regular meeting at which the closed session minutes were approved, or any time thereafter.
  - iv. Closed session meeting minutes must include at least the following information:
    - A) the meeting date, time, and, location;
    - B) the Board members present for or otherwise participating in the meeting;
    - C) the Board members absent from the meeting; and
    - D) the purpose(s) for which the closed session meeting was held and the specific Open Meetings Act provision(s) that permitted the closed session.
- c. Open session Board meeting minutes may be published on the District's website.

#### H. Accommodating Board Members and Other Individuals with Disabilities

Any Board member or other individual with a disability who requires reasonable accommodations to participate in, or attend, a Board meeting must contact the Superintendent's office in advance of the meeting to request an accommodation.

#### I. [Optional Parliamentary Procedure

Board meetings will be conducted consistent with the parliamentary authority provided in Robert's Rules of Order, provided the procedure is consistent with Board Policy and the law.]

Legal authority: MCL 15.263, 15.263a, 15.265, 15.267, 15.269; MCL 380.1201

Date adopted:

Date revised:

## Series 2000: Bylaws

### 2500 Board Meetings and Open Meetings Act Compliance

#### 2501A *Electronic Board of Education Meetings*

The Board may hold electronic meetings, and Board members and the public may participate remotely, only as permitted by this Policy, the Open Meetings Act, and other applicable law.

##### A. Definition

The definition in this section applies only to this Policy. All other words found in this Policy, unless specifically defined, are given their plain meaning.

“Two-Way Communication” means telephone, video, or other means of conferencing that allows Board members to hear and be heard by both the public and other Board members, and allows the public to hear and be heard by other members of the public and the Board members during public comment. Real-time typed public comments that may be read to or shared with Board members and the public is a sufficient form of two-way communication for purposes of public participation during an electronic Board meeting.

##### B. Permissible Reasons for Wholly Electronic Board Meetings

The Board may hold a meeting wholly electronically, with every Board member and the public participating remotely, if every Board member simultaneously satisfies one or more of the conditions identified in Section C of this Policy.

##### C. Permissible Reasons for Individual Board Member Remote Participation

A Board member who is not physically present at an in-person Board meeting due to military duty, a “disability” within the meaning of the ADA, or other reason permitted by Michigan law may be counted toward a quorum, deliberate, and vote. To qualify, members absent due to military duty must follow the procedures listed in Section D, below. Unless otherwise provided, any Board member who is not absent due to a qualifying exception must be physically present at the meeting to participate.

##### D. Procedures to Accommodate Board Member Remote Participation

The Board institutes the following procedures to ensure that a Board member who is not physically present at an in-person Board meeting may be counted toward a quorum, deliberate, and vote at a Board meeting.

1. The Board and the remote Board member will ensure there is Two-Way Communication during the meeting;

2. The remote Board member must provide notice to the Superintendent at least [ 1 ] hour before the meeting; and notice of an electronic meeting must be posted at least 18 hours in advance.
3. The Superintendent or designee will ensure that public notice of the remote Board member's physical absence and information on how to contact the remote Board member is provided sufficiently in advance of the Board meeting so that a member of the public may provide input on or ask questions about any business that will come before the Board at the meeting.

#### E. Procedures to Ensure Public Participation at Electronic Meetings

If the Board convenes a wholly electronic meeting or any Board member participates remotely, the public will also be provided the opportunity to attend the public meeting remotely.

The Board will not require the public to register or otherwise provide their names or other information as a condition of attending a Board meeting, whether in-person or remotely. The Board may require the public to submit information, consistent with public participation rules, to participate in the public comment portion of a meeting.

#### F. Electronic Board Meeting Notice Requirements

The Superintendent or designee will post notice of an electronic Board meeting at least 18 hours before the meeting. If the Board will be convening in a physical location with one or more Board members attending remotely pursuant to Section C, the notice must include both the physical and virtual locations of the meeting.

If the District has an internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, the notice must be included on a portion of the District's website that is fully accessible to the public, either on the District's homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic meetings that is accessible through a prominent and conspicuous link on the District website's homepage. The link must clearly describe its purpose for public notice of non-regularly scheduled or electronic meetings.

The notice must clearly explain:

1. Why the Board is holding an electronic meeting;
2. How the public may participate remotely. If a telephone number, internet address, virtual meeting address, or other information is needed to participate, that information must be specifically provided;
3. How the public may contact Board members to provide input on or ask questions about business that will come before the Board at the meeting;

4. Which Board members will be participating remotely and information about how the public may contact those Board members in advance of the meeting to provide input on or ask questions about any business that will come before the Board at the meeting; and
5. How persons with disabilities may participate in the meeting.

#### G. Electronic Board Meeting Agenda Requirements

The Superintendent or designee must post the electronic meeting's agenda to the District's website, if an agenda exists. The agenda must be posted at least two hours before the electronic meeting begins. The Board may amend the agenda at the meeting.

Legal authority: MCL 15.263, 15.263a.

Date adopted:

Date revised:

## Series 2000: Bylaws

### 2500 Board Meetings and Open Meetings Act Compliance

#### 2506 *Organizational Meetings*

The Board's first regular meeting each calendar year will be an organizational meeting.

During that meeting, the Board will:

- A. elect Board officers in compliance with Policy 2405. The Superintendent or designee will preside over the organizational meeting until a President is elected;
- B. set the schedule for regular Board meeting dates; and
- C. designate the District employee(s) authorized to post Board meeting notices under the Open Meetings Act.]

The Board may perform any other act and conduct any other business it deems appropriate during an organizational meeting.

The Board may conduct additional organizational meetings during the calendar or fiscal year.

Legal authority: MCL 380.11(a)(3)

Date adopted:

Date revised:

## Series 3000: Operation, Finance, and Property

### 3100 General Operations

#### 3118 Title IX Sexual Harassment

Consistent with Policy 3115, the District prohibits unlawful sex discrimination, including harassment and retaliation, in any of its education programs or activities in accordance with Title IX of the Education Amendments of 1972 and its implementing regulations.

This Policy addresses allegations of Title IX sexual harassment that occurred on or after August 14, 2020. Allegations of discrimination, harassment, or retaliation not covered by this Policy should be addressed under the District's applicable non-discrimination or anti-harassment policies. Allegations alleging both Title IX sexual harassment and other forms of unlawful discrimination and harassment (e.g., race, age, disability) that cannot be reasonably separated into two distinct complaints should be investigated under this Policy. Investigating other forms of discrimination, including harassment and retaliation, through this Policy will fulfill the District's investigation requirements under Policies 4104 or 5202, but nothing in this paragraph limits the District's right to determine at any time that a non-Title IX allegation should be addressed under Policies 4104 or 5202 or any other applicable Policy.

The Board directs the Superintendent or designee to designate one or more employees who meet the training requirements in Section M of this Policy to serve as the District's Title IX Coordinator(s). The Title IX Coordinator will designate an Investigator, Decision-Maker, and Appeals Officer, if applicable, for each Formal Complaint made under this Policy. If a Formal Complaint is made under this Policy against the Title IX Coordinator, the Board President will designate the persons who will serve as the Investigator, Decision-Maker, and Appeals Officer and will work with District administrators to ensure that all other requirements of this Policy are met.

The Investigator, Decision-Maker, Appeals Officer, and any person designated to facilitate an informal resolution process cannot be the same person on a specific matter, and the persons designated to serve in those roles may or may not be District employees. Any person serving as the Investigator, Decision-Maker, Appeals Officer, or person designated to facilitate an informal resolution process must meet the training requirements in Section M of this Policy.

Inquiries about Title IX's application to a particular situation may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

#### A. Definitions

For purposes of this Policy, the below terms are defined as follows:

1. "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

- a. A District employee conditioning the provision of a District aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- b. Unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- c. "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8), or "stalking" as defined in 34 USC 12291(a)(30).
  - i. "Sexual assault" is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. It includes unlawful sexual intercourse (including incest and statutory rape) and any sexual act, including rape, sodomy, sexual assault with an object, or fondling, directed against another person without the consent of that person, including when that person is incapable of giving consent."
    - A) Rape: (Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
    - B) Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
    - C) Sexual Assault With An Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
    - D) Fondling: The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
    - E) Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- F) Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.
- ii. “Dating violence” means violence committed by a person who is or has been in a romantic or intimate relationship with the Complainant. The existence of such a relationship is based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - iii. “Domestic violence” means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, person with whom the Complainant shares a child, person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Michigan; or any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of Michigan.
  - iv. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person’s safety or the safety of others; or (2) suffer substantial emotional distress.
2. “Actual Knowledge” means notice of sexual harassment or allegations of sexual harassment to the District’s Title IX Coordinator or any District employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only District employee with actual knowledge is the Respondent.
  3. “Appeals Officer” is the person designated by the District to handle appeals of a dismissal or determination of responsibility for matters investigated under this Policy. The Appeals Officer may not be the same person as the Investigator, Title IX Coordinator, Decision-Maker, or person designated to facilitate an informal resolution process on a specific matter.
  4. “Complainant” is a person who is alleged to be the victim of conduct that could constitute Title IX sexual harassment.
  5. “Consent” means a voluntary agreement to engage in sexual activity by a person legally capable of consenting. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent. Sexual conduct or relationships between District employees, volunteers, or contractors and students, regardless of age or consent, are prohibited.

6. “Day,” unless otherwise indicated, means a day that the District’s central office is open for business.
7. “Decision-Maker” is the person designated by the District to review the investigation report and provide a written determination of responsibility that provides the evidentiary basis for the Decision-Maker’s conclusions. The Decision-Maker may not be the same person as the Investigator, Title IX Coordinator, Appeals Officer, or person designated to facilitate an informal resolution process on a specific matter.
8. “Education Program or Activity” means any location, event, or circumstance over which the District exercised substantial control over both the Respondent and the context in which the harassment occurred.
9. “Formal Complaint” means a written document or electronic submission signed and filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the sexual harassment allegation.
10. “Grievance Process” is the process by which the District handles Formal Complaints.
11. “Investigator” is the person designated by the District to investigate a Title IX Formal Complaint. The Investigator cannot be the same person as the Decision-Maker, Appeals Officer, or person designated to facilitate an informal resolution process on a specific matter. The Title IX Coordinator may serve as the Investigator on a particular investigation, unless the Title IX Coordinator has a conflict of interest or bias.
12. “Report” means an account of alleged Title IX sexual harassment made by any person (regardless of whether the reporting party is the alleged victim).
13. “Respondent” is a person who has been reported to be the perpetrator of conduct that could constitute Title IX sexual harassment.
14. “Supportive Measures” are non-disciplinary, non-punitive, individualized services offered and implemented by the Title IX Coordinator as appropriate, as reasonably available, and at no-cost to the Complainant and the Respondent before or after the filing of a Formal Complaint or when no Formal Complaint has been filed. Supportive measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment.
15. “Title IX Coordinator” is the person(s) designated by the District to coordinate the District’s Title IX compliance. The Title IX Coordinator may not be the same person as the Appeals Officer or Decision-Maker on any matter. A person not serving as a Title IX Coordinator in a particular matter is not disqualified from

serving in another role in that matter. The Title IX Coordinator may also serve as the Investigator or person designated to facilitate an informal resolution process on a particular investigation, unless the Title IX Coordinator signed the Formal Complaint.

#### B. Posting Requirement

The Title IX Coordinator's contact information (name or title, office address, electronic mail address, and telephone number), along with the District's Title IX nondiscrimination statement, must be prominently posted on the District's website and in any catalogs or handbooks provided to applicants for admission or employment, students, parents/guardians, and unions or professional organizations with a collective bargaining or professional agreement with the District.

The District will provide notice of this Policy to all applicants, students, parents/guardians, employees, and unions or professional organizations with a collective bargaining or professional agreement with the District by prominently posting this Policy on its website and referencing this Policy in its handbooks, which will include the Title IX Coordinator's name or title, office address, electronic mail address, and telephone number.

#### C. Designation of Title IX Coordinator

The District designates the following person(s) as the Title IX Coordinator(s):

[Greg Bodrie, Director of Special Education and Laura Gavin, Supervisor of  
Special Education]  
[3255 E. Pontaluna Rd. Fruitport, MI 49415]  
[(231) 865-3188]  
[gbodrie@fruitportschools.net; lgavin@fruitportschools.net]

#### D. Reporting Title IX Sexual Harassment:

A person may make a report of sexual harassment or retaliation at any time. Reports may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that result in the Title IX Coordinator receiving the person's verbal or written report.

Any District employee who receives a report of sexual harassment or has actual knowledge of possible sexual harassment must convey that information to the Title IX Coordinator by the end of the next day.

Any other person who witnesses an act of sexual harassment is encouraged to report it to a District employee and may do so anonymously. No person will be retaliated against based on any report of suspected sexual harassment or retaliation.

#### E. General Response to Sexual Harassment

## 1. District's Obligation to Respond without Deliberate Indifference

Upon actual knowledge of Title IX sexual harassment, the Title IX Coordinator must respond promptly in a manner that is not deliberately indifferent. The District will be deemed to be deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

If the Title IX Coordinator receives a report of sexual harassment and the Complainant does not file a Formal Complaint, the Title IX Coordinator must evaluate the information and determine whether to sign and file a Formal Complaint. If the Title IX Coordinator determines not to sign and file a Formal Complaint, the Title IX Coordinator must address the allegations in a manner that is not deliberately indifferent.

## 2. Response to Report of Title IX Sexual Harassment

Upon receipt of a report of sexual harassment, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

## 3. Formal Complaint Filed

Upon the receipt of a Formal Complaint, the District must follow the Grievance Process in Section F of this Policy. A Formal Complaint may be submitted using the Title IX Sexual Harassment Formal Complaint Form.

## 4. Equitable Treatment

The District will treat the Complainant and Respondent equitably throughout the Grievance Process, which may include offering supportive measures as described in Subsection E(6) of this Policy.

## 5. Documentation and Recordkeeping

The Title IX Coordinator will document all sexual harassment reports and all incidents of sexual harassment that the Title IX Coordinator receives or personally observes.

The District will retain this documentation in accordance with applicable record retention requirements in Section N of this Policy.

## 6. Supportive Measures

After receiving a report of Title IX sexual harassment, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, with or without the filing of a Formal Complaint. If the District does not provide a Complainant with supportive measures, then the Title IX

Coordinator must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The District may provide, as appropriate, non-disciplinary, non-punitive individualized services to the Complainant or Respondent before or after the filing of a Formal Complaint or when no Formal Complaint has been filed.

Supportive measures should be designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party.

Supportive measures are offered without charge to all parties and are designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment.

Supportive measures may include, but are not limited to:

- a. District-provided counseling;
- b. Course-related adjustments, such as deadline extensions;
- c. Modifications to class or work schedules;
- d. Provision of an escort to ensure that the Complainant and Respondent can safely attend classes and school activities; and
- e. No-contact orders.

All supportive measures must be kept confidential, to the extent that maintaining such confidentiality would not impair the District's ability to provide the supportive measures.

## 7. Respondent Removal

### a. Emergency Removal (Student)

The District may only remove a student Respondent from a District program or activity if, following an individualized safety and risk analysis, the District determines that there is an immediate threat to the physical health or safety of any student or other person arising from the sexual harassment allegations. The District must provide the Respondent with notice and an opportunity to immediately challenge the removal decision. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

### b. Administrative Leave (Employee)

The District may place an employee Respondent on non-disciplinary administrative leave during the pendency of the Grievance Process. This

provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

## 8. Law Enforcement

In appropriate circumstances, a District employee will notify law enforcement or Child Protective Services, consistent with Policies 4202, 5201, and 5701.

The District will attempt to comply with all law enforcement requests for cooperation with related law enforcement activity. In some circumstances, compliance with law enforcement requests may require the District to briefly suspend or delay its investigation. If an investigation is delayed, the District will notify the parties in writing of the delay and the reasons for the delay.

If the District's investigation is suspended or delayed, supportive measures will continue during the suspension or delay. If the law enforcement agency does not notify the District within 10 days that the District's investigation may resume, the District will notify the law enforcement agency that the District intends to promptly resume its investigation.

## F. Grievance Process

### 1. Generally

The Grievance Process begins when a Formal Complaint is filed or when the Title IX Coordinator signs a Formal Complaint and concludes the date the parties receive the Appeals Officer's written decision or the date on which an appeal is no longer timely. The District will endeavor to complete the Grievance Process within 90-120 days, absent extenuating circumstances or delays as described below. The District will treat both the Complainant and the Respondent equitably throughout the Grievance Process.

Neither the Title IX Coordinator, the Decision-Maker, the Investigator, Appeals Officer, nor any person designated to facilitate an informal resolution process will have a conflict of interest or bias for or against Complainants or Respondents generally or for or against an individual Complainant or Respondent.

The Grievance Process requires an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.

Throughout the Grievance Process, there is a presumption that the Respondent is not responsible for the alleged conduct unless, in the determination of responsibility, the Decision-Maker finds the Respondent responsible for the alleged conduct.

At any point, the Title IX Coordinator, Investigator, Decision-Maker, or Appeals Officer may temporarily delay the Grievance Process or permit a limited extension of time frames for good cause. Good cause may include absence of a party, party's advisor, or witness; concurrent law enforcement activity; or the need for accommodations (e.g., language assistance or accommodation of disabilities). If there is a delay or extension, the parties will receive written notice of the delay or extension and the reasons for the action.

Any disciplinary action resulting from the Grievance Process will be issued in accordance with District Policy, as applicable, and any applicable codes of conduct, handbooks, collective bargaining agreements, and individual employee contracts.

After the investigation portion of the Grievance Process has concluded, the Decision-Maker will endeavor to issue a determination of responsibility within 30 days, absent extenuating circumstances.

## 2. Notice of Allegations

Upon receipt of a Formal Complaint, the District must provide written notice to the parties who are known at the time that includes:

- a. A copy of this Policy, which includes the District's Grievance Process, and any informal resolution process;
- b. The sexual harassment allegations, including sufficient details known at the time and with sufficient time so that parties may prepare a response before the initial interview. Sufficient details include parties involved in the incident, if known; the alleged conduct constituting sexual harassment; and the date and time of the alleged incident;
- c. A statement that the Respondent is presumed not responsible for the alleged conduct;
- d. A statement that a determination of responsibility is made at the Grievance Process's conclusion;
- e. A statement that the parties may have an advisor of their choice, who may be an attorney, although any attorney or advisor who is not a District employee will be at the party's own cost;
- f. A statement that the parties will be provided an opportunity to inspect and review any evidence before the investigation report is finalized; and
- g. If the Complainant or Respondent is a student, and the District's Student Code of Conduct addresses false statements by students during the disciplinary process, a citation to that portion of the Code of Conduct. If the Code of Conduct does not address false statements by students, the notice is not required to include any reference.

If, during the course of an investigation, the Investigator decides to investigate allegations that are not included in this notice, the District will provide notice of the additional allegations to the Complainant and Respondent.

### 3. Informal Resolution

During the Grievance Process, *after* a Formal Complaint has been filed but before a determination of responsibility has been made, the District may offer to facilitate an informal resolution process, or either party may request the informal resolution process. A Formal Complaint must be filed to initiate the informal resolution process.

Informal resolution does not require a full investigation and may encompass a broad range of conflict resolution strategies, including, but not limited to, arbitration, mediation, or restorative justice. The Title IX Coordinator will determine the informal resolution process that will be used, including the person who will facilitate that process.

Informal resolution is not available for a Formal Complaint alleging that an employee sexually harassed a student.

A party is not required to participate in an informal resolution process.

When offering informal resolution, the Title IX Coordinator must (1) provide both parties written notice of their rights in an informal resolution; and (2) obtain written, voluntary consent from both parties to enter into the informal resolution process. The written notice must contain the:

- a. Allegations;
- b. Informal resolution requirements, including the circumstances under which the informal resolution precludes the parties from resuming a Formal Complaint arising from the same allegations;
- c. Right to withdraw from informal resolution and resume the Grievance Process at any time prior to agreeing to a resolution; and
- d. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared

### 4. Investigation

The District has the burden of proof and the burden to gather evidence sufficient to reach a determination of responsibility.

#### a. Investigation Process

The District will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under

a legally recognized privilege unless the person holding such privilege has waived the privilege in writing.

The District may not access, consider, disclose, or otherwise use a party's medical records, including mental health records, which are made and maintained by a healthcare provider in connection with the party's treatment unless the District obtains that party's voluntary, written consent to do so for the Grievance Process.

The Investigator must provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory or exculpatory evidence. The Investigator cannot restrict parties from discussing the allegations under investigation, nor can the Investigator restrict parties from gathering or presenting relevant evidence.

Parties may be accompanied by an advisor of their choice, including an attorney, in any meeting or Grievance Process proceeding. If a party chooses an advisor who is not a District employee, the District is not responsible for any associated costs. The Superintendent or designee may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties (e.g., abusive, disruptive behavior or language will not be tolerated; advisor will not interrupt the investigator to ask questions of witnesses).

The Investigator must provide the date, time, location, participants, and purpose of all hearings (if any), investigative interviews, and meetings, to a party whose participation is invited or expected. Written notice must be provided a sufficient time in advance so that a party may prepare to participate.

As described in Section L of this Policy, retaliation against a person for making a complaint or participating in an investigation is prohibited.

The Investigator must ensure that the Complainant and Respondent have an equal opportunity to inspect and review any evidence obtained as part of the investigation so that each party has the opportunity to meaningfully respond to the evidence before the investigation's conclusion. This evidence includes (1) evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and (2) inculpatory or exculpatory evidence obtained from any source.

Before the investigation's completion, the Investigator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 calendar days to submit a written response to the Investigator. The party's response must be considered by the Investigator before completing the final investigation report.

b. Investigation Report

The Investigator must create an investigation report that fairly summarizes relevant evidence and submit the investigation report to the Decision-Maker.

At least 10 calendar days before a determination of responsibility is issued, the Investigator must send the investigation report to each party for review and written response. Written responses to the investigation report must be submitted directly to the Decision-Maker.

The Investigator will endeavor to complete the investigation and finalize the report within 60 days.

5. Determination of Responsibility

The Decision-Maker cannot be the same person as the Title IX Coordinator, Investigator, Appeals Officer, or person designated to facilitate an informal resolution process.

Before the Decision-Maker reaches a determination of responsibility, and after the Investigator has sent the investigation report to the parties, the Decision-Maker must:

- a. Afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness; and
- b. Provide each party with the answers, and allow for additional, limited follow-up questions from each party.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless offered to prove that someone other than the Respondent committed the alleged misconduct, or the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If the Decision-Maker decides to exclude questions from either party as not relevant, the Decision-Maker must explain the decision to the party proposing the questions.

The Decision-Maker must issue a written determination of responsibility based on a preponderance of the evidence standard (i.e., more likely than not) simultaneously to both parties. The written determination of responsibility must include:

- a. Identification of the sexual harassment allegations;
- b. Description of the procedural steps taken from the receipt of the Formal Complaint through the determination of responsibility, including any:

- i. Notification to the parties;
  - ii. Party and witness interviews;
  - iii. Site visits;
  - iv. Methods used to collect evidence; and
  - v. Hearings held.
- c. Factual findings that support the determination;
- d. Conclusions about the application of any relevant code of conduct, policy, law, or rule to the facts;
- e. A statement of, and rationale for, the result as to each allegation, including:
- i. A determination of responsibility;
  - ii. Any disciplinary action taken against the Respondent (consistent with Policies 4309, 4407, 4506, 4606, or 5206, as applicable, and any applicable codes of conduct, handbooks, collective bargaining agreements, or individual employee contracts); and
  - iii. Whether remedies designed to restore and preserve equal access to the District's education program or activity will be provided to the Complainant.
- f. Appeal rights.

## 6. Appeals

Notice of the determination of responsibility or dismissal decision must include notice of the parties' appeal rights.

Both parties may appeal a determination of responsibility or the decision to dismiss a Formal Complaint in whole or in part for the following reasons only:

- a. A procedural irregularity that affected the outcome.
- b. New evidence that was not reasonably available at the time the determination of responsibility or dismissal decision was made that could affect the outcome.
- c. The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against the Complainant or Respondent, generally or individually, that affected the outcome.
- d. ~~[District may choose to include additional appeal grounds, but should consult with legal counsel before doing so.]~~

An appeal must be filed with the Title IX Coordinator within 5 calendar days of the date of the determination of responsibility or dismissal decision.

Upon receipt of an appeal, the Title IX Coordinator will assign an Appeals Officer who will provide both parties written notice of the appeal and an equal opportunity to submit a written statement in support of, or challenging, the determination or dismissal decision.

The Appeals Officer must provide a written decision describing the result of the appeal and the rationale for the result to both parties simultaneously. The Appeals Officer will endeavor to decide an appeal within 30 days.

The Appeals Officer cannot be the same person who acts as the Title IX Coordinator, Investigator, Decision-Maker, or person designated to facilitate an informal resolution process on the same matter. The Appeals Officer also cannot have a conflict of interest or bias against Complainants and Respondents generally or individually.

The determination of responsibility is final upon the date the parties receive the Appeals Officer's written decision or on the date on which an appeal is no longer timely.

## G. Dismissal

### 1. Mandatory Dismissals

The Title IX Coordinator must dismiss a Formal Complaint if:

- a. The Formal Complaint's allegations, even if proven, would not constitute sexual harassment as defined in this Policy;
- b. The Formal Complaint's allegations did not occur in the District's programs or activities; or
- c. The Formal Complaint's allegations did not occur in the United States.

### 2. Discretionary Dismissals

The Title IX Coordinator may dismiss a Formal Complaint if:

- a. The Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the Formal Complaint in whole or in part;
- b. The Respondent's enrollment or employment ends; or
- c. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination (e.g., several years have passed between alleged misconduct and Formal Complaint filing, Complainant refuses or ceases to cooperate with Grievance Process).

The Title IX Coordinator will promptly and simultaneously notify both parties when a Formal Complaint is dismissed. The notice must include the reasons for mandatory or discretionary dismissal and the right to appeal. Appeal rights are discussed above in Subsection F(6) of this Policy.

Dismissal of a Formal Complaint under this Policy does not excuse or preclude the District from investigating alleged violations of other policy, rule, or law, or from issuing appropriate discipline based on the results of the investigation.

#### H. Consolidation of Complaints

The Title IX Coordinator or Investigator may consolidate Formal Complaints where the allegations arise out of the same facts or circumstances. Where a Grievance Process involves more than one Complainant or more than one Respondent, references in this Policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

#### I. Remedies and Disciplinary Sanctions

The District will take appropriate and effective measures to promptly remedy the effects of sexual harassment. The Title IX Coordinator is responsible for the effective implementation of any remedies.

Appropriate remedies will be based on the circumstances and may include, but are not limited to:

1. Providing an escort to ensure that the Complainant and Respondent can safely attend classes and school activities;
2. Offering the parties school-based counseling services, as necessary;
3. Providing the parties with academic support services, such as tutoring, as necessary;
4. Rearranging course or work schedules, to the extent practicable, to minimize contact between the Complainant and Respondent;
5. Moving the Complainant’s or the Respondent’s locker or work space;
6. Issuing a “no contact” directive between the Complainant and Respondent;
7. Providing counseling memoranda with directives or recommendations.

These remedies may also be available to any other student or person who is or was affected by the sexual harassment.

The District will impose disciplinary sanctions consistent with District Policy, as applicable, and any applicable codes of conduct, handbooks, collective bargaining agreements, or individual employee contracts. Discipline may range from warning or reprimand to termination of employment, or student suspension or expulsion.

After a determination of responsibility, the Title IX Coordinator should consider whether broader remedies are required, which may include, but are not limited to:

1. Assemblies reminding students and staff of their obligations under this Policy and applicable handbooks;
2. Additional staff training;
3. A climate survey; or
4. Letters to students, staff, and parents/guardians reminding persons of their obligations under this Policy and applicable handbooks.

If the Complainant or Respondent is a student with a disability, the District will convene an IEP or Section 504 Team meeting to determine if additional or different programs, services, accommodations, or supports are required to ensure that the Complainant or Respondent continues to receive a free appropriate public education. Any disciplinary action taken against a Respondent who is a student with a disability must be made in accordance with Policy 5206B and the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act.

#### J. False Statements

Any person who knowingly makes a materially false statement in bad faith during a Title IX investigation will be subject to discipline, up to and including discharge or permanent expulsion. A dismissal or determination that the Respondent did not violate this Policy is not sufficient, on its own, to conclude that a person made a materially false statement in bad faith.

#### K. Confidentiality

The District will keep confidential the identity of a person who reports sexual harassment or files a Formal Complaint, including parties and witnesses, except as permitted or required by law or to carry out any provision of this Policy, applicable regulations, or laws.

#### L. Retaliation

Retaliation (e.g., intimidation, threats, coercion) for the purpose of interfering with a person's rights under Title IX is prohibited. This prohibition applies to retaliation against any person who makes a report, files a Formal Complaint, or participates in, or refuses to participate in a Title IX proceeding. Complaints alleging retaliation may be pursued in accordance with District Policy.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this Section.

When processing a report or Formal Complaint of sexual harassment, pursuing discipline for other conduct arising out of the same facts or circumstances

constitutes retaliation if done for the purpose of interfering with that person's rights under Title IX.

Any person who engages in retaliation will be disciplined in accordance with District Policy, as applicable, and any applicable codes of conduct, handbooks, collective bargaining agreements, and individual employee contracts.

#### M. Training

All District employees must be trained on how to identify and report sexual harassment.

Any person designated as a Title IX Coordinator, Investigator, Decision-Maker, Appeals Officer, or any person who facilitates an informal resolution process must be trained on the following:

1. The definition of sexual harassment;
2. The scope of the District's education programs or activities;
3. How to conduct an investigation and the District's grievance process, including, as applicable, hearings, appeals, and informal resolution processes; and
4. How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Investigators must receive training on how to prepare an investigation report as outlined in Subsection F(4)(b) above, including, but not limited to, issues of relevance.

Decision-Makers and Appeals Officers must receive training on issues of evidence and questioning, including, but not limited to, when questions about a Complainant's prior sexual history or disposition are not relevant.

Any materials used to train District employees who act as Title IX Coordinators, Investigators, Decision-Makers, Appeals Officers, or who facilitate an informal resolution process must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints. These training materials must be posted on the District's website.

#### N. Record Keeping

The District will maintain records related to reports of alleged Title IX sexual harassment for a minimum of seven years. This retention requirement applies to investigation records, disciplinary sanctions, remedies, appeals, and records of any action taken, such as supportive measures.

The District will also retain any materials used to train Title IX Coordinators, Investigators, Decision-Makers, Appeals Officers, and any person designated to facilitate an informal resolution process.

## O. Office for Civil Rights

Any person who believes that he or she was the victim of sexual harassment may file a complaint with the Office for Civil Rights (OCR) at any time:

U.S. Department of Education Office for Civil Rights  
1350 Euclid Avenue, Suite 325  
Cleveland, Ohio 44115  
Phone: (216) 522-4970  
E-mail: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

An OCR complaint may be filed before, during, or after filing a Formal Complaint with the District. A person may forego filing a Formal Complaint with the District and instead file a complaint directly with OCR. The District recommends that a person who has been subjected to sexual harassment also file a Formal Complaint with the District to ensure that the District is able to take steps to prevent any further harassment and to discipline the alleged perpetrator, if necessary. OCR does not serve as an appellate body for District decisions under this Policy. An investigation by OCR will occur separately from any District investigation.

Legal authority: Education Amendments Act of 1972, 20 USC §§1681 - 1688; 34 CFR Part 106

Date adopted:

Date revised:

## Series 3000: Operations, Finance, and Property

### 3300 Facilities, Real, and Personal Property

#### 3301A Purchasing and Procurement with Federal Funds

This Policy applies to purchases of property and services with federal funds that are subject to the Uniform Grant Guidance. All terms in this Policy have the same meanings as defined in federal regulation (2 CFR 200.1-99).

##### A. State Law Requirements Still Apply

Bidding requirements under Policy 3301 and Policy 3306, as applicable, remain enforceable in addition to any requirements in this Policy.

##### B. Procurement Methods

When bidding is required, the District must use 1 of the following procurement methods that includes information sufficient to inform all potential bidders about the District's technical, service, and bid procedure requirements:

##### 1. Purchases up to \$10,000 (micro-purchases)

- a. To the extent District administration determines that the cost of the purchase is reasonable, micro-purchases may be made or awarded without bidding in accordance with this Policy. For purposes of this subsection, "reasonable" means the purchase is comparable to market prices for the geographic area.
- b. To the extent practicable, the District will distribute micro-purchases equitably among qualified suppliers.

##### 2. Purchases between \$10,000 and \$250,000 (small purchase procedures)

The District will use a bidding procedure in Policy 3301 subsection C.1., except that the District may use the bidding procedure in subsection B.1.a, above, for purchases up to the then-current state bid threshold published annually by MDE if the District satisfies the annual certification requirements of 2 CFR 200.320(a)(1)(iv).

##### 3. Purchases over \$250,000

- a. The District must either receive sealed bids through formal advertising or prepare a comprehensive request for proposals and submit it to at least 5 sources.
- b. With either method, the District will perform a price analysis, making an independent estimate of costs before receiving bids.

- C. The District will take affirmative steps to assure that minority-owned businesses, women's business enterprises, and labor surplus area firms are included in bidding opportunities.
- D. A person may protest the veracity, conformity, or eligibility of a bid. The District will handle bid protests as follows:
  - 1. Within 48 hours of the time bid results are available, the protesting person will submit a written protest to the Superintendent describing in detail the nature of the protest;
  - 2. The Superintendent or designee will review the written protest, and the Superintendent may bring it to the Board's attention in the Superintendent's discretion; and
  - 3. A person's failure to file a protest as described above is an irrevocable waiver of the bid protest.

Nothing in this Policy reduces or eliminates the District's rights or protections afforded under the law.

- E. The District will retain all bids and formal bid solicitation documents for a period of 6 years after the bid opening date, or longer if required by law.

Legal authority: 2 CFR 200.1 et seq.

Date adopted:

Date revised:

## Series 3000: Operations, Finance, and Property

### 3300 Facilities, Real, and Personal Property

#### 3303 Gifts and Donations

The Board recognizes and appreciates the generosity and support it receives in the form of gifts, donations, and voluntary contributions (“Donations”) from individuals, companies, parent/guardian support groups, the community, and other donors.

The District requests that substantial Donations be accompanied by Form 3303-F Gifts and Donations. All Donations made for a particular purpose must be accompanied by Form 3303-F.

##### A. Accepting Donations

1. Donations must be lawful and support an educational purpose.
2. Donations accepted by the District will become public funds or public property unless an exception is provided under applicable law.
3. The Board authorizes the Superintendent or designee to accept Donations of personal property on behalf of the Board with an estimated fair market value of **[\$1000 or less]**. The Board retains authority, in its discretion, to accept Donations of personal property exceeding **[\$\_ 1000 \_]**.
4. The Board must approve all Donations of real property, regardless of value.
5. Donations accepted by the District will be used for any specific purpose identified by the donor provided the purpose is lawful and consistent with the District’s interests and objectives. A donor may identify the specific purpose of the Donation and any other lawful conditions using the District 3303-F.
6. Except as required by law, the District does not have an obligation to replace a Donation that is lost, destroyed, or becomes obsolete.

##### B. ~~Optional: Soliciting Donations~~

1. ~~The District may solicit donations in accordance with law, which may include pursuing an exemption from registration under the Charitable Organizations and Solicitations Act.~~
2. ~~Any individual wishing to solicit donations on behalf of the District must obtain prior written approval from the Superintendent or designee before representing any affiliation with the District. Unless otherwise agreed by the Superintendent or designee, the individual will be responsible for all costs and liability related to the solicitation and all received donations will become the District’s property.~~

C. Scholarships are governed by Policy 3207.

D. A donor is solely responsible for any tax consequences related to a Donation.

Legal authority: MCL 123.905; MCL 400.271, et seq.

Date adopted:

Date revised:

## Series 3000: Operations, Finance, and Property

### 3300 Facilities, Real, and Personal Property

#### 3308 *Distribution of Printed Material and Advertising in School*

District facilities may be used to advertise or distribute printed information for commercial or promotional purposes (“Advertisement”) in accordance with this Policy. An approved Advertisement does not reflect the District’s approval or endorsement of any product, organization, service, or issue referenced in the Advertisement. An Advertisement does not include public recognition or commemoration of District or student organization donors and sponsors.

#### A. General Restrictions on Advertisements

##### 1. No Advertisement may:

- violate law or Policy or urge a violation of law or Policy;
- lie or mislead;
- advocate the use, or advertise the availability, of tobacco (including e-cigarettes), alcohol, cannabis/marihuana, illegal drugs, or related paraphernalia;
- contain a statement or image that describes or displays profanity, pornography, sexual activity, nudity, violence, serious injuries, or corpses;
- incite violence or advocate the unlawful use of force;
- invade a person’s privacy;
- violate a trademark, copyright, patent, or other intellectual property right;
- include material inappropriate for the maturity level of the students exposed to the Advertisement; or
- create a likelihood of a material and substantial disruption.

2. The District may regulate Advertisement content within legally permitted parameters.

3. The District may determine the size, location, and times of display of all Advertisements.

#### B. Student Group Advertisements

1. A student group is 1 or more students participating in District-sponsored curricular or extracurricular activities supervised by District personnel, such as an athletic team, student council, academic team, or student club.

2. A student group may use District facilities for that group's Advertisements with the prior approval of the applicable building principal or designee.
3. A non-student group Advertisement that appears within materials produced or distributed by a student group (e.g., yearbooks, student newspapers, and athletics or student club publications) is considered a non-student group Advertisement.

#### C. Non-Student Group Advertisements

1. A non-student group Advertisement is any Advertisement that is not considered a student group Advertisement or District speech.
2. A non-student group Advertisement must:
  - include a statement explaining that the group is not affiliated with, or endorsed by, the District;
  - receive prior approval from the Board, **Superintendent, or designee**]; and
  - be subject to a written contract with the District describing each party's obligations and rights.
3. **A non-student group Advertisement may not reference a political candidate or ballot question.]**
4. A non-student group Advertisement, if approved, **is intended to generate revenue and** does not create a forum for speech or expression.

#### D. School Bus Advertisements

1. An Advertisement may not appear on the exterior of a school bus.
2. The District may allow an Advertisement in a school bus interior to the extent consistent with MDE's "Advertising Inside School Buses" guidelines: [https://www.michigan.gov/documents/mde/Advertising\\_Inside\\_School\\_Buses\\_325476\\_7.pdf](https://www.michigan.gov/documents/mde/Advertising_Inside_School_Buses_325476_7.pdf). A school bus Advertisement is otherwise subject to the same restrictions and approval procedures as other Advertisements.

#### E. District Speech

An Advertisement does not include material used to promote, inform, or collect funds for a product or service the District uses or authorizes in the performance of its educational operations, regardless of whether the product or service is provided by a non-student group. That material is considered the District's speech. Examples include, but are not limited to, material distributed by District vendors whose products or services the District uses or encourages students or staff to use.

Legal authority: MCL 257.1833

Date adopted:

Date revised:

## Series 3000: Operations, Finance, and Property

### 3400 School Safety and Security

#### 3405 Bloodborne Pathogens

Bloodborne pathogens and other infectious body fluids can be transmitted through contact with skin, eyes, mouth, and mucous membranes, including by needle sticks, cuts, punctures, and bites. The District will observe universal precautions to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids will be considered potentially infectious materials.

~~[Optional: If one or more District employees are subject to occupational exposure, the Superintendent or designee will develop and annually update an exposure control plan that will be accessible to employees.]~~

The District will provide personal protective equipment, the hepatitis B vaccine and vaccination series, training, and post-exposure evaluations, as required by law, at no charge to employees whose duties are reasonably anticipated to result in occupational exposure to blood or other infectious materials.

“Bloodborne pathogens” means pathogenic microorganisms that are present in human blood and can cause disease in humans. Those pathogens include hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

“Universal precautions” means a method of infection control that treats all human blood and other potentially infectious material as capable of transmitting HIV, HBV, and other bloodborne pathogens.

Legal authority: 29 CFR 1910.1030; Mich Admin Code R 325.70004

Date adopted:

Date revised:

## Series 3000: Operations, Finance, and Property

### 3400 School Safety and Security

#### 3407 Asbestos Management

The District will maintain an asbestos management plan for each school building and otherwise comply with the requirements of the Asbestos Hazard Emergency Response Act (AHERA) and related regulations.

- A. Each asbestos management plan will address building inspections, re-inspections, preventative measures, periodic surveillance, response actions, operations and maintenance, notices, and other information required by law.
- B. Each school building will maintain in its administrative offices a complete, updated copy of the asbestos management plan for that school building. The District's administrative offices will maintain complete, updated copies of asbestos management plans for all school buildings. The District will make asbestos management plans available for inspection without cost but may charge a reasonable amount to make copies.
- C. The District will provide training and information, maintain records, and perform asbestos-related obligations with accredited persons as required by law.
- D. The Board designates **the Operations Director** to oversee the District's compliance with the asbestos management plan and AHERA.

Legal authority: 15 USC 2641 et seq.; 29 CFR 1910.1001; 40 CFR 763 Subpart E; MCL 388.861 et seq.

Date adopted:

Date revised:

## Series 3000: Operations, Finance, and Property

### 3400 School Safety and Security

#### 3408 Firearms and Weapons

The District is a weapon-free school zone. Except as otherwise permitted by Policy or required by applicable law, a person may not possess a weapon on District property. See also Policy 5206. Each person on District property must also comply with the federal Gun-Free School Zones Act.

#### A. As used in this Policy:

1. ~~[In conjunction with subsection B.7: An “antique firearm” means that term as defined by MCL 750.237a.]~~
2. A “firearm” means any weapon that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.
3. “Pistol” means that term as defined by MCL 28.421.
4. “District property” means:
  - a. a building, playing field, or property used for school purposes to impart instruction to students or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses; and
  - b. a vehicle used by the District to transport students to or from a place described in subsection A.4.a above.
5. A “weapon” means a firearm, pneumatic gun, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles, or any other object used, intended, or represented to inflict serious bodily injury or property damage].

#### B. Permitted Uses

The following persons may possess a weapon on District property:

1. A peace officer as defined by law;
2. A student’s parent or guardian licensed to carry a concealed pistol may carry a concealed pistol (but no other weapons) while in a vehicle if the parent or guardian is dropping the student off at, or picking the student up from, the student’s school;
3. A person with permission from the Superintendent or designee to possess a firearm (but no other weapons) within any lawful parameters established by the Board;

~~[The following are optional and should be discussed in conjunction with legal counsel.]~~

- ~~4. An employee of the District or of the Muskegon Area Intermediate School District (School Safety Liaison that is a retired police officer), or contracted person, if the possession of that weapon is to provide security services for the District;~~
- ~~5. A person licensed to carry a concealed weapon;~~
- ~~6. A person who possesses a weapon provided by the District or the District's instructor for purposes of providing or receiving instruction in the use of that weapon; and~~
- ~~7. [Use in conjunction with subsection A.1: A non-student at least 18 years old who possesses an unloaded firearm (but no other weapons) in a wrapper or container in a vehicle's trunk while transporting a student to or from the school if any of the following apply:~~
  - ~~a. The person is carrying an antique firearm while en route to or from a hunting or target shooting area or function involving the exhibition, demonstration, or sale of antique firearms;~~
  - ~~b. The person is carrying a firearm while in possession of a valid Michigan hunting license or proof of valid membership in an organization having shooting range facilities and while en route to or from a hunting or target shooting area;~~
  - ~~c. The person is carrying a firearm from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business, or in moving goods from one abode or business to another abode or business; or~~
  - ~~d. If the vehicle does not have a trunk, the person is carrying a firearm in the passenger compartment and the person is otherwise complying with the requirements of subsection b or c and the wrapper or container is not readily accessible to the vehicle's occupants.]~~

### C. Violations

1. Students and District personnel with knowledge that a person is in violation of this Policy should immediately report the violation to the building principal or designee.
2. Violation of this Policy will result in discipline of students, employees, and contractors, up to and including expulsion or termination, removal from District property, and referral to law enforcement.

Legal authority: 18 USC 921; 18 USC 922(q); MCL 28.425f, 28.425o; MCL 750.237a

Date adopted:

Date revised:

## Series 4000: District Employment

### 4100 Employee Rights and Responsibilities

#### 4101 *Non-Discrimination*

##### A. Equal Employment Opportunity

The District is committed to equal employment opportunity and compliance with federal, state, and local laws that prohibit workplace discrimination, unlawful harassment, and unlawful retaliation based on any protected class or activity. This Policy applies to all aspects of employment, including recruiting, advertising, hiring, training, job placement, evaluation, classification, promotion, transfer, work assignment, compensation, benefits, discipline, demotion, termination, reduction in force, recall, and any other term or condition of employment.

This Policy prohibits discrimination against employees or applicants for employment based on the following protected classes: race, color, national origin, ethnicity, religion, sex (including pregnancy, gender identity, and sexual orientation), height, weight, marital status, age, disability, genetic information, veteran status, military service, or any other legally protected class. This Policy also prohibits unlawful retaliation based on a protected activity.

The District prohibits unlawful employment discrimination as required by applicable civil rights statutes, including:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, or national origin;
- Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, sex (including gender identity, and sexual orientation), or national origin;
- Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex (including gender identity and sexual orientation);
- Age Discrimination in Employment Act of 1967 (ADEA), which prohibits discrimination based on age as to persons who are at least 40 years old;
- Equal Pay Act of 1963, which prohibits sex discrimination in payment of wages for persons performing substantially equal work in the same establishment;
- Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits discrimination based on disability;
- Americans with Disabilities Act of 1990 (ADA), which prohibits discrimination against qualified persons with disabilities in employment, public service, public accommodations, and telecommunications;

- Family and Medical Leave Act of 1993 (FMLA), which requires covered employers to provide up to 12 work weeks of unpaid, job-protected leave to eligible employees for certain family, military, and medical reasons, and up to 26 work weeks to care for a covered service member with a serious injury or illness;
- Pregnancy Discrimination Act of 1978, which prohibits discrimination based on pregnancy, childbirth, or related medical conditions;
- Pregnant Workers Fairness Act (PWFA), which requires covered employers to provide reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause an undue hardship.
- Genetic Information Non-Discrimination Act of 2008 (GINA), which prohibits discrimination based on genetic information as to health insurance and employment;
- Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which provides job protection and reemployment rights to individuals who voluntarily or involuntarily leave employment to undertake military service, including military reservists and National Guard members called to duty;
- Michigan Elliott-Larsen Civil Rights Act of 1976 (ELCRA), which prohibits discrimination based on race, color, national origin, age, sex, pregnancy, sexual orientation, gender identity or expression, religion, height, weight, or marital status;
- Michigan Persons with Disabilities Civil Rights Act of 1976 (MPDCRA), which prohibits discrimination against qualified persons based on disability that is unrelated to that person's ability to perform the duties of a particular position or genetic information;
- Michigan Equal Pay Act, which prohibits discriminatory wage practices based on sex; and
- Public Employment Relations Act of 1947 (PERA), which prohibits a public employer from discriminating against an employee based on membership or non-membership in a labor organization.
- Michigan Whistleblower Protection Act of 1980, which protects employees who report a violation or suspected violation of state, local, or federal law and employees who participate in hearings, investigations, or court actions.

## B. Reporting Requirements

Any employee who believes he/she has been subjected to behavior that violates this Policy must file a complaint using the Employment Complaint Procedure in

Policy 4104. If Title IX sexual harassment is alleged, the procedures set forth in Policy 3118 should be followed.

Employees with questions about compliance with this Policy and applicable laws should contact the Superintendent or the Employment Compliance Officer(s).

Board members, administrators, and supervisors must promptly report incidents of unlawful discrimination and retaliation. This duty to report applies to unlawful discrimination and retaliation that the Board member, administrator, or supervisor observes or about which he/she receives information.

Board members, administrators, or supervisors who receive a complaint alleging a violation of this Policy must promptly report the complaint, in writing, to the Employment Compliance Officer(s).

A failure to comply with reporting requirements may result in discipline, including discharge.

### C. Employment Discrimination Compliance Training

The District will train administrators, supervisors, and the Employment Compliance Officer(s) on how to address and investigate discrimination and retaliation complaints.

The District may also provide discrimination and retaliation training to Board members and employees.

Training may be provided by an outside entity or person approved by the District.

Legal authority: 20 USC 1681 et seq.; 29 USC 206 et seq., 701 et seq., 2601 et seq.; 38 USC 4301 et seq.; 42 USC 2000d et seq., 2000e et seq., 2000ff et seq., 12101 et seq.; H.R. 2617-1626, 117th Cong. § 103(1) (signed into law December 29, 2022); MCL 37.1101 et seq., 37.2101 et seq.; MCL 423.201 et seq.; MCL 750.556

Date adopted:

Date revised:

## Series 4000: District Employment

### 4100 Employee Rights and Responsibilities

#### 4102 *Anti-Harassment, Including Sexual Harassment*

##### A. Policy Statement

Employees will have the opportunity to work in an atmosphere free from unlawful harassment, including sex-based harassment, as defined by state, federal, and local laws. The District prohibits quid pro quo and hostile work environment harassment.

The District will promptly and thoroughly investigate complaints pursuant to Policy 4104 alleging unlawful harassment and take appropriate action, including discipline, against any person found to have violated this Policy. Investigation determinations will be based on a preponderance of the evidence.

Unlawful harassment is strictly prohibited. This Policy applies to employee conduct perpetrated against other employees, parents/guardians, officers, Board members, agents, contractors, volunteers, and members of the public. Although Title VII sexual harassment falls within this Policy, Title IX sexual harassment does not. For the District's Policy on Title IX sexual harassment, see Policy 3118. Allegations that an employee engaged in unlawful discrimination, harassment, or retaliation against a student will be investigated under Policy 5202.

This Policy applies to unlawful conduct related to work in any way, regardless of location.

##### B. Unlawful Employment Harassment Definition

Except with regard to Title IX sexual harassment, the following definitions apply:

1. "Quid pro quo" harassment occurs when a supervisor requires sex, sexual favors, or sexual contact from an employee or job candidate as a condition of employment and where:
  - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, to obtain or maintain employment; or
  - b. submission to or rejection of that conduct or communication is used as a factor in a decision affecting a person's employment.
2. "Hostile work environment" harassment is unwelcome verbal, visual/written, or physical conduct towards an employee because of the employee's race, color, national origin, ethnicity, religion, sex (including pregnancy), height, weight, marital status, gender identity or expression, age, sexual orientation, disability, genetic information, veteran status, military service, or any other protected class and that has:

- a. the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- b. the purpose or effect of unreasonably interfering with an employee's work; or
- c. an adverse impact on a person's employment opportunities.

Hostile work environment harassment is unlawful where it is based on an employee's protected class and the offensive conduct becomes a condition of continued employment or the conduct is sufficiently severe or pervasive to create a work environment that a reasonable person under the totality of circumstances would consider intimidating, hostile, or offensive.

3. Examples of conduct that may constitute unlawful sexual harassment include:
  - a. Verbal: Unwelcome comments, including: the use of derogatory, sexually suggestive, or vulgar language; the use of sexual innuendo; unwelcome advances or repeated requests for dates or sexual favors; threats based on or motivated by a person's sex; demanding or pressuring another person to submit to sexual requests or advances to attain academic or professional achievement; threatening another person's academic or professional reputation if that person does not submit to sexual requests or advances; or any other similar behavior.
  - b. Visual/Written: Subjecting another person to sexually suggestive, pornographic, or obscene images, text, or cartoons, including by electronic mail, text message, letter, or any other medium; the use of obscene gestures toward or around another person; leering at another person; or any other similar behavior.
  - c. Physical: Unwanted kissing, touching, patting, hugging, pinching, or any other unwanted physical contact; impeding another person's normal movements; stalking, assault, or battery based on the victim's sex; any other physical interference with another person based on that person's sex; or any other similar behavior.

#### C. Unlawful Retaliation

Unlawful retaliation against a complainant, witness, or other investigation participant is prohibited. Any person who unlawfully retaliates is subject to discipline, including discharge. A person who knowingly files a materially false complaint or makes a materially false statement is subject to discipline, including discharge.

#### D. Reporting Requirements

Board members, administrators, and supervisors must promptly report incidents of unlawful harassment and retaliation. This duty to report applies to unlawful

harassment and retaliation that the Board member, administrator, or supervisor observes or about which he/she receives information.

Board members, administrators, or supervisors who receive a complaint alleging a violation of this Policy must promptly report the complaint, in writing, to the Employment Compliance Officer(s).

A failure to comply with reporting requirements may result in discipline, including discharge.

Legal authority: 20 USC 1681 et seq.; 29 USC 621 et seq.; 42 USC 1983, 2000d et seq., 2000e et seq., 2000ff et seq., 6101 et seq., 12101 et seq.; 29 CFR 1604.1 et seq., 1635; 34 CFR 106.8, 106.9; MCL 37.1101 et seq., 37.2101 et seq.; MCL 380.1300a

Date adopted:

Date revised:

## **Series 4000: District Employment**

### **4100 Employee Rights and Responsibilities**

#### ***4103 Whistleblowers' Protection***

An employee shall report, on his/her own behalf or on behalf of another employee, a violation or a suspected violation of a federal, state, or local law, regulation, or rule to the employee's supervisor or the Employment Compliance Officer(s). Reports must be made in good faith. An employee who makes or is about to make a report in good faith and in compliance with this Policy will not be discharged, subject to adverse employment action, or subject to other discrimination or retaliation because the employee was about to make or made a report.

If the employee's supervisor is the subject of the violation or suspected violation, the employee must report to the Employment Compliance Officer(s) or the Superintendent. If the Employment Compliance Officer(s) or the Superintendent is the subject of the violation or suspected violation, the employee must report to the President. If the President is the subject of the violation or suspected violation, the employee must report to the Vice President.

A report must be promptly submitted in writing pursuant to Policy 4101. The investigation of the alleged violation will be performed by an impartial investigator. The investigation may be referred to a third party investigator.

Legal authority: MCL 15.361 et seq.

Date adopted:

Date revised:

## Series 4000: District Employment

### 4100 Employee Rights and Responsibilities

#### 4104 Employment Complaint Procedure

This employment complaint procedure is designed to facilitate: (1) prompt notification of alleged unlawful discrimination, including unlawful Title VII sexual harassment, and retaliation; (2) a prompt and thorough investigation of good faith allegations; and (3) the implementation of appropriate corrective action, if necessary, to eliminate verified, unlawful discrimination and retaliation from the workplace.

##### A. Initiating a Complaint

1. A Board member, employee, or employment applicant who believes he/she has been the subject of unlawful discrimination, including unlawful harassment, or retaliation must timely file a complaint, preferably within 10 business days of the alleged or suspected violation or when the reporter obtained knowledge of the alleged or suspected violation, with:

**GREG BODRIE AND LAURA GAVIN**

- Title IX sexual harassment complaints, including dual Title VII and Title IX harassment complaints that cannot be bifurcated, must be processed under Policy 3118.
2. A complaint against the Employment Compliance Officer(s) must be made to the Superintendent or President. A complaint against the Superintendent must be made to the President. A complaint against the President must be made to the Vice President.
  3. A complaint of discrimination, including unlawful harassment, or retaliation, may be made verbally or in writing. The complaint will be memorialized on Form 4104-F.

##### B. Investigation Procedures

1. A written or verbal report (including an anonymous report) of discrimination, including unlawful harassment, or retaliation will be investigated promptly and thoroughly.
2. An impartial investigator will investigate the complaint and, if appropriate, notify law enforcement. A third-party investigator may be appointed to investigate the complaint. The investigator(s) should consult with legal counsel in appropriate cases.
3. The investigator(s) will determine the relevant and appropriate witnesses to be interviewed based on the allegations, Board policy, and the law, and use reasonable efforts to do so. In most cases, the Complainant(s) and the

Respondent(s) will be interviewed. The investigator(s) should remind interviewees to maintain confidentiality to the extent permitted by law.

4. Complaints, evidence, witness statements, investigation notes, and findings will be maintained in a confidential manner and protected from disclosure to the extent permitted by law.
5. The preponderance of the evidence (i.e., more likely than not) standard of proof will be used to determine whether discrimination, including unlawful harassment, or retaliation occurred.
6. The investigator(s) may create an investigation report of factual conclusions and findings.
7. The outcome of the investigation will be reported to the Complainant(s) and the Respondent(s).

#### C. Remedies

The District will take prompt and appropriate remedial action to address substantiated instances of discrimination, including unlawful harassment, or retaliation. Remediation may include restorative practices, training, counseling, discipline, transfer, demotion, discharge, or other action as deemed appropriate.

#### D. False Complaint or False Statement

A person who knowingly files a false complaint or makes a materially false statement is subject to discipline, including discharge.

#### E. Unlawful Retaliation

Retaliation against an investigation participant is prohibited. Any person who unlawfully retaliates is subject to discipline, including discharge.

#### F. Appeal Process

A Complainant or Respondent who objects to the investigation process or findings must file a written appeal with the Superintendent within 10 business days after receiving the investigation outcome. The written appeal must cite specific objections to the investigation process or findings. If the Superintendent is the Respondent or Complainant, an appeal must be filed with the President. If the President is the Respondent or Complainant, an appeal must be filed with the Vice President.

An appeal will be forwarded to the Board or designee for consideration and action. The Board or designee, in consultation with legal counsel, will take appropriate action, generally within 30 calendar days after receipt of the appeal. A Board officer will then notify the parties in writing of the appeal decision.

#### G. Reports to State or Federal Administrative Agencies

Any person who believes that he/she was the victim of discrimination, including unlawful harassment, or retaliation may file a complaint with the Michigan Department of Civil Rights (MDCR) or the Equal Employment Opportunity Commission (EEOC) at any time:

Michigan Department of Civil Rights Capitol Tower Building  
110 W. Michigan Avenue, Suite 800  
Lansing, MI 48933  
Phone: 517-335-3165  
Fax: 517-241-0546  
TTY: 517-241-1965  
Email: MDCR-INFO@michigan.gov

Equal Employment Opportunity Commission Patrick V. McNamara Building  
477 Michigan Avenue - Room 865  
Detroit, MI 48226  
Phone: 800-669-4000  
Fax: 313-226-4610  
TTY: 800-669-6820  
Email: info@eeoc.gov

An agency complaint may be filed before, during, or after a complaint is filed with the District, or a person may forego filing a complaint with the District and rely solely on the MDCR or EEOC. The District recommends that a person who has been subjected to discrimination, including unlawful harassment, or retaliation, also file a complaint with the District to ensure that the District can take steps to prevent further discrimination, including unlawful harassment, or retaliation and to discipline the Respondent, if appropriate. The MDCR and EEOC do not serve as an appellate body for District decisions. An investigation by the MDCR or EEOC will occur separately from any District investigation.

Legal authority: U.S. CONST. amend. XIV; 20 USC 1681 et seq.; 29 USC 701 et seq.; 42 USC 2000d et seq., 2000e et seq., 2000ff et seq., 6101 et seq., 12101 et seq.; 29 CFR 1630; 34 CFR 104, 106.8, 106.9, 110; MCL 15.261 et seq.; MCL 37.1101 et seq., 37.2101 et seq.

Date adopted:

Date revised:

## **Series 4000: District Employment**

### **4100 Employee Rights and Responsibilities**

#### ***4105 Workplace Accommodations for Employees and Applicants Under State and Federal Law***

The District complies with the ADA, Section 504, the MPDCRA, PWFA, and other federal, state, and local laws that prohibit discrimination in employment against qualified persons with disabilities or with limitations related to pregnancy, childbirth, or related medical conditions. The District does not unlawfully discriminate against otherwise qualified employees or applicants for employment with a physical or mental impairment that substantially limits one or more major life activities, those regarded as having a disability, those with a record of a disability, or employees with limitations related to pregnancy, childbirth, or related medical conditions.

An applicant or employee with a disability, or an employee with limitations related to pregnancy, childbirth, or related medical conditions, like all other applicants and employees, must meet the District's requirements for the job, including education, training, employment experience, skills, or licenses/certifications. An applicant or employee with a disability or an employee with limitations related to pregnancy, childbirth, or related medical conditions must be able to perform the job's essential functions with or without reasonable accommodation(s). After an applicant has been given a conditional job offer, the District may ask disability-related questions about the applicant's ability to perform the essential functions of the position with or without reasonable accommodation.

An employee who requires a reasonable accommodation to perform essential job functions must promptly inform the employee's supervisor or the Superintendent or designee. An applicant who requires a reasonable accommodation to perform essential job functions must promptly inform the Superintendent or designee after receiving a conditional offer of employment. A reasonable accommodation is defined as a change in the work environment or in the methods of performing work to enable an otherwise qualified applicant or employee to perform the essential job functions of a position and to enjoy equal employment opportunities.

Upon receipt of an accommodation request, the District will begin the interactive process with the employee or applicant to consider reasonable accommodation options consistent with the ADA, Section 504, and the MPDCRA.

Reasonable accommodation requests that do not pose a direct threat to health or safety or cause undue hardship, as defined by law, will be considered for qualified applicants or employees with a physical or mental impairment that substantially limits one or more major life activities, or for employees with limitations related to pregnancy, childbirth, or related medical conditions.

After considering the relevant medical information, essential job functions, and the applicant's or employee's requested accommodations, the District will, as appropriate, implement reasonable accommodations that do not pose a direct threat to health or safety

or cause an undue hardship. The District is not obligated to adopt the applicant's or employee's specific accommodation request.

The District may engage or re-engage in the interactive process, as necessary.

The District may require a medical statement supporting the requested accommodation. The District may also require an employee to undergo an independent medical examination, limited to the accommodation request, at the District's expense. Medical information will be kept confidential.

Reasonable accommodation of a disability with a limited duration may be provided.

An applicant or employee who believes he/she has been discriminated against under this Policy must promptly file a complaint using the Employment Complaint Procedure in Policy 4104.

A qualified applicant or employee with a disability who needs a reasonable accommodation to attend or participate in a public Board meeting may request an accommodation under Policy 2501.

Legal authority: 29 USC 701 et seq.; 42 USC 12101 et seq.; 29 CFR 1630; 34 CFR 104; H.R. 2617-1626, 117<sup>th</sup> Cong. § 103(1); MCL 37.1101 et seq., 37.2101 et seq.

Date adopted:

Date revised:

## Series 4000: District Employment

### 4200 Employee Conduct and Ethics

#### 4216 *Personal Communication Devices*

“Personal communication devices” include employee-owned cell phones, computers, tablets, or any other device that enables an employee to access the internet or engage in communications through an application, social media, or any other communication method. Employee use of personal communication devices during the work day, including school-sponsored activities, and to conduct school-related business, is limited as follows:

- A. except in emergencies, an employee’s use of personal communication devices shall not interfere with instructional activities or work-related duties. Employees taking an authorized break may use personal communication devices in a manner that does not disrupt the District’s operations or violate the confidentiality of students or others;
- B. employees shall not use personal communication devices to access inappropriate content or engage in unlawful activities while on duty, on District property, or attending a District-related event;
- C. employees must not use personal communication devices to inappropriately communicate with other employees, students, and parents/guardians;
- D. employees must ensure that the District’s records and files, including confidential student information, are only maintained on District-provided technology and that confidentiality is maintained. District records and files must not be stored on a personal communication device;
- E. employees recognize that when a personal communication device accesses the District’s network, the employee’s use may become subject to the District’s Acceptable Use Policy;
- F. employees may not use their personal communication devices to record communications or images during the work or school day or at a school-sponsored event other than a public performance or sporting event, unless the employee has received permission from the Superintendent or designee, or **unless there is an educational purpose to do so**. Dissemination of any recording is prohibited unless the Superintendent or designee approves that action in writing; or
- G. unauthorized recording of communications or images of students, parents, co-workers, or non-public meetings is prohibited, **unless there is an educational purpose to do so**, and may result in discipline, including discharge.

Legal authority: MCL 380.11a(3), 380.601a

Date adopted:

Date revised:

## Series 4000: District Employment

### 4200 Employee Conduct and Ethics

#### *4220 Use or Disposal of District Property*

Employees are prohibited from using District property for personal use **unless the Superintendent or designee approves the use in advance.** Employee use of District property will be consistent with Policies 3304 and 4214.

After use, District property must be immediately returned to the appropriate location or department. The property must be returned in the same condition it was in at the time of acquisition. The employee is responsible for the cost of repair or replacement if the employee negligently or intentionally damages the District's property.

Employees may not dispose of District property without the supervisor's written approval. Employees may not take possession of discarded District property without written approval from the Superintendent or designee.

State law regulates the disposal, removal, or refusal to return District books, papers, or records. Retention and disposal of District books, papers, or records must conform with the State of Michigan's Records Retention and Disposal Schedule for Michigan Public Schools.

An employee who violates this Policy may be subject to discipline, including discharge, and civil and criminal prosecution.

Legal authority: MCL 380.11a(3), 380.601a; MCL 399.811; MCL 750.491

Date adopted:

Date revised:

## Series 4000: District Employment

### 4200 Employee Conduct and Ethics

**4227 False Medicaid Claims** ~~[Required for Districts that receive or make payments to the State Medicaid Program in an annual amount of at least \$5,000,000] [Note: If the Board elects not to adopt this Policy, delete the body of the policy and replace the title with “Intentionally Left Blank” after the policy number and in the Table of Contents to ensure accurate numbering of subsequent policies in the Policy Manual.]~~

Under federal law, when the District receives annual amount of at least \$5,000,000.00 in Medicaid payments, the District is required to inform all employees and contractors about legal requirements and remedies in order to comply with and prevent fraud and abuse in the Medicaid Program.

- A. The Federal False Claims Act (FCA). Medicaid prohibits individuals and organizations from submitting false or fraudulent claims to the government for payment or reimbursement. Any claim submitted by employees or contractors for Medicaid reimbursement must be accurate, correct, and complete.
1. An employee or contractor shall not knowingly submit a false claim. The term “knowingly” does not require the claimant to have actual knowledge that the claim is false. An employee violates this Policy by acting with reckless disregard or in deliberate ignorance. A violation of this Policy includes, but is not limited to:
    - a. knowingly presenting, or causing to be presented, a false or fraudulent claim for payment or approval;
    - b. knowingly making, using, or causing to be made or used, a false record or statement material to a false or fraudulent claim;
    - c. conspiring to commit a violation under the FCA;
    - d. having possession, custody, or control of property or money used, or to be used, by the government and knowingly delivering, or causing to be delivered, less than all of that money or property;
    - e. authorizing to make or deliver a document certifying receipt of property used, or to be used, by the government and, intending to defraud the government, making or delivering the receipt without completely knowing that the information on the receipt is true;
    - f. knowingly buying, or receiving as a pledge of an obligation or debt, public property from an officer or employee of the government, or a member of the Armed Forces, who lawfully may not sell or pledge property; or

- g. knowingly making, using, or causing to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the government, or knowingly concealing or knowingly and improperly avoiding or decreasing an obligation to pay or transmit money or property to the government.

## 2. Penalties

- a. The FCA and Program Fraud Civil Remedies Act (“PFCRA”) provides civil and criminal remedies to individuals who violate federal law.
- b. The District reserves the right to discipline, up to and including discharge, employees who violate this Policy.
- c. The District reserves the right to terminate the contract with a third party contractor found to be in violation of this Policy.

## B. Michigan Medicaid False Claim Act (“MMFCA”) prohibits fraud in the obtaining of benefits or payments in connection with the medical assistance program.

### 1. An employee or contractor shall not knowingly:

- a. make or cause to be made a false representation of a material fact in the application for, or the determination of, Medicaid benefits;
- b. fail to report any event affecting the initial or continued right to receive a Medicaid benefit or fails to report an event affecting the initial or continued right of any other person on whose behalf the individual has applied for Medicaid benefits;
- c. solicit, offer, or receive a bribe or kickback in connection with the furnishing of goods or services for which payment is made to a Medicaid provider;
- d. make or receive a payment or the rebate of a fee for referring an individual to another for Medicaid services;
- e. enter into a conspiracy or agreement to defraud the state by obtaining a Medicaid payment for a false claim;
- f. make or cause to be made a false claim under the Social Welfare Act, Act 280 of Public Acts of 1939, as amended, to an employee or officer of the state; or
- g. make or cause to be made a claim under the Social Welfare Act, which claim represents that goods or services are medically necessary in accordance with professionally-accepted medical standards when the goods or services are not medically necessary.

## 2. Penalties

- a. The MMFCA provides civil and criminal remedies to individuals who violate federal law.
- b. The District reserves the right to discipline, up to and including discharge, employees who violate this Policy.
- c. The District reserves the right to terminate the contract with a third party contractor found to be in violation of this Policy.

Legal authority: 31 U.S.C. 3729-3733, 31 U.S.C. 3801, MCL 400.601 et seq

Date adopted:

Date revised:

## **Series 4000: District Employment**

### **4200 Employee Conduct and Ethics**

#### ***4228 No Expectation of Privacy***

Employees have no expectation of privacy in connection with their use of District property and equipment. The District reserves the right to search District property, equipment, and technology issued or provided for the employee's use during the employee's District employment, including but not limited to the employee's office, desk, files, computer, or locker. Inspections may be conducted at any time at the District's discretion. A search of an employee's personal effects will comply with federal and state constitutional protections, laws, and regulations.

Date adopted:

Date revised:

## **Series 4000: District Employment**

### **4400 Professional Staff**

#### ***4404 Performance Based Compensation for Teachers***

The Superintendent or designee will implement a performance based compensation system for teachers pursuant to Revised School Code Section 1250 and State School Aid Act Section 164h. The system must include job performance and accomplishments as a significant factor and be based, at least in part, on student growth data as measured by assessments and other objective criteria for effective and highly effective professionals.

All collective bargaining agreements addressing teachers must include a method of compensation that complies with this Policy.

The Superintendent or designee may implement a performance based compensation system for Non-Teaching Professionals.

Legal authority: MCL 380.1249, 380.1250; MCL 388.1764h; MCL 423.215(3)(o)

Date adopted:

Date revised:

## **Series 4000: District Employment**

### **4500 Administrators/Supervisors**

#### ***4504 Performance Based Compensation***

The Superintendent or designee will implement a performance based compensation system for building level and central office Administrators regularly involved in instructional matters pursuant to Revised School Code Section 1250 and State School Aid Act Section 164h. The system must include job performance and accomplishments as a significant factor in determining compensation and additional compensation and be based, at least in part, on student growth data as measured by assessments and other objective criteria for effective and highly effective professionals.

The Superintendent may recommend merit pay to the Board for non-instructional Administrators, Supervisors, and Directors.

Collective bargaining agreements and individual employment contracts covering administrative personnel regularly involved in instructional matters must include a method of compensation that complies with this Policy.

Legal authority: MCL 380.1249b, 380.1250; MCL 388.1764h

Date adopted:

Date revised:

## Series 5000: Students, Curriculum, and Academic Matters

### 5200 Student Conduct and Discipline

#### ***5202 Unlawful Discrimination, Harassment, and Retaliation Against Students***

The District prohibits unlawful discrimination. For purposes of this Policy, “unlawful discrimination” includes unlawful harassment and retaliation, unless specifically stated otherwise. The District will investigate all allegations of unlawful discrimination and will take appropriate action, including discipline, against any person who, following an investigation, is determined to have engaged in unlawful discrimination.

This Policy applies to student-to-student conduct and staff-to-student conduct. See Policy 4102 for District personnel harassment.

Complaints alleging Title IX sexual harassment (staff-to-staff, staff-to-student, student-to-student, or student-to-staff) are governed by Policy 3118.

This Policy applies to all conduct occurring on school property, including in a classroom, elsewhere on school premises, on a school bus or other school related vehicle, at a school-sponsored activity or event whether or not it is held on school premises, or conduct with a direct nexus to school.

The District will comply with all applicable state and federal laws related to unlawful discrimination.

#### A. Student Handbooks

The Superintendent or designee will include in student handbooks a statement explaining the District’s policy against unlawful discrimination, including unlawful harassment and retaliation. This statement must include an explanation of types of unlawful discrimination, examples of harassment, reporting requirements, and consequences as described in this Policy.

#### B. Types of Unlawful Harassment

“Unlawful harassment” is verbal, written, or physical conduct that denigrates or shows hostility or aversion toward a student because of the student’s race, color, religion, sex (including pregnancy, gender identity, or sexual orientation), national origin, disability, or any other legally protected class that has the purpose or effect of:

1. creating an intimidating, hostile, or offensive environment; or
2. unreasonably interfering with the student’s ability to benefit from the District’s educational programs or activities.

**Race, color, and national origin harassment** is prohibited by Title VI of the Civil Rights Act of 1964 and the Michigan Elliott-Larsen Civil Rights Act. Race, color, and national origin harassment is unwelcome conduct based on a student’s actual

or perceived race, color, or national origin. Race, color, and national origin harassment can take many forms, including slurs, taunts, stereotypes, or name-calling, as well as racially motivated physical threats, attacks, or other hateful conduct. Under this Policy, harassment based on ethnicity, ancestry, or perceived ancestral, ethnic, or religious characteristics, will be considered race, color, and national origin harassment.

**Disability harassment** is prohibited by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and the Michigan Persons with Disabilities Civil Rights Act. Disability harassment is unwelcome conduct based on a student's actual or perceived disability. Disability harassment can take many forms, including slurs, taunts, stereotypes, or name-calling, as well as disability motivated physical threats, attacks, or other hateful conduct.

**Sex-based harassment** is prohibited by Title IX of the Education Amendments of 1972 and the Michigan Elliott-Larsen Civil Rights Act. For the definition of sexual harassment under Title IX, see Policy 3118. Sex-based harassment prohibited by this Policy includes harassment based on gender identity or sexual orientation. This Policy also prohibits harassment of a sexual nature that does not rise to the level of Title IX sexual harassment, as defined in Policy 3118.

#### C. Reporting Requirements

District personnel must immediately report incidents of alleged unlawful discrimination, including incidents that District personnel witness or about which they receive reports or information, regardless of whether the incidents are verbal, visual, or physical, and whether the incidents also constitute harassment, bullying, or hazing.

District personnel who witness an act of unlawful discrimination must intervene immediately, unless circumstances would make intervention dangerous. A person who is unable to intervene should promptly attempt to find another person who is able to intervene, contact a building administrator, or contact law enforcement, as the situation requires.

Any student who witnesses an act of unlawful discrimination is encouraged to report it to District personnel. No student will be retaliated against based on any report of suspected unlawful discrimination. A student may also anonymously report an incident of unlawful discrimination. The District will investigate anonymous reports pursuant to its investigation procedures described below. Minor students do not need parent/guardian permission to file complaints or participate in the formal complaint resolution process described below.

#### D. How to Report Unlawful Discrimination

If you or someone you know has been the victim of unlawful sex-based discrimination, you may file a report with any District employee or with the Title IX Coordinator:

**Greg Bodrie or Laura Gavin**

Formal Complaints of Title IX Sexual Harassment must be filed with the Title IX Coordinator. For information on the District's Title IX Sexual Harassment Grievance Process, see Policy 3118.

If you or someone you know has been the victim of disability-based discrimination, you may file a complaint with:

**Greg Bodrie or Laura Gavin**

If you or someone you know has been the victim of any other type of unlawful discrimination, including unlawful conduct based on race, color, or national origin, you may file a complaint with:

**Greg Bodrie or Laura Gavin**

A report of unlawful discrimination may be made verbally or in writing.

The coordinators identified above will document all unlawful discrimination reports, as well as any incidents they personally observe. The District will retain this documentation in accordance with applicable record retention requirements.

#### E. Complaint Process

Any person who has been the victim of unlawful discrimination or any person who has witnessed an incident of unlawful discrimination may make a complaint at any time. District personnel who receive a complaint of unlawful discrimination must immediately document the reported incident and notify the appropriate coordinator identified above by the end of the next school day.

#### F. Investigation Timelines

The District will initiate an investigation within **[5]** school days after receiving a complaint of unlawful discrimination. In most cases, an investigation will be completed within **[20]** school days.

The District will attempt to comply with all law enforcement requests for cooperation. In some circumstances, compliance with law enforcement requests may require the District to briefly suspend its investigation. The District will promptly resume its investigation as soon as it is notified by the law enforcement agency that the law enforcement agency has completed its evidence gathering process. This delay should not exceed 10 school days. If the District's investigation is suspended, interim steps will be taken to provide for the safety of the alleged victim or victims and the school community and to avoid potential retaliation. Those steps may include suspending the alleged perpetrator from work or school until the investigation is complete. If the law enforcement agency does not notify the District within 10 school days that the investigation may resume, the District will notify the

law enforcement agency that the District intends to promptly resume its investigation.

Within 5 school days after completing the investigation, the District will separately notify, in writing, the alleged victim and the alleged perpetrator of the investigation's outcome. Any disciplinary action against the alleged perpetrator will be implemented in accordance with the due process standards contained within Policy 5206.

An alleged victim of unlawful discrimination may present new evidence at any time.

An alleged perpetrator's status as a student with a disability will not affect the District's obligation to protect the alleged victim during and after an investigation.

#### G. Investigation Procedures

The District will use the following procedures when initiating and conducting investigations of unlawful discrimination:

1. Any written or verbal report of unlawful discrimination or harassment, including anonymous written or verbal reports, will be promptly addressed and investigated.
2. The District will assure the alleged victim that:
  - a. the complaint will be fully investigated;
  - b. the alleged victim's identity will be kept confidential during the investigation, to the extent possible;
  - c. the alleged victim will not be retaliated against by the District; and
  - d. the District will enforce its non-retaliation policy.
3. The District will take preventative measures to ensure that others, including the alleged perpetrator, do not retaliate against the alleged victim during or after the investigation.
4. The District will notify the alleged victim that the victim will not be required to confront the alleged perpetrator during the investigation, that steps will be taken to immediately ensure that the alleged conduct does not continue, and that retaliation is prohibited.
5. The District will interview any witnesses identified by the alleged victim and the alleged perpetrator. All witnesses will be assured that their identities will be kept confidential during the investigation, to the extent both possible and practical, and that retaliation is prohibited.
6. The District will implement individualized interim measures during the investigation to ensure that any unlawful conduct does not continue. Interim measures may include, but are not limited to, temporary schedule changes, no-

contact directives, short-term suspensions, changes to class schedules or lockers, and student escorts.

7. The District will take action to end unlawful discrimination, including monitoring that the conduct does not reoccur and modifying responses if the unlawful discrimination does reoccur.
8. If the alleged victim is a minor student, the District will notify the student's parent/guardian of the complaint. The parent/guardian will be informed of the investigation's status, as appropriate.
9. Unless otherwise required by law, if an alleged victim has been discriminated against or harassed based on sexual orientation, gender identity, or non-compliance with gender stereotypes, the District will first consult with the student to determine an appropriate method of notifying the student's parent/guardian of the complaint.
10. All documentation, including witness statements, must be kept with the complaint and reports.
11. The District will use the preponderance of the evidence standard as the appropriate standard to substantiate allegations of unlawful discrimination.
12. If the District determines that a school official's impartiality has been compromised during the investigation process, that school official will be removed from the investigation and have no further involvement.
13. If an alleged victim requests complete confidentiality or asks that the complaint not be pursued, the District will take all reasonable steps to investigate and respond to the complaint consistent with the alleged victim's request. If an alleged victim insists that the victim's name or other identifying information not be disclosed to the alleged perpetrator, the appropriate coordinator or designee will notify the alleged victim that the District's ability to investigate and respond to the complaint may be limited.

#### H. Remedies

The District will take appropriate and effective measures to promptly remedy effects of unlawful discrimination. Appropriate remedies will be based on the circumstances and may include, but are not limited to:

1. providing an escort to ensure that the victim can safely attend classes and school activities;
2. providing the victim with school-based counseling services;
3. providing the victim with academic support services, such as tutoring;
4. rearranging course schedules, to the extent practicable, to minimize contact between the victim and perpetrator;

5. moving the victim's or the perpetrator's locker;
6. issuing a "no contact" directive to the perpetrator; or
7. imposing discipline, up to and including suspension or expulsion, consistent with Policy 5206 and the student code of conduct.

Whenever possible, the District will strive to ensure that the victim's academic and other school-related schedules remain intact.

These remedies may also be available to any other student who is or was affected by unlawful discrimination.

The applicable coordinator should also consider whether broader remedies are required, which may include, but are not limited to:

1. assemblies reminding students and staff of their obligations under this Policy and applicable handbooks;
2. additional staff training;
3. a climate survey; or
4. letters to students, staff, and parents/guardians reminding them of their obligations under this Policy and applicable handbooks.

If the alleged victim is a student with a disability, the Superintendent or designee will convene an IEP or Section 504 Team meeting to determine if additional or different programs, services, accommodations, or supports are required to ensure that the alleged victim continues to receive a free appropriate public education.

#### I. Investigation Report

After the investigation concludes, the appropriate coordinator or designee will create an investigation report. The report must include the following information:

1. the alleged victim's name, a description, or identifying information;
2. the alleged victim's relevant protected class(es);
3. the name, a description, or identifying information about the person making the report, if not the alleged victim;
4. the protected class(es) of the person making the report, if not the alleged victim;
5. the nature of the allegation, a description of the alleged incident(s), and the date and time (if known) of the alleged incident(s);
6. the name(s) and protected classes of all persons alleged to have committed the unlawful discrimination, if known, or a description/identifying information available if the name is not known;

7. the name(s) or description/identifying information and protected classes of all known witnesses to the alleged incident;
8. any written statement of the person making the report, the alleged victim (if different than the reporter), the alleged perpetrator(s), and any known witnesses;
9. the applicable standard of evidence, conclusion, and recommendations; and
10. the response by District personnel, including the date any incident was reported to law enforcement.

#### J. Filing a False Report

Any person who knowingly or maliciously files a false report of unlawful discrimination will be subject to discipline, up to and including expulsion.

#### K. Retaliation

Retaliation against a person who reports unlawful discrimination is prohibited. Any person who retaliates against a person who reports suspected unlawful discrimination will be disciplined in accordance with Policy 5206. This prohibition against retaliation also applies to retaliation against people who participate in or cooperate with an investigation related to a complaint.

#### L. Office for Civil Rights

Any person who believes that he or she was the victim of unlawful discrimination may file a complaint with the Office for Civil Rights (OCR) at any time:

U.S. Department of Education  
Office for Civil Rights  
1350 Euclid Avenue, Suite 325  
Cleveland, Ohio 44115  
Phone: (216) 522-4970  
E-mail: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

This complaint may be filed before, during, or after filing a complaint with the District. A person may forego filing a complaint with the District and instead file a complaint directly with OCR. The District recommends that a person who has been subjected to unlawful discrimination also file a complaint with the District to ensure that the District is able to take steps to prevent any further harassment and to discipline the alleged perpetrator, if necessary. OCR does not serve as an appellate body for District decisions. An investigation by OCR will occur separately from any District investigation.

#### M. Appeal Process

An alleged victim or alleged perpetrator may appeal the written investigation findings and conclusions to the **Superintendent** within 5 business days of receipt.

Upon receipt of an appeal, the Superintendent or designee will review the investigation report, may contact additional witnesses, may consider all additional evidence, and may re-interview any witnesses. The Superintendent will then notify the parties in writing of the decision. The Superintendent or designee is not required to give deference to the investigation report and may consider any new, previously unavailable evidence in evaluating the appeal.

#### N. Training

The District will provide to District personnel training on responding to and investigating unlawful discrimination. This training is mandatory for all District personnel responsible for implementing and enforcing anti-discrimination and anti-harassment laws and related policies and procedures. The Superintendent or designee will ensure that District personnel are notified of mandatory training sessions.

Legal authority: 20 USC 1400 et seq., 1681 et seq.; 29 USC 206 et seq., 621 et seq., 701 et seq., 794, 2601 et seq., 6101 et seq.; 38 USC 4301 et seq.; 42 USC 1983, 2000d et seq., 2000e et seq., 2000ff et seq., 6101 et seq., 12101 et seq.; 29 CFR 1604.1 et seq., 1635; 34 CFR 106.8, 106.9; MCL 37.1101 et seq., 37.2101 et seq.

Date adopted:

Date revised:

## Series 5000: Students, Curriculum, and Academic Matters

### 5200 Student Conduct and Discipline

#### 5206B Student Discipline - Students with Disabilities

The District will follow all applicable state and federal laws related to disciplining students with disabilities. Students with disabilities are entitled to all due process protections afforded to other students pursuant to Policy 5206A. For students with disabilities, the additional procedures and protections in this Policy also apply.

##### A. Change of Placement

On the date on which the District decides to: (1) expel a student with a disability; (2) suspend a student with a disability for more than 10 consecutive school days; (3) suspend a student with a disability for more than 10 cumulative school days in the same school year if a pattern of removals exists; or (4) place a student with a disability in an interim alternative educational setting (explained below), the District will notify the student's parent/guardian of that decision, will provide the parent/guardian a copy of applicable procedural safeguards, and will conduct a manifestation determination review (MDR) within 10 school days.

##### B. Manifestation Determination Review

The MDR team, which includes the parent/guardian and relevant members of the student's IEP or Section 504 Team, will determine whether the student's conduct was a manifestation of the student's disability.

##### 1. Conduct Was a Manifestation

If the conduct was a manifestation of the student's disability, the District must immediately return the student to the placement from which the student was removed unless the parent/guardian and the District agree to change the placement or the student is placed in an interim alternative educational setting for up to 45 school days (see section C).

For a student with an IEP, if the conduct was a manifestation of the student's disability, the District must either: (1) conduct a functional behavioral assessment (unless one was previously conducted) and implement a behavior intervention plan for the student; or (2) if a behavior intervention plan was already developed, review and modify the behavior intervention plan to address the conduct at issue.

##### 2. Conduct Was Not a Manifestation

If the conduct was not a manifestation of the student's disability, the District may proceed with the suspension or expulsion by adhering to the due process requirements in Policy 5206A.

If the student has an IEP, the District must, as appropriate, conduct a functional behavioral assessment and develop a behavior intervention plan or other behavioral modifications for the student to prevent the behavior from recurring.

### C. Interim Alternative Educational Setting (“IAES”)

The District may remove a student with a disability who engages in any of the following conduct to an IAES for not more than 45 school days, even if the conduct is a manifestation of the student’s disability:

1. carrying a weapon to or possessing a weapon at school, on school premises, or to or at a school function;
2. knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance, while at school, on school premises, or at a school function; or
3. inflicting serious bodily injury upon another person while at school, on school premises, or at a school function.

For purposes of this section only, a “weapon” means a device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. A “weapon” does not include a pocket knife with a blade of less than 2½ inches in length.

No student with a disability may be removed to an IAES without first receiving the due process rights afforded under Policy 5206A.

If the student has an IEP, the District must, as appropriate, conduct a functional behavioral assessment and develop a behavior intervention plan or other behavioral modifications for the student to prevent the behavior from continuing.

### D. Dangerous Students

The District may remove a dangerous student from school as permitted by law. District administrators must follow all state and federal laws governing the removal of dangerous students with disabilities.

### E. Services During Disciplinary Removal or IAES

A student who is eligible for services under the Individuals with Disabilities Education Act (IDEA) who is expelled or suspended for more than 10 school days during a school year or placed in a 45-school day IAES is entitled to receive programs and services, although in a setting other than the regular school setting, that are sufficient to enable the student to participate in the general education curriculum and to progress toward meeting the goals contained in the student’s IEP.

## F. Students Not Yet IDEA Eligible

A student who is not currently identified as a student with a disability under the IDEA is entitled to the rights and procedures provided to students with disabilities if the District had knowledge that the student was a student with a disability before the misconduct occurred. The District is deemed to have knowledge that a student was a student with a disability only if: (1) the student's parent/guardian expressed concern in writing to a school administrator that the student needed special education or related services; (2) the student's parent/guardian requested a special education evaluation; or (3) the student's teacher or other District personnel expressed specific concerns about a pattern of behavior demonstrated by the student to the District's special education director or to other supervisory personnel. The District will not be deemed to have knowledge that the student was a student with a disability if: (1) the student's parent/guardian refused to allow the District to evaluate the student; (2) the student's parent/guardian refused special education for the student; or (3) the student was previously evaluated and determined to not be a student with a disability.

This Policy does not provide a comprehensive description of the disciplinary rights and procedures due to students with disabilities. District administrators must ensure that the rights of students with disabilities are protected and all procedures applicable to students with disabilities are followed as required by the IDEA, Section 504 of the Rehabilitation Act, state law, and Board Policy.

Legal authority: 20 USC 1401 et seq., 7151; 29 USC 705, 794-794b; MCL 380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

Date adopted:

Date revised:

## **Series 5000: Students, Curriculum, and Academic Matters**

### **5400 Curriculum, Instruction, and Parent/Guardian Involvement**

#### **5411 *Student Promotion, Retention, and Placement***

The District has the sole discretion to make promotion, retention, and placement decisions for its students, consistent with state and federal law. The District may consider parent/guardian requests that a student be placed in a particular classroom, building, educational program, or grade.

##### **A. Student Promotion and Retention**

The building principal will attempt to consult with a student's parent/guardian before deciding to retain a student, advance a student to the next grade mid-year, or allow a student to skip a grade level. If the parent/guardian disagrees with the building principal's decision about promotion or retention, the Superintendent or designee will make the final decision.

##### **B. Student Placement**

The Superintendent or designee will determine a student's classroom and building placement based on District needs, available space, and educational expertise, consistent with state and federal law. The District's placement decision is final. Nothing in this section may be construed to limit or modify rights under state or federal laws applicable to students with disabilities, including the right to have placement decisions made by an IEP or Section 504 Team.

##### **C. Intradistrict Choice**

A student who is the victim of a violent criminal offense at school may transfer to another public school in the District, if available. A student who attends a Title I school in the District that has not made adequate yearly progress as defined by state and federal law for 2 or more consecutive years or who is attending a persistently dangerous school may transfer to another public school in the District, if available. The Superintendent or designee will notify parents/guardians if their student is eligible to transfer under this Policy.

This Policy incorporates the definitions for "violent criminal offense" and "persistently dangerous school" contained in the Michigan State Board of Education's Statewide Safe School Choice Policy.

##### **D. Nontraditional Programs**

The District may operate nontraditional programs to meet the needs of all students. Nontraditional programs may include alternative education or virtual settings. The building principal or designee will attempt to consult with a student's parent/guardian before finalizing a decision to move a student to a nontraditional program. If the parent/guardian disagrees with the building principal's or designee's decision, the Superintendent or designee will make the final decision.

Nothing in this section may be construed to limit or modify rights under state or federal laws applicable to students with disabilities, including the right to have placement decisions made by an IEP or Section 504 Team.

E. Reserved

Legal authority: 20 USC 7912; MCL 380.1278a, 380.1278b, 380.1280f

Date adopted:

Date revised:

**Series 5000: Students, Curriculum, and Academic Matters**

**5400 Curriculum, Instruction, and Parent/Guardian Involvement**

***5419 Reading Assessments, Instruction, Intervention, and Retention***

The District will provide instruction and interventions to promote literacy, with a specific emphasis on students in grades K-3, and will follow the procedures and requirements enumerated in state law.

Legal authority: MCL 380.1280f

Date Adopted:

Date Revised:

## **Series 5000: Students, Curriculum, and Academic Matters**

### **5500 School Sponsored and Extracurricular Activities**

#### **5510 *Student-Initiated, Non-Curricular Clubs***

Students may voluntarily form clubs that are not directly related to the curriculum to promote activities unrelated to the regular classroom environment. Membership in a student-initiated, non-curricular club must be open to all interested and eligible District students, and the club may not refuse membership to a student based on any protected classification under state or federal law.

Students seeking to create a student-initiated, non-curricular club must first obtain approval from the building principal. If the building principal denies approval, the students seeking to create the club may submit a written appeal to the Superintendent or designee within 5 school days after the denial. The Superintendent or designee must make a decision on the appeal within 15 school days after receiving the appeal. If the Superintendent denies the club approval, the students may submit a written appeal to the Board within 5 school days after the denial. The Board will be deemed to have received the appeal at its next regularly scheduled meeting and will consider and make its final decision on the appeal at its next regularly scheduled meeting following the meeting when it receives the appeal (i.e., the Board's final decision will be made by the second regularly scheduled meeting after the appeal is filed). The Board's decision is final.

Student-initiated, non-curricular clubs may not conduct activities on school property without prior permission from the building principal. Student initiated, non-curricular clubs are permitted to meet on school property only before or after the school day, or during lunch periods; they are not permitted to meet during instructional time. Meetings may not materially and substantially interfere with the orderly conduct of the school's educational activities or violate any Policy or state or federal law.

The District may assign a staff member to be present in a supervisory, but not participatory, capacity at meetings or activities of student-initiated, non-curricular clubs. Persons not affiliated with the District may not direct, conduct, control, or regularly attend meetings or activities of student-initiated, non-curricular clubs.

No public funds may be expended on behalf of the student-initiated, non-curricular clubs covered by this Policy except for the incidental cost of meeting space.

The District will comply with all applicable laws related to student-initiated, non-curricular clubs, including but not limited to the provisions of the Equal Access Act and the Boy Scouts of America Equal Access Act, and will not discriminate against or deny access to clubs or other groups protected by the applicable laws.

Legal authority: 20 USC 4071; 20 USC 7905; MCL 380.1299

Date adopted:

Date revised:

# POLICY UPDATE SUMMARY

## BOARD POLICY MANUAL

August 2023

Policy	Revision(s) Made
<b>5000 Series</b>	
<b>5707</b> School Wellness Policy	This update adds a new subsection I.2. to eliminate “lunch shaming.” This update is required for schools to receive funds for student meal debt forgiveness as provided by the new Section 31k of the State School Aid Act (“SSAA”). Subsection 31k(7) requires eligible school districts to “adopt policies to prevent public identification or stigmatization of pupils who cannot pay for a school meal.” We drafted the revisions to Policy 5707 to be consistent with Subsection 31k(7).

## Series 5000: Students, Curriculum, and Academic Matters

### 5700 Student Health and Safety

#### 5707 School Wellness Policy

The District is committed to providing a school environment that enhances opportunities for learning and lifelong wellness.

##### A. Nutrition Promotion and Education Goals

All students will receive nutrition education annually that is aligned with the Michigan Health Education Grade Level Content Expectations and the Michigan Merit Curriculum Guidelines for Health Education. Teaching healthy eating behaviors will be part of the curriculum.

The District promotes healthy food and beverage choices for students. The District will implement evidence-based healthy food promotion techniques through:

1. offering school meal programs; and
2. publicizing foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards. The District will collaborate with public and private entities to promote student wellness.

The District will make water available to students throughout the school day.

##### B. Physical Activity Goals

The District will offer physical education programs that are designed to equip students with the knowledge, skills, and values necessary for lifelong physical activity. Physical education instruction will be aligned with the Michigan Physical Education Grade Level Content Expectations and the Michigan Merit Curriculum Guidelines for Physical Education.

Students will have the opportunity to participate regularly in supervised physical activities, either organized or unstructured, intended to maintain physical fitness and an understanding of the benefits of a physically active and healthy lifestyle.

The District strives to provide physical activity breaks for all students, including recess for elementary students and before and after school activities, and encourages students to use active transport (e.g., walking, biking).

The District encourages parents/guardians to support their students' participation in physical activity, to be physically active role models, and to include physical activities in family events.

##### C. Goals for Other School-Based Activities Designed to Promote Student Wellness

The District may partner with community members or groups to implement this Policy. The District will also:

1. participate in state and federal child nutrition programs as appropriate;
2. allow other health-related entities to use school facilities for activities such as health clinics, screenings, and wellness events consistent with Policy 3304;
3. use evidence-based strategies to develop, structure, and support student wellness; and
4. create environments conducive to healthy eating, physical activity, and conveying consistent health messages.

D. Standards and Nutrition Guidelines for All Foods and Beverages Sold to Students on the School Campus and During the School Day

The District will ensure that students have access to foods and beverages that comply with applicable laws and guidelines including, but not limited to, the USDA Nutrition Standards for School Meals and the USDA Smart Snacks in School nutrition standards.

The District will offer students a variety of age-appropriate, healthy food and beverage selections including fruits, vegetables, and whole grains aimed at meeting the nutrition needs of students within their calorie requirements to promote student health and reduce childhood obesity.

E. Standards for All Foods and Beverages Provided, But Not Sold, to Students During the School Day

The District may provide a list of healthy food and beverage alternatives to parents/guardians, teachers, and students for classroom parties, rewards and incentives, or classroom snacks. The District discourages the use of unhealthy food and beverages as a reward or incentive for performance or behavior.

F. Food and Beverage Marketing

Marketing and advertising is allowed on school grounds or at school activities only for foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards. Food and beverage fundraising and marketing that occurs at events outside of school hours need not comply with the USDA Smart Snacks in School nutrition standards.

In-school fundraising events must comply with Policy 5501 and MDE's Non-Compliant Food Fundraiser Guidance, which permits 2 fundraisers per week, per school building that do not comply with USDA Smart Snacks in School nutrition standards. In-school fundraising events may last up to 1 day and may not be held in the food service area during meal times.

Equipment that currently displays noncompliant marketing materials (e.g., scoreboard with soft drink logo) need not be immediately removed or replaced. As the District reviews and considers new contracts and as durable equipment, like scoreboards, is replaced or updated, any food or beverages marketed and

advertised will meet or exceed the USDA Smart Snacks in School nutrition standards.

#### G. Wellness Committee

The District will form a Wellness Committee to establish goals for, oversee, and periodically review and update school health policies and programs. The Wellness Committee will also oversee this Policy's implementation.

The Wellness Committee will represent all school buildings and include, to the extent possible, parents/guardians, students, food service representatives, physical and health education teachers, school and community health care professionals, and community members. The Board encourages community participation in the Wellness Committee. When possible, membership will also include Supplemental Nutrition Assistance Program education coordinators.

#### H. Implementation and Oversight

The Superintendent or designee is responsible for ensuring that each school building complies with this Policy.

The Board will review this Policy at least every 3 years to determine compliance, progress, and the extent to which this Policy compares to model school wellness policies. Parents/guardians, students, school employees, school health professionals, Board members, and community members may provide input to the District during the Wellness Policy review process.

A copy of this Policy will be maintained in the District's administrative offices and posted on the District's website. The Superintendent or designee will maintain all legally required documentation for implementation of this Policy.

The Superintendent or designee will annually provide notice about this Policy and any updates to the community.

#### I. School Meal Program—~~Delinquent Meal Charge Debt and Bad Debt~~

##### I.1. Delinquent Meal Charge Debt and Bad Debt

The District is required to make reasonable efforts to collect unpaid meal charges of current students. The building principal or designee will contact households about unpaid meal charges and may establish payment plans and due dates by telephone, e-mail, or other written or oral communication. If these collection efforts are unsuccessful, the District may pursue any other methods to collect delinquent debt of current students as allowed by law. Collection efforts may continue into a new school year.

Unpaid meal charges of inactive students, such as graduated students and students no longer enrolled at the District, that are not collected by the end of the school year will be classified as bad debt. No later than December 31 of the

following school year, non-federal funds will be used to reimburse the school meal program for the amount of bad debt.

## 2. Elimination of “Lunch Shaming”

The District will strive to eliminate any form of “lunch shaming.” “Lunch shaming” is the public identification or stigmatization of students who cannot pay for a school meal. In furtherance of this goal, the District prohibits the following:

- a. requiring a student who cannot pay for a school meal or who has unpaid meal charges to wear a wristband or handstamp;
- b. requiring a student to dispose of a meal after it has been served because the student cannot pay for the meal or has unpaid meal charges;
- c. communicating directly with a student about unpaid meal charges unless the District has attempted but has been unable to contact the student’s parent/guardian by telephone, e-mail, or other written or oral communication;
- d. requiring a student to perform chores or other labor to pay a student meal debt; and
- e. discussing a student’s unpaid meal charges in the presence of other students.

Date adopted:

Date revised: