

**Fowlerville Community Schools  
Board of Education  
July Organizational Meeting  
Agenda**

Fowlerville High School, Media Center, 7:00 p.m.

July 9, 2024

**District Mission Statement**-Fowlerville Community Schools are committed to providing a quality educational experience for all students in a safe, orderly, healthy and nurturing environment.

The district's guiding principles are educational excellence, effective leadership, personal integrity, mutual respect and continuous improvement through staff, student and community involvement.

- I. Call to Order
- II. Pledge of Allegiance
- III. Consent Agenda
  - A. Roll Call
  - B. Approval of Minutes from June 18, 2024
  - C. Approval of June Payables
- IV. Call to the Public (See Guidelines Below)
- V. Action Items (July Fiscal Year Organizational Meeting)
  - A. Adopt School Board Meeting Schedule
  - B. Adopt Standing Board Committees Schedule
  - C. Depositories and Signatories
  - D. Posting Public Meetings
  - E. Subscription Charges
  - F. Retainer Contracts – Auditors and Attorneys
  - G. Field Trip List
  - H. Organizational Chart
- VI. Reports/Recognition
  - A. Board Committee Reports
    1. 7/2 Asset Management Report
      - a. Recommendation to Approve JHS Purchase and Installation of New Doors
    2. 7/2 Policy Committee Report
      - a. Recommendation to Approve First Reading of Proposed Policies
  - B. Superintendent's Report
- VII. Old Business
- VIII. Information
  - A. Next Regular Meeting, August 6, 2024 at 7:00 p.m., FHS media center
- IX. Recommendation for Closed Session for the Purpose of Negotiations
  - A. Recommendation to Reconvene from Open Session
  - B. Recommendation to Approve the Closed Session Minutes
  - C. Motion from Closed Session
- X. Adjournment

**CALL TO THE PUBLIC GUIDELINES:**

- Any audience member may address the Board about topics on the agenda or not on the agenda.
- Each person shall be allowed to speak for a maximum of 3 minutes.
- Individuals addressing the Board should take into consideration the rules of common courtesy.
- Comments cannot be used to make personal attacks against Board members, District employees, or students.
- Call to the Public is not a question and answer period.
- Board members may ask questions of the speaker, but are not obligated to answer questions or make statements or commitments in response to issues raised by the public.
- The Board President may refer questions/issues to the Superintendent for investigation, study, or recommendation. He may ask the Superintendent to address questions directly during the Superintendent's report.

V. Action Items (July Fiscal Year Organizational Meeting)

- A. Adopt Meeting Schedule – A copy of the proposed meeting schedule is attached.

Recommendation: Administration is recommending that the attached Board meeting schedule for the 2024-2025 school year be adopted as presented. [Appendix A].

- B. Adopt Standing Board Committees Schedule – A copy of the proposed meeting schedule is attached.

Recommendation: Administration recommends that the attached Committee meeting schedule for the 2024-2025 school year be adopted as presented. [Appendix B]

- C. Depositories & Signatories – It is necessary annually to designate depositories and signatories for the various banking transactions that must be conducted. [Three recommendations follow.]

**Recommendation 1:** Administration recommends the depository for Fowlerville Community Schools' monies and banking transactions for the 2024-2025 fiscal year shall be the Bank of Ann Arbor for the following accounts:

Bank of Ann Arbor –  
Collins Memorial  
Debt Retirement  
Energy Bond – Savings  
Food Service Account  
General Fund Checking  
General Fund Savings  
Payroll  
Student Activity Checking  
Student Activity Savings  
Trust Account – Scholarships  
VanGorder – Certificate of Deposit

Huntington Bank – Acts as agent to make debt service payments

Michigan Class – 2022 Bond Funds

UMB (United Missouri Bancshares) – 2022 Bond Funds

Roll Call Vote Needed

**Recommendation 2:** Administration recommends all checks drawn against authorized checking accounts in the following funds will be signed by the Board Treasurer and countersigned by the Superintendent.

General Fund  
Payroll  
Student Accounts

Roll Call Vote Needed.

**Recommendation 3:**

Administration recommends the Superintendent, Assistant Superintendent or the Financial Director be authorized to invest temporary, excess cash in the name of Fowlerville Community Schools and liquidate these investments by depositing them in authorized school accounts. Roll Call Vote Needed.

- D. Posting Meetings of the Board of Education – The following recommendation is made in conformance with Policy 0165.

Recommendation: The Superintendent or his delegate be the person responsible for posting meetings of the Board of Education notices as may be required by law.

- E. Subscription Charges – Policy 0165.1 allows the charging of a fee for those wishing to receive notice of special and/or rescheduled meetings. The district needs to set a fee for mailing board packets to non-board members. The rate for subscription fee for the mailing of certain schedules and notices is \$50.00 per year.

Recommendation: The Board of Education sets the subscription fee for the mailing of certain schedules and notices in the amount of \$50.00 per year. Board packet charges for non-board members will be .10¢ per page plus postage and handling.

- F. Retainer Contracts – The district needs to go on record as having retained the following firms to provide the following services for the school district:

Maner Costerisan Certified Public Accounts – Auditors  
Thrun Law Firm – Legal

Recommendation: Administration recommends Maner Costerisan Certified Public Accountants be retained as auditors for the 2024-2025 school year and Thrun Law Firm be retained as legal counsel for 2024-2025.

- G. Field Trip List – Enclosed in your material is the recommended Out-of-State and Overnight Field Trip list for 2024-2025.

Recommendation: Administration is recommending approval of the Out-of-State and Overnight Field Trip list as presented for the 2024-2025 school year. [Appendix C]

- H. Organizational Chart – Enclosed in your packet is the Organizational Chart for 2024-2025.

Recommendation: Administration recommends approval of the Organizational Chart as presented for the 2024-2025 school year. [Appendix D]

## VI. Reports/Recognition

### A. Board Committee Reports –

1. 7/2 Asset Management Committee Report – Mr. Braska
  - a. Recommendation to Approve JHS Proposal as presented.

Recommendation: Administration and the Asset Management Committee recommends approval of the purchase and installation of new doors to the Junior High School in the Central Office area for staff access to bathrooms in the amount of \$22,400. [Appendix E]

2. 7/2 Policy Committee Meeting – Mrs. Sova
  - a. Recommendation to Approve First Reading of Proposed Policies

Recommendation: Administration, along with the Policy Committee, recommend the following policies be approved for a first reading. Policy 2264 – Nondiscrimination on the Basis of Sex in Education Programs or Activities (on or after 8/1/24), Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities (on or before 7/31/2024), Policy 7540.02 – Web Accessibility, Content, Apps, and Services, Policy 7540.03 – Student Technology Acceptable Use and Safety, Policy 7540.04 – Staff Technology Acceptable Use and Safety, Policy 8300 – Continuity of Organizational Operations Plan, Policy 8305 – Information Security, Policy 8315 – Information Management and Policy 9700.01 – Advertising and Commercial Activities. A second and final reading will be presented at the next Board meeting. [Appendix F] Roll Call Vote Needed.

B. Superintendent's Report – Mr. Matt Stuard

VII. Old Business

VIII. Information – See Agenda

IX. Recommendation for Closed Session for the Purpose of Negotiations – Roll Call Vote Needed

A. Recommendation to Reconvene Open Session

B. Recommendation to Approve the Closed Session Minutes

C. Motion from Closed Session if any

X. Adjournment



**FOWLerville COMMUNITY SCHOOLS**  
**Board of Education Minutes**  
**Regular Meeting**  
**June 18, 2024**

The meeting was called to order by School Board President, Mrs. Amy Sova, at 7:01 p.m. in the media center at Fowlerville High School.

The Pledge of Allegiance was recited.

Members Present: Mr. John Belcher, Mr. Justin Braska, Mrs. Susan Charron, Mrs. Diana Dombrowski, and Mrs. Amy Sova

Members Absent: Mrs. Danielle DeVries and Mr. Robert Hinton

Motion Mr. Belcher, supported by Mr. Braska, to approve the consent agenda including Board minutes from June 4, 2024 and the Superintendent's Personnel Report. The motion was adopted unanimously.

During the Call to the Public no comments were offered.

Recognition of the June 2024 retirees included: Laura Shreve, Smith Elementary Administrative Assistant; Anke Suida, Smith Elementary Paraprofessional; Kathy Gibson, Smith Principal; Bridget Russell, JHS teacher and Judy Recker, Junior High Athletic Director.

--A short recess took place. --

5/28 Policy Committee Report

6/3 Asset Management Committee Report

Motion by Mr. Belcher, supported by Mr. Braska, recommending approval of the Auch Bid Package #4-Technology as presented for \$322,285.00. [Appendix A]

Ayes: Mr. Belcher, Mr. Braska, Mrs. Charron, Mrs. Dombrowski, and Mrs. Sova

Nays: None

The motion carried.

Motion by Mr. Belcher, supported by Mr. Braska, recommending approval of the JHS gym floor refinishing as presented for \$37,424.40. [Appendix B]

Ayes: Mr. Belcher, Mr. Braska, Mrs. Charron, Mrs. DeVries, Mrs. Dombrowski, Mr. Hinton and Mrs. Sova

Nays: None

The motion carried.

Motion by Mr. Belcher, supported by Mr. Braska, recommending approval of the JHS bleachers as presented for \$78,587.00. [Appendix C]

Ayes: Mr. Belcher, Mr. Braska, Mrs. Charron, Mrs. Dombrowski, and Mrs. Sova

Nays: None

The motion carried.

Motion by Mr. Belcher, supported by Mr. Braska, recommending approval of the district bleachers as presented minus the cost of main JHS gym bleachers, not to exceed \$50,000. [Appendix D]

Ayes: Mr. Belcher, Mr. Braska, Mrs. Charron, Mrs. Dombrowski, and Mrs. Sova

Nays: None

The motion carried.

#### 6/6 Recreation Report

#### 6/10 Personnel Committee Report

Recommendation: Administration recommends contract changes and one-year extensions for the following administrators and directors.

Dana Coon, SES Intervention Specialist/Assistant Principal	2026
Lauri Daubenmeyer, Financial Director	2026
Jeffrey Finney, FHS Athletic Director	2026
Jacob Hess, FHS Dean of Students	2026
Nick Krueger, FJHS Assistant Principal	2026
Jason Miller, KES Principal	2026
Adva Ringle, Assistant Superintendent for Academics	2026
Amy Pashak, FHS Principal	2026
Julie White, KES Intervention Specialist/Assistant Principal	2026
Nick Zajas, FHS Assistant Principal	2026
Trisha Reed, Human Resources Director	2025
Janice Avis, Executive Secretary to the Superintendent	2025
Kristin Rosalez, Executive Assistant HR/Academics	2025
Danielle Birdyshaw, Instructional Support Specialist	2025

Ayes: Mr. Belcher, Mr. Braska, Mrs. Charron, Mrs. Dombrowski, and Mrs. Sova

Nays: None

The motion carried.

Motion by Mr. Belcher, supported by Mrs. Charron, recommending the contract extension of the Fowlerville Community Schools Superintendent contract to June 30, 2027 for Mr. Matthew Stuard.

Ayes: Mr. Belcher, Mr. Braska, Mrs. Charron, Mrs. Dombrowski, and Mrs. Sova

Nays: None

The motion carried.

#### 6/14 Finance Committee Report

Motion by Mr. Belcher, supported by Mr. Braska, recommending approval of the Food & Nutrition Pizza RFQ as presented. [Appendix E]

Ayes: Mr. Belcher, Mr. Braska, Mrs. Charron, Mrs. Dombrowski, and Mrs. Sova

Nays: None

The motion carried.

Motion by Mr. Belcher, supported by Mrs. Charron, recommending the 2024-2025 School Bond Loan Application be approved as presented. [Appendix F]

Ayes: Mr. Belcher, Mr. Braska, Mrs. Charron, Mrs. Dombrowski, and Mrs. Sova

Nays: None

The motion carried.

#### 6/17 Curriculum and Technology Committee Report

Assistant Superintendent's Report – Mrs. Adva Ringle gave a presentation on i-Ready Analysis.

Superintendent's Report – Mr. Matt Stuard met with the Village today and reported that the water connection to the new building will occur next week, Security and Safety meeting, gave a June update on his Evaluation Framework.

Motion by Mr. Belcher, supported by Mr. Braska, recommending that the July Fiscal Year Organizational meeting take place on Tuesday, July 9, 2024, at 7:00 p.m. in the Fowlerville High School media center.

Ayes: Mr. Belcher, Mr. Braska, Mrs. Charron, Mrs. Dombrowski, and Mrs. Sova

Nays: None

The motion carried.

#### Old Business

Introduction of Other Matters by the Board - None

Introduction of Other Matters by the Superintendent - None

Information – See Agenda

Motion by Mr. Belcher, supported by Mr. Braska, recommending going into Closed Session for the Purpose of Negotiations at 8:36 p.m.

Ayes: Mr. Belcher, Mr. Braska, Mrs. Charron, Mrs. Dombrowski, and Mrs. Sova

Nays: None

The motion carried.

Motion by Mr. Braska, supported by Mrs. Dombrowski, recommending the Board reconvene Open Session at 9:46 p.m.

Ayes: Mr. Belcher, Mr. Braska, Mrs. Charron, Mrs. Dombrowski, and Mrs. Sova

Nays: None

The motion carried.

Motion by Mr. Belcher, supported by Mr. Braska, recommending approval of the closed session minutes. The motion passed unanimously.

Motion by Mrs. Charron, supported by Mrs. Dombrowski, recommending adjournment of the meeting at 9:47 p.m. The motion passed unanimously.

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Susan Charron, Board Secretary  
Fowlerville Community Schools

**FOWLerville COMMUNITY SCHOOLS  
CHECK REGISTER FOR THE MONTH OF JUNE 2024**

NOTE: Check numbers beginning with the letter "A" are ACH payments.  
Check numbers beginning with the number "9" are EFT payments.

CHECK NUMBER	CHECK DATE	AMOUNT	VENDOR NAME
043436	6/28/2024	(50.00)	RECREATION REFUND
043474	6/28/2024	(50.00)	RECREATION REFUND
043558	6/28/2024	(205.00)	RECREATION REFUND
046007	6/4/2024	7,200.00	42 NORTH OUTDOOR SERVICES, LLC
046008	6/4/2024	497.20	BAKKEN BOOKS LLC
046009	6/4/2024	175.00	BOB MAXEY FORD OF FOWLerville
046010	6/4/2024	3,637.50	BULK BOOKSTORE
046011	6/4/2024	1,402.11	CORRIGAN PROPANE
046012	6/4/2024	289.20	HUTSON, INC. OF MICHIGAN
046013	6/4/2024	4,555.00	FINN & CO ENTERPRISES
046014	6/4/2024	759.81	FIRST IMPRESSION PRINT & MARKETING
046015	6/4/2024	202.84	GRAINGER
046016	6/4/2024	200.00	ION ELECTRIC SERVICE LLC
046017	6/4/2024	630.00	JOHNSON & WOOD, LLC
046018	6/4/2024	5.49	KODET'S TRUE VALUE
046019	6/4/2024	2,006.88	LANSING SANITARY SUPPLY, INC.
046020	6/4/2024	1,055.61	LOWE'S
046021	6/4/2024	3,191.39	MIDWEST TRANSIT EQUIPMENT, INC.
046022	6/4/2024	184.00	MOBILE TESTING SERVICES, L.L.C
046023	6/4/2024	7,317.50	NIFTY HOOPS, LLC
046024	6/4/2024	800.00	NOVA ENVIRONMENTAL, INC
046025	6/4/2024	80.00	OUCH URGENT CARE COMPASS
046026	6/4/2024	2,353.85	PRAIRIE FARMS DAIRY
046027	6/4/2024	881.34	PRIORITY HEALTH
046028	6/4/2024	3,392.79	RANDY'S SERVICE STATION
046029	6/4/2024	5,699.10	RIDDELL/ALL AMERICAN SPORTS CORP
046030	6/4/2024	8,000.00	SECURE ENVIRONMENT CONSULTANTS, LLC
046031	6/4/2024	10,420.00	SPORTS & APPAREL
046032	6/4/2024	134.16	VERIZON WIRELESS
046033	6/4/2024	37.25	THE WATER STORE
046034	6/4/2024	18.10	WEST MICHIGAN INTERNATIONAL
046035	6/4/2024	3,503.27	WORTHINGTON DIRECT
046036	6/4/2024	106.00	LGC REFUND
046037	6/6/2024	268.22	MICHIGAN STATE DISBURSEMENT UNIT
046038	6/6/2024	1,025.72	ROOSEN, VARCHETTI & OLIVER, PLLC
046039	6/11/2024	7,620.00	ACE TRANSPORTATION INC
046040	6/11/2024	1,121.25	CORRIGAN PROPANE
046041	6/11/2024	9,100.00	GENESEE ISD
046042	6/11/2024	2,392.91	GRANGER WASTE SERVICES, INC.
046043	6/11/2024	47.50	H & H PUBLICATIONS
046044	6/11/2024	135.00	IPS DRUG TESTING SERVICES, L.L.C
046045	6/11/2024	232.26	KODET'S TRUE VALUE
046046	6/11/2024	24.70	QUADIENT, INC.
046047	6/11/2024	220.00	PACKERLAND RECORDS MANAGEMENT
046048	6/11/2024	658.70	PERFORM BETTER MFAC, LLC
046049	6/11/2024	473.86	PRAIRIE FARMS DAIRY

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CHECK NUMBER	CHECK DATE	AMOUNT	VENDOR NAME
046050	6/11/2024	975.16	RANDY'S SERVICE STATION
046051	6/11/2024	6,281.60	THRUN LAW FIRM, P.C.
046052	6/11/2024	371.60	THE LIBRARY STORE
046053	6/11/2024	71.60	SCHOOL SPECIALTY, LLC
046054	6/11/2024	933.66	VERIZON WIRELESS
046055	6/11/2024	1,802.66	WORTHINGTON DIRECT
046056	6/13/2024	1,954.93	CONSUMERS ENERGY PAYMENT CENTER
046057	6/13/2024	8.83	GRAMPY'S AUTO PARTS
046058	6/13/2024	75.00	ION ELECTRIC SERVICE LLC
046059	6/13/2024	89.31	LANSING SANITARY SUPPLY, INC.
046060	6/13/2024	208.25	PARKS MAINTENANCE INC
046061	6/13/2024	910.00	JOHN ALLEN BELCHER II
046062	6/13/2024	1,015.00	JUSTIN PAUL BRASKA
046063	6/13/2024	875.00	SUSAN P CHARRON
046064	6/13/2024	700.00	DANIELLE M DEVRIES
046065	6/13/2024	595.00	DIANA MARIE DOMBROWSKI
046066	6/13/2024	875.00	ROBERT A. HINTON
046067	6/13/2024	840.00	AMY L SOVA
046068	6/18/2024	89.42	BASIC BENEFITS LLC
046069	6/18/2024	362.04	CLEAR RATE COMMUNICATIONS, INC
046070	6/18/2024	10,737.28	DTE ENERGY
046071	6/18/2024	33.96	GRAMPY'S AUTO PARTS
046072	6/18/2024	1,845.00	MARCO TECHNOLOGIES, LLC
046073	6/18/2024	1,150.00	NOVA ENVIRONMENTAL, INC
046074	6/18/2024	121.18	PRAIRIE FARMS DAIRY
046075	6/18/2024	6,307.10	SET SEG ATTENTION: FINANCE DEPT
046076	6/20/2024	268.22	MICHIGAN STATE DISBURSEMENT UNIT
046077	6/20/2024	560.72	ROOSEN, VARCHETTI & OLIVER, PLLC
046078	6/20/2024	39,936.00	LIGHTSPEED TECHNOLOGIES INC
046079	6/20/2024	3,750.00	SPALDING DeDECKER
046080	6/21/2024	837.38	CAPITAL ONE WALMART COMMUNITY CARD
046081	6/25/2024	2,171.60	DELAU FIRE SERVICES
046082	6/25/2024	3,595.50	HURON VALLEY SCHOOLS
046083	6/25/2024	282.45	JONES SCHOOL SUPPLY CO., INC.
046084	6/25/2024	2,816.50	JOHNSON & WOOD, LLC
046085	6/25/2024	1,253.56	KODET'S TRUE VALUE
046086	6/25/2024	326.65	LANSING SANITARY SUPPLY, INC.
046087	6/25/2024	10,735.68	BSN SPORTS LLC
046088	6/25/2024	20,000.00	TODAYS CLASSROOM LLC
046089	6/25/2024	78.25	VESCO OIL CORPORATION
046090	6/25/2024	134.16	VERIZON WIRELESS
046091	6/25/2024	2,134.00	WISER CONTRACT FURNISHINGS, LLC
046092	6/25/2024	100.00	MISCELLANEOUS VENDOR
046093	6/27/2024	1,188.00	FACILISERV, INC DBA BR BLEACHERS
046094	6/27/2024	1,212.85	LIVINGSTON COUNTY TREASURER
046095	6/27/2024	99.81	SECRET, WARDLE, LYNCH, HAMPTON, TRUEX & MORLEY, PC

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CHECK NUMBER	CHECK DATE	AMOUNT	VENDOR NAME
046096	6/27/2024	1,985.00	THE GROUNDS CREW LLC
046097	6/27/2024	2,000.00	GREGORY GOFFEE
046098	6/28/2024	205.00	RECREATION REFUND
046099	6/28/2024	50.00	RECREATION REFUND
046100	6/28/2024	50.00	RECREATION REFUND
046101	6/28/2024	2,443.30	R & D SEPTIC TANK CLEANING LLC
046102	6/28/2024	108.00	SPORTS & APPAREL
046103	6/28/2024	96.85	CAPITAL ONE WALMART COMMUNITY CARD
046104	6/28/2024	470.00	RECREATION REFUND
046105	6/28/2024	115.00	RECREATION REFUND
046106	6/28/2024	120.00	RECREATION REFUND
046107	6/28/2024	40.00	RECREATION REFUND
046108	6/28/2024	115.00	RECREATION REFUND
046109	6/28/2024	235.00	RECREATION REFUND
900798	6/3/2024	1,195.82	EDUSTAFF LLC
900799	6/3/2024	7,337.98	GORDON FOODS
900800	6/5/2024	2,751.79	GORDON FOODS
900801	6/7/2024	1,750.45	GORDON FOODS
900802	6/7/2024	6,655.93	HEALTH EQUITY INC.
900803	6/10/2024	15,598.25	US OMNI & TSACG COMPLIANCE SERVICES
900804	6/14/2024	77,948.37	EDUSTAFF LLC
900805	6/17/2024	980.63	BASIC PR SWEEPS
900806	6/18/2024	2,300.49	EDUSTAFF LLC
900807	6/21/2024	6,655.93	HEALTH EQUITY INC.
900808	6/21/2024	200.00	BASIC PR SWEEPS
900809	6/21/2024	19,692.25	US OMNI & TSACG COMPLIANCE SERVICES
900810	6/26/2024	147.73	BASIC PR SWEEPS
900811	6/27/2024	64,729.64	EDUSTAFF LLC
900812	6/28/2024	67.28	BASIC PR SWEEPS
A00758	6/4/2024	2,500.00	INTERNATIONAL OUTDOOR, INC
A00759	6/11/2024	691.33	MAURER'S TEXTILE RENTAL SERVICES, INC
A00760	6/13/2024	280,727.60	BRIGHTON AREA SCHOOLS
A00761	6/13/2024	2,694.22	CONSTELLATION NEWENERGY GAS DIVISION, LLC
A00762	6/14/2024	2,593.10	AMAZON CAPITAL SERVICES, INC.
A00763	6/18/2024	4,913.92	DIRECT ENERGY BUSINESS
A00764	6/18/2024	1,498.08	ENGINEERED PROTECTION SYSTEMS, INC. EPS SECURITY
A00765	6/20/2024	1,007,216.73	AUCH, GEORGE W. AUCH COMPANY
A00766	6/20/2024	21,240.62	INTEGRATED DESIGN SOLUTIONS, LLC ACCOUNTS RECEIVABLE
A00767	6/25/2024	12,420.92	DIRECT ENERGY BUSINESS
A00768	6/26/2024	2,725.44	AMAZON CAPITAL SERVICES, INC.
A00769	6/27/2024	307.68	VILLAGE OF FOWLerville
P6004	6/4/2024	21,855.80	PCARD - JP MORGAN CHASE BANK
P6049	6/26/2024	8,179.18	PCARD - JP MORGAN CHASE BANK
TOTAL		1,808,070.73	

Appendix A

Fowlerville Community Schools  
School Board Meeting Schedule  
2024-2025

**DRAFT**

July 9, 2024

January 7, 2025

August 6, 2024

February 4, 2025

September 10, 2024

March 4, 2025

October 1, 2024

April 8, 2025

November 12, 2024 \*

May 6, 2025

November 9, 2024

June 3, 2025\*\*

December 3, 2024

June 24, 2025\*\*

\* Superintendent Evaluation - 11/12/24

\*\* Budget Meeting – 6/3/25 or 6/24/25 (if needed)

All meetings will be held at 7:00 p.m. in the Fowlerville High School Media Center unless otherwise posted.

Board of Education Office  
7677 W. Sharpe Road, Suite A  
Fowlerville, MI 48836  
(517) 223-6016

# Appendix B

## STANDING BOARD COMMITTEES 2024-2025 MEETING SCHEDULE

Held in the FHS Computer Lab A

\*Held in the Central Office Conference Room\*

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Asset Management = 6:00 PM
Personnel = 6:00 PM
Finance = 7:00 AM
Curriculum & Technology = 6:00 PM
Policy = 6:00 PM





# Appendix C

## Fowlerville Community Schools Out-of-State and Overnight Approved Field Trip List 2024-2025

- 1 . FHS-AgriScience FFA National Convention
- 2 . FHS-Band Trip (biennial)
- 3 . FHS-DECA Competition for Marketing Students
- 4 . FHS-FFA Trip, Location TBD
- 5 . FHS-Health Occupation State Meet
- 6 . FHS-Physics Class Field Trip
- 7 . FHS-Robotics Field Trip/Competitions
- 8 . FHS-Social Studies, Washington D.C.
- 9 . FHS-Special Olympics/Peer to Peer Trip, Location TDB

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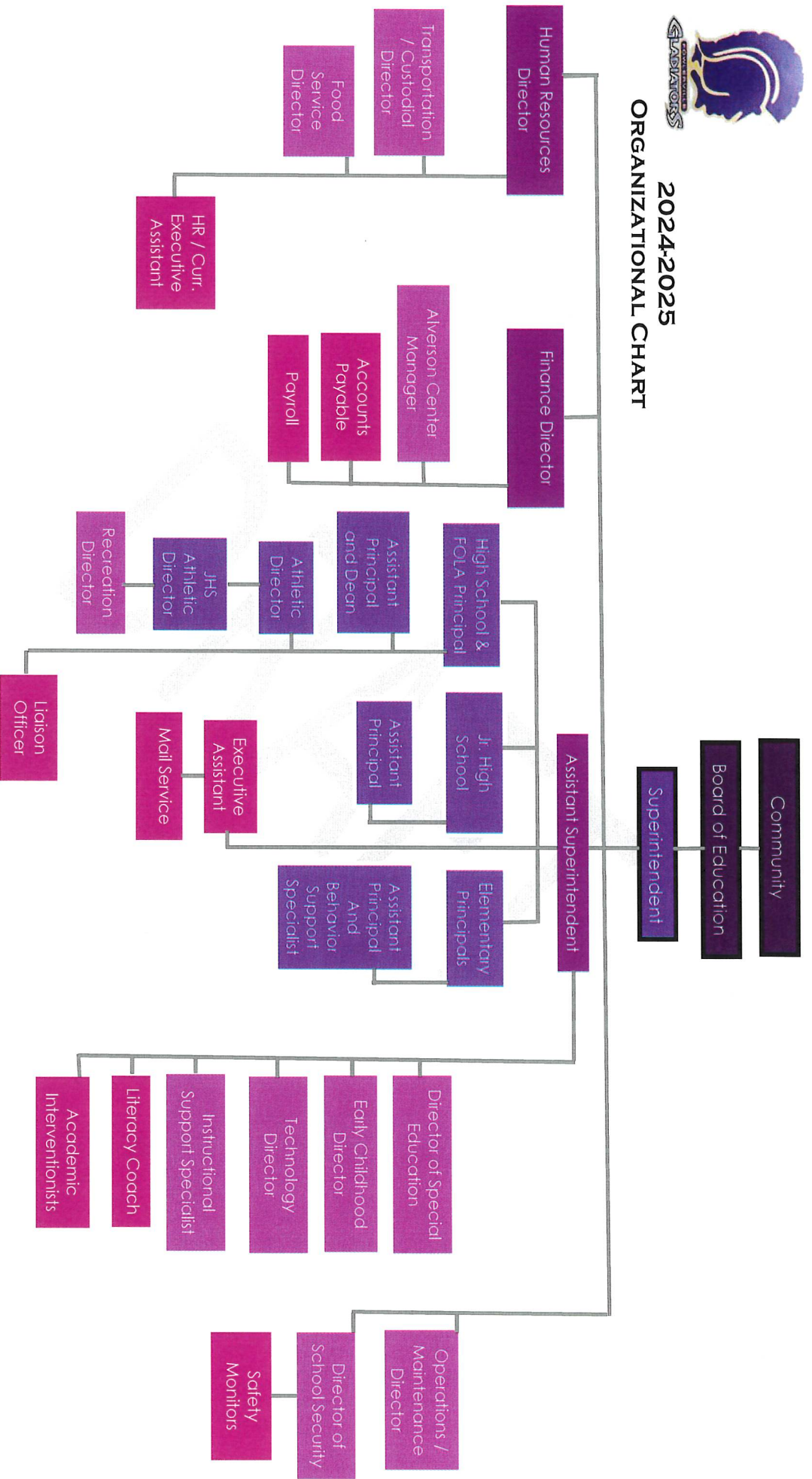
- 10 . FHS-SLS/SADD State Conference
- 11 . FHS-All Wilson Talent Center Sponsored Trips with FHS Principal's Permission
  
- 12 . FHS-French Trip (biennial)
- 13 . FHS-German Trip (biennial)
- 14 . FHS-Spanish Trip (biennial)
  
- 15 . FHS-Any MHSSA Sponsored Competition with Athletic Director's Permission
- 16 . FHS/FJHS-Archery Trip to National Competition (yearly)
- 17 . FHS-Boys Baseball Trip (yearly)
- 18 . FHS-Boys/Girls Basketball Field Trip including Varsity Team Camp
- 19 . FHS-Cheerleading Trip & Team Camp
- 20 . FHS-Cross country Trip & Team Camp (yearly)
- 21 . FHS-Equestrian Club Competitions (Shiawassee Fair Grounds and the State Meet, if they qualify)
- 22 . FHS-Football Camp/Retreat Trip including Varsity Team Camp
- 23 . FHS-Golf Team Overnight Trip
- 24 . FHS-Soccer Trip & Team Camp
- 25 . FHS-Softball Team Trip
- 26 . FHS-Volleyball Camp Field Trip including Varsity Team Camp
- 27 . FHS-Wrestling Camp/Trip including Overnight trip
  
- 28 . JHS-6th Grade Field Trip
- 29 . JHS-7th Grade Social Studies Field Trip
- 30 . JHS-8th Grade Field Trip
- 31 . JHS-Ski Club Field Trip

**DRAFT**

# Appendix D



## 2024-2025 ORGANIZATIONAL CHART



**Asset Management Committee Minutes  
Fowlerville Community Schools  
July 2, 2024**

Fowlerville High School, Computer Lab A, 6:00 p.m.

The meeting was called to order at 6:00 p.m. by Mr. Justin Braska in the Fowlerville High School Computer Lab A.

Members Present: Mr. Justin Braska, Mr. John Belcher & Mrs. Danielle DeVries  
Staff Present: Mr. Matt Stuard & Mr. Marty Sabo  
Others Present: Mr. Matt Shock (Auch), Mr. Shawn Verlinden (Auch) and Mr. Ron Drzewicki (Moore-Trosper)

Motion by Mr. Belcher, supported by Mrs. DeVries, to approve minutes from the June 3, 2024 Asset Management Committee meeting. The motion passed unanimously.

Call to the Public – None

Fowlerville Elementary School Update – Mr. Shock and Mr. Verlinden provided an update on the Fowlerville Elementary School project, including a budget review and an overview of the project timeline. The project remains on schedule for a mid-October completion and is within budget.

Water Main Update – The committee was informed that the water connection to Fowlerville Elementary School was successfully established. However, a valve was broken in the process, and there were challenges locating other valves. Auch is currently working with the Village to obtain the meter for the building. Discussions also took place with the committee about the Village accepting the district's water system as public and the necessary documents being requested for potential Village acceptance of the system within school property.

High School Bathrooms – The committee reviewed quotes for the replacement of toilet partitions and urinals in the high school student bathrooms. They requested Mr. Sabo obtain additional quotes for in-kind replacement of the partitions, quotes for floor-to-ceiling partitions around only the toilets, and quotes for floor-to-ceiling partitions around both toilets and urinals. The committee discussed the pros and cons of floor-to-ceiling partitions regarding student privacy and safety.

Junior High School Doors – Mr. Sabo updated the committee on a quote to install three new doors at the junior high school. These doors would provide secure access to bathrooms currently designated only for central office and Information Technology employees. The new doors will allow junior high school staff to share these bathrooms, providing staff with much-needed additional facilities. The committee unanimously supported the installation of the new doors and requested that it be forwarded to the full Board for approval.

Junior High School Windows – Mr. Sabo reviewed a quote for two additional windows in the junior high school, to be located within the central office area. The committee recommended tabling this discussion and revisiting it at a later date.

Other - None

Motion by Mr. Belcher, supported by Mrs. DeVries, to adjourn the meeting at 7:42 p.m.. The motion passed unanimously.

# Appendix E

June 28, 2024



Mr. Marty Sabo  
Fowlerville Schools

RE: Fowlerville Schools – Doors Only

Marty,

We are pleased to provide a proposal to complete the work at the Middle School as discussed. Please see below for a specific list of inclusions and exclusions.

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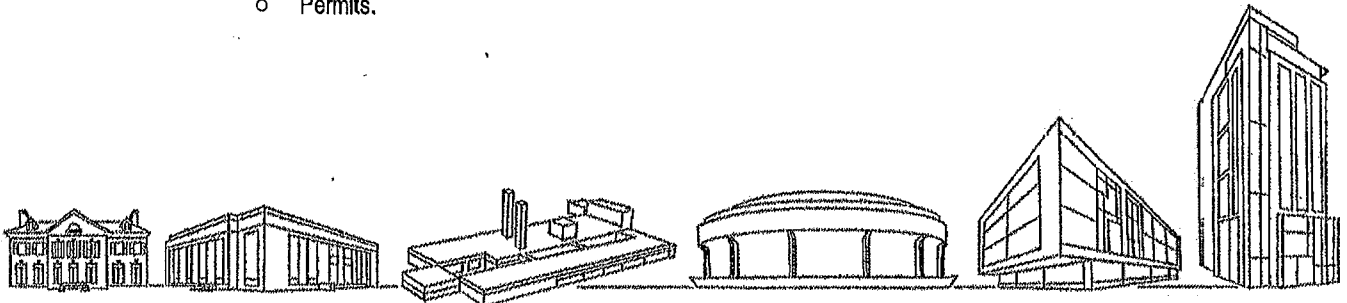
**Middle School Doors, Metal Studs and Drywall total cost: \$22,400**

**INCLUDED:**

- Cut out existing interior masonry wall and install a 3'-0" x 7'-0" prefinished wood door with HM frame and hardware.
  - Includes new lintel to support masonry opening.
  - Door hardware to include a closer.
  - Furnish and install new HM door frame, wood door (to match existing) and hardware.
  - Paint door frame.
- Build approximately 4 lineal feet of new wall 9'-0" feet tall.
  - 3-5/8" Metal studs walls with insulation.
  - Wall to bottom of existing ceiling grid.
  - 5/8" Type X drywall hung and finished.
  - Protection of existing surfaces.
- (1) 3'-0" x 7'-0" prefinished wood doors with hollow metal frames.
- Floor protection.
- Removal of debris.
- Final cleaning.
- Sales tax.
- Supervision.

**EXCLUSIONS:**

- Flooring.
- Permits.



340 E. Huron Street, Ann Arbor, MI 48107

○ 734.213.6033

**Policy Committee Minutes  
Fowlerville Community Schools  
July 2, 2024**

Fowlerville High School, Computer Lab A, 5:00 p.m.

The meeting was called to order at 5:01 p.m. by Mrs. Amy Sova in Fowlerville High School Computer Lab A

Members Present: Mrs. Amy Sova, Mr. John Belcher and Mr. Justin Braska  
Staff Present: Mr. Matt Stuard and Mr. James Stauble  
Others Present: None

Motion by Mr. Belcher, supported by Mr. Braska recommending approval of the minutes from the May 28, 2024 meeting. Motion passed unanimously.

Call to the Public – None

Policy 2264 - Nondiscrimination on the Basis of Sex in Education Programs or Activities (effective on or after 8/1/24) – The committee requested that Mr. Stuard have the district attorney review the policy language and the selected options. Once reviewed by the attorney and any necessary modifications are made, the committee unanimously recommends forwarding Policy 2264 to the full Board for approval.

Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities (effective on or before 7/31/24) – The committee requested that Mr. Stuard have the district attorney review the policy language and the selected options. Once reviewed by the attorney and any necessary modifications are made, the committee unanimously recommends forwarding Policy 2266 to the full Board for approval.

Other - None

Motion by Mr. Belcher, supported by Mr. Braska, recommending adjournment of the meeting at 5:52 p.m. The motion passed unanimously.

*Appendix F*

Book	Policy Manual
Section	Special Update - Title IX - June 2024 MI
Title	Special Update - Title IX - June 2024 New NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES
Code	po2264
Status	

**New Policy - Special Update - Title IX****2264 - NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES**

This policy pertains to sex discrimination, including sex-based harassment, which occurs on or after August 1, 2024. Allegations of sex-based harassment, that occur on or before July 31, 2024, shall be addressed pursuant to Policy 2266 ( ) and AG 2266 [END OF OPTION]. Throughout this policy, unless expressly stated otherwise, reference to "Title IX" includes and incorporates the 2024 Title IX regulations (also known as the "2024 Final Rule"). The Title IX regulations are found at 34 CFR Part 106. References solely to Title IX (20 U.S.C. §§ 1681 – 1688) are denoted as "Title IX (Statute)." In this policy, unless the context otherwise requires, words importing the singular include the plural and vice versa.

**[DRAFTING NOTE: The 2024 Final Rule serves to "clarify the scope and application of Title IX and the obligations of recipients of Federal financial assistance from the United States Department of Education ["ED"]...to provide an educational environment free from discrimination on the basis of sex, including through responding to incidents of sex discrimination." The 2024 Final Rule stresses – in its Supplementary Information section (i.e., "Preamble") – that ED is responsible for "fully [enforcing] Title IX's nondiscrimination mandate."**

The 2024 Title IX regulations are effective August 1, 2024. As such, they apply *only* to sex discrimination that allegedly occurred on or after August 1, 2024. With respect to sex discrimination that allegedly occurred prior to August 1, 2024, regardless of when the alleged sex discrimination was reported, ED has stated that it will "evaluate a recipient's compliance against the Title IX statute and the Title IX regulations in place at the time that the alleged sex discrimination occurred." The 2020 Title IX regulations (effective 8/14/2020) focus on effectuating Title IX's prohibition against sex discrimination by requiring recipients to address sexual harassment as a form of sex discrimination in education programs or activities. The 2020 Title IX regulations obligate recipients to respond promptly and supportively to persons alleged to be victimized by sexual harassment, resolve allegations of sexual harassment promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment, and effectively implement remedies for victims. The 2020 Title IX regulations do not provide procedures for addressing claims of sex discrimination in a recipient's education program or activity that are unrelated to sexual harassment. As such, ED states in the Preamble to the 2024 Title IX regulations that "some reports regarding sex discrimination occurring in a recipient's education program or activity may be handled under [the 2024 Title IX regulations] while others will be addressed under the requirements of the [2020 Title IX regulations]." (emphasis added) Presumably, the "will" relates to reports of sexual harassment (or "sex-based harassment" as defined in the 2024 Title IX regulations) that allegedly occurred prior to 8/1/2024, and the "may" refers to reports of alleged sex discrimination that occurred prior to 8/1/2024 that involve non-sexual harassment related violations of Title IX (Statute).

Since a recipient is not required to use the grievance procedures outlined in the 2024 Title IX regulations (and this policy) to investigate, address, and remedy alleged violations of Title IX – not involving sex-based harassment - that occurred before 8/1/2024 in the school district's education programs or activities (again, allegations of sexual harassment that involve conduct that occurred before 8/1/2024 must be addressed pursuant to the grievance procedures delineated in Policy 2266 and AG 2266), the Title IX Coordinator is afforded broad discretion to determine how best to address in a prompt, effective and equitable manner such Title IX violations.

The language quoted in this DRAFTING NOTE is found at 89 Fed. Reg. 33,841 (Apr. 29, 2024).

For more information concerning the use of this policy and the grievance procedures set forth herein, as opposed to Policy 2266 and the grievance procedures contained in it, refer to the first few paragraphs of the Grievance Procedures section located below.

Neola recommends the Board consult with its Legal Counsel relating to any questions it may have concerning application and implementation of this policy and its corresponding administrative guideline, as compared to Policy 2266 and AG 2266.]

## **NONDISCRIMINATION**

### **Overview:**

The Board of Education of the Fowlerville Community Schools School District (hereinafter referred to as "the Board" or "the District") does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

**[DRAFTING NOTE: For purposes of the 2024 Title IX regulations, the term "admission" refers to admission to postsecondary institutions (i.e., institutions of graduate higher education, institutions of undergraduate higher education, institutions of professional education, and institutions of vocational education). If a K-12 school does not operate a vocational program (e.g., a school or institution that has as its primary purpose preparation of students to pursue a technical, skilled, or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers fulltime study), the K-12 school does not have to include "admission and" in the preceding sentence (and where that phrase is used throughout this policy); Neola, however, recommends that boards include it because all K-12 schools "enroll" students and often the term "enroll" is viewed as synonymous with the term "admit." Further, K-12 schools cannot discriminate when enrolling students into the education programs or activities that they operate, so it seems reasonable to include the term "admission." Additionally, many districts operate adult-based vocational programs and/or have students dual-enrolled in post-secondary institutions – e.g., through Michigan's Dual Enrollment – and/or youth apprenticeship programs, so it makes sense to include "admission" even though those postsecondary institutions will have their own Title IX nondiscrimination policies and grievance procedures. If a student enrolled in/admitted to one of these programs notifies the District that the student was allegedly subjected to sex discrimination during/through the student's participation in the program, the Title IX Coordinator should consult with the Board's Legal Counsel regarding the District's responsibility to implement the District's grievance procedures to address the allegations of sex discrimination and provide supportive measures. The Title IX Coordinator should also contact and coordinate with the postsecondary institution's Title IX Coordinator concerning the matter.]**

Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

**[DRAFTING NOTE: Shortly after the 2024 Final Rule was released, a number of States filed lawsuits to stop implementation of the new regulations. As of May 23, 2024, no court has issued an injunction or preliminary restraining order to prevent the 2024 Final Rule from going into effect on August 1, 2024. Neola is monitoring the litigation across the country and will notify its clients if any court action limits or prevents Michigan school districts from implementing the 2024 Title IX regulations and, in turn, replacement Policy 2264 and replacement AG 2264.**

Unlike a couple of years ago when several States challenged in court a legal guidance document that ED released interpreting the U.S. Supreme Court's *Bostock* decision (*Bostock v. Clayton County*, 590 U.S. (2020)), as applying to Title IX and therefore protecting individuals from discrimination based on their sexual orientation or gender identity, the 2024 Title IX regulations "carry the force and effect of law" as a result of ED going through the notice and comment rulemaking process prior to promulgating them.

While the pending lawsuits each seek to void, cancel, or otherwise block ED from implementing the 2024 Final Rule, they each present slightly different bases for challenging the 2024 Title IX regulations. All of them, however, express an underlying or primary concern related to an alleged expansion of the term "sex" to include sexual orientation and gender identity. While these plaintiffs, to date, contend the 2020 *Bostock* decision – which involved Title VII – does not apply to Title IX, Neola has interpreted "sex" to include "sexual orientation and gender identity" for a number of years pre-dating *Bostock* based on applicable Sixth Circuit case law (see *Dodd v. U.S. Dept. of Education*, 845 F.3d 217 (6th Cir. 2016) (holding that discrimination against transgender students likely constitutes sex discrimination under Title IX of the Education Amendments Act of 1972 and the Equal Protection Clause of the U.S. Constitution); since that time, even more Circuit courts have upheld such an interpretation (e.g., *Whitaker v. Kenosha Unified School District*, 858 F.3d 1034 (7th Cir. 2017) (holding that discrimination against transgender students constitutes sex discrimination under Title IX

of the Education Amendments Act of 1972 and the Equal Protection Clause of the U.S. Constitution). In fact, original Policy 2266, which Neola developed in 2020 following ED releasing the 2020 Title IX regulations, expressly provides that "sex" includes "sexual orientation and gender identity").

**Other concerns raised in the lawsuits primarily deal with aspects of the rules that have a more significant role in the postsecondary setting as opposed to the K-12 education environment; namely, the use of a single investigator/decisionmaker model, and a purported reduction in the due process rights afforded to the accused (i.e., whether the respondent is entitled to a live hearing and the ability to cross-examine parties and witnesses prior to a decisionmaker rendering a determination of responsibility – which is something that is an option for K-12 schools under the 2020 Title IX regulations but was rarely selected.)**

The Board is committed to maintaining an education and work environment that is free from sex discrimination (including sex-based harassment), responding promptly and effectively when it has knowledge of conduct that reasonably may constitute sex discrimination, and addressing sex discrimination in its education program or activity. Persons who commit sex-based harassment are subject to the full range of disciplinary sanctions set forth in this policy. The Board will provide persons who have experienced sex-based harassment ongoing remedies as reasonably necessary to restore or preserve access to the District's education program or activity.

#### **KEY DEFINITIONS**

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

**Complainant** means:

- A. a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- B. a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.

**Complaint** means: an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX.

#### **[OPTIONAL LANGUAGE]**

**[ ] Confidential employee** means:

- A. a Board employee whose communications are privileged under Federal or State law; or

The employee's confidential status, for purposes of this policy, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies.

- B. a Board employee whom the Board has designated as confidential under this policy for the purpose of providing services to persons related to sex discrimination;

If the employee also has a duty not associated with providing these services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing these services.

- C. the Board designates individuals ( ) assigned to/holding the following positions ( ) with the following Job Titles **[END OF OPTIONS]** to be confidential employees for purposes of this policy:

1. ( ) school counselor;
2. ( ) social worker;
3. ( ) school psychologist;
4. ( ) school nurse;
5. ( ) \_\_\_\_\_;



6. ( ) \_\_\_\_\_.

**[DRAFTING NOTE:**

**A. Neola does not recommend the Board include this definition or designate "confidential employees" based on:**

- 1. the confusion that may result from designating a confidential employee(s) – in particular, Board-designated confidential employees will have different responsibilities as compared to ALL other Board employees when it comes to the actions they must take if a person notifies them of alleged sex discrimination;**
- 2. they require additional training concerning the responsibilities mentioned in the preceding paragraph, which are different from the responsibilities required of ALL other Board employees; and**
- 3. students or persons who are acting on their behalf may "lose" the "confidentiality" they are seeking if they communicate their concerns about alleged sex discrimination to a person who is not actually a confidential employee – it is safer for students, and those acting on their behalf, to operate on the assumption that if they tell a Board employee about alleged sex discrimination that the Board employee will report it to the Title IX Coordinator.**

**B. Unlike the postsecondary environment, there is little anticipated benefit in an elementary/secondary school setting to designating confidential employees. A person acting on behalf of a student could contact the Title IX Coordinator to obtain clarification about the Title IX grievance procedures, informal resolution process, and other options available to their child (e.g., supportive measures) without releasing any information or specifically reporting alleged sex discrimination, so there is not much gained by having the person instead speak with a confidential employee who would tell them essentially the same things.**

**C. Before the Board designates a confidential employee(s), it should consult with its Legal Counsel.**

**D. If the Board decides to designate one (1) or more confidential employees, Neola suggests that it does so by Position, Title, or Office, and not the person's name, for the reasons discussed below with respect to why it is preferable to only list the Job Title of the Title IX Coordinator in the policy, as opposed to both the Name and Title – i.e., so the Board does not have to act to amend the policy each time a different person is employed in the designated position.]**

**[END OPTIONAL LANGUAGE]**

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

**Disciplinary sanctions** means: consequences imposed on a respondent following a determination under Title IX that the respondent violated the Board's prohibition on sex discrimination.

**Education program or activity** refers to: all the District's operations including, but not limited to, in-person and online/remote educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all activity that occurs on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off school property/grounds but over which the District asserts disciplinary authority.

**Eligible Student** means: a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education. **[DRAFTING NOTE: This definition is derived from, and consistent with, the corresponding definition from the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g (see 20 U.S.C. 1232g(a)(4) and (d)) and its implementing regulations (see 34 C.F.R. § 99.3).]**

**Exculpatory evidence** means: evidence that is favorable to a respondent because it helps excuse, justify, or absolve a respondent of alleged wrongdoing and tends to establish a respondent did not engage in sex discrimination.

**Inculpatory evidence** means: evidence that links a respondent to alleged wrongdoing and tends to establish a respondent engaged in sex discrimination (i.e., has culpability).

**Parental status** means: the status of a person who, with respect to another person who is under the age of eighteen (18) or who is eighteen (18) or older but is incapable of self-care because of a physical or mental disability, is:

- A. a biological parent;
- B. an adoptive parent;
- C. a foster parent;
- D. a stepparent;
- E. a legal custodian or guardian;
- F. in loco parentis with respect to such a person; or
- G. actively seeking legal custody, guardianship, visitation, or adoption of such a person.

**Party** means: a complainant or respondent.

**Peer retaliation** means: retaliation by a student against another student.

**Pregnancy or related conditions** means:

- A. pregnancy, childbirth, termination of pregnancy, or lactation;
- B. medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- C. recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

**Relevant** means: related to the allegations of sex discrimination under investigation as part of the Board's grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

**Remedies** means: measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that sex discrimination occurred.

**Respondent** means: a person who is alleged to have violated the Board's prohibition on sex discrimination.

**Retaliation** means: intimidation, threats, coercion, or discrimination against any person by the District, a student, a Board employee, or any other person authorized by the Board to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the 2024 Title IX regulations.

**Sex-based harassment** prohibited under this policy and the 2024 Title IX regulations is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex – including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity – that is:

- A. Quid pro quo harassment. An employee, agent, or other person authorized by the Board to provide an aid, benefit, or service under the District's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

**OR**

- B. Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the District's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

1. the degree to which the conduct affected the complainant's ability to access the District's education program or activity;
2. the type, frequency, and duration of the conduct;
3. the parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
4. the location of the conduct and the context in which the conduct occurred; and
5. other sex-based harassment in the District's education program or activity.

**OR**

**C. Specific offenses.**

1. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
2. Dating violence meaning violence committed by a person:
  - a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
    1. the length of the relationship;
    2. the type of relationship; and
    3. the frequency of interaction between the persons involved in the relationship.
3. Domestic violence meaning felony or misdemeanor crimes committed by a person who:
  - a. is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction in which the District is located, or a person similarly situated to a spouse of the victim;
  - b. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
  - c. shares a child in common with the victim; or
  - d. commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the applicable jurisdiction.
4. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - a. fear for the person's safety or the safety of others; or
  - b. suffer substantial emotional distress.

**Student** means: a person eligible to enroll in, attend, or participate in an elementary (including preschool) or secondary school in the District and who is enrolled in, attending, or participating in, or is seeking/attempting to enroll in, attend, or participate, in the District's education program or activity.

**Student with a disability** means: a student who is an individual with a disability as defined under Section 504 of the Rehabilitation Act of 1973, as amended ("Section 504"), or a child with a disability as defined under the Individuals with Disabilities Education Improvement Act ("IDEA").

**Supportive measures** means: individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- A. restore or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or
- B. provide support during the Board's grievance procedures or an informal resolution process.

**Parental, Family, or Marital Status**

The Board will not adopt or apply any policy, practice, or procedure concerning a student's current, potential, or past parental, family, or marital status that treats such student differently on the basis of sex.

**Pregnancy or Related Conditions**

**Students:**

The Board prohibits discrimination in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions. ( ) The Board will permit a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of the District's education program or activity provided the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions. **[END OF OPTION]** A student who is pregnant or experiencing related conditions shall receive comparable treatment to those with temporary medical conditions. ( ) In other words, to the extent not otherwise addressed above, the Board will treat pregnancy or related conditions in the same manner and under the same policies as any other medical condition with respect to any medical or hospital benefit, service, plan, or policy the Board administers, operates, offers, or participates in with respect to students admitted to the District's education program or activity. **[END OF OPTION] [DRAFTING NOTE: This last sentence is consistent with the content of the 2024 Title IX regulations, however, on its face, it appears to be more applicable to postsecondary institutions as compared to K-12 schools; hence, Neola suggests the Board determine for itself whether to include it in this policy.]**

The District will not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the District's class, program, or extracurricular activity unless:

- A. the certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- B. the District requires such certification of all students participating in the class, program, or extracurricular activity; and
- C. the information obtained is not used as a basis for discrimination prohibited by Title IX or this Policy.

**District's Responsibilities with Respect to a Student's Pregnancy or Related Conditions**

When a Board employee is informed of a student's pregnancy or related conditions by the student or a person who has a legal right to act on behalf of the student, the employee shall promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the District's education program or activity, unless the employee reasonably believes the Title IX Coordinator has already been notified.

Once a student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related conditions, the Title IX Coordinator shall promptly take the following specific actions to effectively prevent sex discrimination and ensure equal access to the District's education program or activity:

- A. Inform the student and, if applicable, the person who notified the Title IX Coordinator of the District's obligations to:
  - 1. prohibit sex discrimination under this policy, including sex-based harassment;
  - 2. provide the student with the option of reasonable modifications to the Board's policies, practices, or procedures because of pregnancy or related conditions;
  - 3. allow access, on a voluntary basis, to any separate and comparable portion of the District's education program or activity;
  - 4. allow a voluntary leave of absence;

5. provide lactation space; and
  6. maintain grievance procedures that provide for the prompt and equitable resolution of complaints of sex discrimination, including sex-based harassment.
- B. Provide the student with voluntary reasonable modifications to the Board's policies, practices, or procedures because of pregnancy or related conditions.
- C. Allow the student to take a voluntary leave of absence from the District's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a Board maintains a leave policy for students that allows a greater period of time than the medically necessary period, the Board shall permit the student to take leave under that policy instead if the student so chooses. When the student returns to the District's education program or activity, the student will be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the leave began.
- D. Provide lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

See Policy 5751 – Parental-Married Status of Students ( ) and Administrative Guideline 5751 – Pregnancy **[END OF OPTION]**.

**Employees:**

The Board will not adopt or implement any policy, practice, or procedure, or take any employment action, on the basis of sex:

- A. concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment, which treats persons differently; or
- B. that is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

The Board also will not make a pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is a "Miss or Mrs."

Similarly, the Board will treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extensions of leave; payment of disability income; accrual of seniority and any other benefit or service; and reinstatement; and under any fringe benefit offered to employees by virtue of employment.

If an employee has insufficient leave or accrued employment time to qualify for leave under the Board's leave policy, the Board will treat pregnancy or related conditions as a justification for a voluntary leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

The Board will provide reasonable break time for an employee to express breast milk or breastfeed as needed and will provide the employee with access to a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed. See Board Policy 6700 – Fair Labor Standards Act.

**TITLE IX COORDINATOR(S)**

**[DRAFTING NOTES:**

- A. **Neola suggests the Board appoint both a male and a female Title IX Coordinator; however, if the Board appoints more than one (1) Title IX Coordinator, it must designate one (1) of the Title IX Coordinators to retain ultimate oversight over the assigned responsibilities and ensure the Board's consistent compliance with its responsibilities under Title IX. Alternatively, the Board could appoint a Title IX Coordinator and one (1) or more persons to assist the Title IX Coordinator with performance of the responsibilities identified in this policy and the 2024 Title IX regulations. Often the persons designated to assist a Title IX Coordinator are called: Deputy or Assistant Title IX Coordinator, or Title IX Administrator, or Title IX Compliance Officer. If the Board elects this alternative approach, it would only designate a Title IX Coordinator for purposes of this policy, but it would designate the other positions**

through its AG. The persons in the alternative support roles will need to be trained in the same manner as the Title IX Coordinator (see AG 2264).

B. The Board must list either the Name(s) or Title(s) of the Title IX Coordinator(s); while the Board may list both the Name(s) and Title(s), Neola suggests that the Board only list the Title(s) in this policy (so the Board does not need to revise/amend the policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name(s) and Title(s) in the requisite notices/postings (e.g., website) and publications (e.g., handbooks). The District will also need to decide whether to list the Name(s) and Title(s), or just the Title(s), in Administrative Guideline 2264 if the District elects to identify the Title IX Coordinator in the AG (see DRAFTING NOTE in the AG; again, if the District lists the Name(s) and Title(s), it will need to remember to update the AG whenever there is a change in the actual person(s) holding the designated position(s). No matter what, the Board will need to amend its policy and update its AG, requisite notices/postings, and publications, whenever it changes the Title of the position(s) designated to serve as the Title IX Coordinator(s).

C. Reminder: Whenever a new person begins to serve as the Title IX Coordinator (or in a support role to the Title IX Coordinator), the District needs to make sure the new person is appropriately trained, in a timely manner, to fulfill the responsibilities of the Title IX Coordinator position as specified the 2024 Title IX regulations and AG 2264.]

The Board designates and authorizes the following individual(s) to coordinate its efforts to comply with the Board’s responsibilities under Title IX:

Trisha Reed, Director of Human Resources  
(Name and/or School District Title)

7677 Sharpe Rd., Suite A, Fowlerville, MI 48836  
(Office Address)

reedt@fowlervilleschools.org  
(Email Address)

517.223.6000  
(Telephone Number)

[DRAFTING NOTE: The District may want to create a static (i.e., fixed) Title IX Coordinator-specific email address and phone number that will not change when the person(s) and/or position(s) designated to be the Title IX Coordinator(s) change(s) – e.g., tixcoordinator@(insert District’s domain) – which the Technology Director/Department can program to be forwarded to the actual individual(s) serving as the Title IX Coordinator(s) at any given time. Likewise, the District may want to establish a static Telephone Number for the position of Title IX Coordinator that can be forwarded to, and accessed by, the actual person(s) serving in the Title IX Coordinator position(s) at any given time. These two (2) steps will help reduce the information that needs to be updated in policy, AG, and/or the requisite notices/postings and publications when changes occur to the specific person(s)/position(s) designated to serve as the Title IX Coordinator(s).]

[DRAFTING NOTE: Complete the following information if the Board appoints more than one (1) Title IX Coordinator.]

[ x] [DESIGNATION OF A SECOND TITLE IX COORDINATOR]

Jeff Finney, Director of Athletics  
(Name and/or School District Title)

700 N. Grand Avenue, Fowlerville, MI 48836  
(Office Address)

finneyj@fowlervilleschools.org  
(Email Address)

517.223.6002  
(Telephone Number)

[END OF OPTION]

**[DRAFTING NOTE: Select the following option if the Board designates more than one (1) Title IX Coordinator.]**

] The Board designates Trisha Reed, Director of Human Resources **[DRAFTING NOTE: Insert Name and/or Title of the Title IX Coordinator who is ultimately responsible for the District's compliance with its responsibilities under Title IX]** as the coordinator who is ultimately responsible for oversight over the Board's compliance with its responsibilities under Title IX. **[END OF OPTION]**

] The Title IX Coordinator may delegate specific duties to one (1) or more designees. **[END OF OPTION]**

**[DRAFTING NOTE: The Board may want to select the following option when the Superintendent is not the District's Title IX Coordinator. While Neola recognizes that this may not always be possible, it may be preferable to have the Title IX Coordinator be someone other than the Superintendent because then – if the Title IX Coordinator serves as the investigator and decisionmaker – the Superintendent can serve as the appeal decisionmaker or the facilitator for the informal resolution process.]**

] The Title IX Coordinator shall report directly to the Superintendent except when the Superintendent is a party to a complaint (i.e., either the complainant or the respondent). Under such circumstances, the Title IX Coordinator shall report directly to **[SELECT ONE OF THE FOLLOWING]**  ) the Board President ( ) the Board's Legal Counsel ( ) \_\_\_\_\_ **[OTHER]** **[END OF OPTIONS]** until the matter in which the Superintendent is a party is concluded. **[END OF OPTION]**

Questions about this policy and Policy 2266 ( ) and AG 2264 and AG 2266 **[END OF OPTION]** should be directed to the Title IX Coordinator.

The Title IX Coordinator shall monitor the District's education programs and activities for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX, and take steps reasonably calculated to address such barriers.

] The Title IX Coordinator is responsible for notifying all participants in the District's education program or activity of how to contact its confidential employees. **[END OF OPTION]**

**[DRAFTING NOTE:**

- A. **For the reasons discussed in the DRAFTING NOTE that accompanies the Definition of "confidential employee," Neola does not recommend the Board designate confidential employee(s), especially for their K-12 programs.**
- B. **If, however, the Board designates one or more confidential employees, it needs to select this OPTION.**
- C. **The District has flexibility and discretion to decide what information to provide (e.g., whether to identify a confidential employee by Name, Title, Office, or Telephone Number (this presumably would be a static number that would auto-forward to the actual person serving as a confidential employee)). The District just needs to provide sufficient information for participants to be able to contact the confidential employee(s).]**

#### **Notice of Nondiscrimination**

The Superintendent shall provide a notice of nondiscrimination to students, parents, guardians, or other authorized legal representatives of elementary and secondary students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the Board. Specifically, the Superintendent shall post the notice of discrimination on the District's website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to the persons listed above, or which are otherwise used in connection with the recruitment of students or employees. ( ) See AG 2264 and Form 2264F1 – Notice and Statement of Nondiscrimination. **[END OF OPTION]**

#### **GRIEVANCE PROCEDURES**

##### **Overview:**

The Board adopts the following grievance procedures to provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the District's education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX.



These grievance procedures shall be used for all complaints of sex discrimination, including sex-based harassment, involving conduct alleged to have occurred on or after August 1, 2024. These grievance procedures also may be used, at the discretion of the Title IX Coordinator, to investigate, address, and remedy (as necessary) conduct alleged to have occurred before August 1, 2024, that does not involve sex-based harassment, but some other form of sex discrimination prohibited by Title IX (Statute) – e.g., claims of unequal athletic opportunities, admissions discrimination, discrimination in courses or academic programs (i.e., excluding students from certain classes or programs based on their sex), pregnancy discrimination, unequal treatment based on parental, family, or marital status, discrimination in employment (including in hiring, promotion, and compensation), and retaliation. If the Title IX Coordinator elects not to use these grievance procedures to investigate and resolve such claims, the Title IX Coordinator will still need to implement some procedures to assess – in a prompt, effective, and equitable manner – whether Title IX (Statute) was violated, and, if it was, how best to end the sex discrimination in the District’s education program or activity, prevent its recurrence, and remedy its effects.

**[DRAFTING NOTE: Title VII of the Civil Rights Act of 1964 (“Title VII”) and Title IX are both Federal laws that prohibit discrimination in employment, but they differ in their focus. Title VII prohibits employment discrimination based on race, color, religion, sex, or national origin, and applies to employers with fifteen (15) or more employees. Title IX, on the other hand, specifically prohibits discrimination on the basis of sex in education programs and activities that receive Federal financial assistance, including employment within those institutions. While both laws aim to prevent sex-based discrimination in the workplace, Title VII applies more broadly to various types of employers, whereas Title IX is limited to educational institutions receiving Federal funds. Ultimately, both laws aim to ensure equal employment opportunities and protect individuals from discrimination. When a Title IX Coordinator receives a complaint or notification of alleged misconduct, involving sex discrimination (in particular, sex-based harassment) that involves an employee complainant and an employee respondent, the Title IX Coordinator may want to consult with the Board’s Legal Counsel concerning which law – it may be both – the District will need to comply with when investigating the allegations.]**

Reports and Formal Complaints of “Sexual Harassment” (as defined in Policy 2266) involving conduct alleged to have occurred prior to August 1, 2024, are subject to the grievance procedures outlined in Policy 2266.

Under all circumstances, the Title IX Coordinator shall offer and coordinate supportive measures, as appropriate, in accordance with this policy ( ) and AG 2264 **[END OF OPTION]**, or Policy 2266 ( ) and AG 2266 **[END OF OPTION]**, if the Report or Formal Complaint involves “Sexual Harassment” alleged to have occurred prior to August 1, 2024.

If the conduct giving rise to a report or complaint of sex discrimination is alleged to have occurred both before **and** after August 1, 2024 (i.e., is part of a pattern of sex discrimination), the Title IX Coordinator shall determine ( ), after consulting with the Board’s Legal Counsel, **[END OF OPTION]** whether to use the grievance procedures contained in this policy or the grievance procedures contained in Policy 2266. The Title IX Coordinator will notify, in writing, the parties of the determination and the rationale for it. Under no circumstances, however, will a party be denied the due process to which the party is entitled based on the U.S. Department of Education-issued regulations in effect at the time the conduct alleged to violate Title IX (Statute) took place. (X) Nothing herein shall prevent the Title IX Coordinator from using a hybrid grievance procedure that contains aspects of the grievance procedures contained in both this policy and Policy 2266, so that the parties receive all of the due process to which they are entitled. **[END OF OPTION]**

### Complaints:

The following people may make a complaint of sex discrimination – i.e., request that the District investigate and make a determination about whether sex discrimination as prohibited under Title IX occurred:

A. a “complainant,” which includes:

1. a student or employee of the District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
2. a person other than a student or employee of the District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the District’s education program or activity;

B. a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant;

C. the District’s Title IX Coordinator.

A person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person who was subjected to the sex-based harassment, or if the Title IX Coordinator initiates a complaint consistent with the requirements of the 2024 Title



IX regulations ( ), which are detailed in AG 2264 [END OF OPTION].

**[DRAFTING NOTE: This paragraph emphasizes that in order for a person to file a complaint of sex-based harassment, the person has to have been subjected to the alleged misconduct directly, or be a person who has a legal right to act on behalf of the person who was subjected to the alleged misconduct. This is consistent with the prior paragraph where the complainant is identified as a student or employee who was "subjected to conduct that could constitute sex discrimination under Title IX." The following paragraph, on the other hand, expands who can file a complaint – when the alleged sex discrimination does not involve sex-based harassment – to persons who are aware of the alleged sex discrimination, even if that person was not directly affected by or subject to the alleged sex discrimination.]**

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- A. any student or employee of the District; or
- B. any person other than a student or employee who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.

The District may consolidate complaints of sex discrimination against more than one (1) respondent, or by more than one (1) complainant against one (1) or more respondents, or by one (1) party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one (1) complainant or more than one (1) respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

#### **Basic Requirements:**

The District will treat complainants and respondents equitably.

All persons involved with implementing the grievance procedures and any other aspects of Policy 2264, including the Title IX Coordinator, the investigator, the decisionmaker, [and the appeal decisionmaker, ( ) and the facilitator of the informal resolution process, [END OF OPTION] shall be free from any conflicts of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

The Title IX Coordinator may serve simultaneously as an investigator and/or a decisionmaker. [END OF OPTION] **[DRAFTING NOTE: Neola recommends the Board select this OPTION; note it is "may" (i.e., optional) so the Title IX Coordinator can decide when to serve in both roles and when to designate one or more persons to perform those responsibilities in a given case.]**

If the Title IX Coordinator does not intend to serve as the investigator and decisionmaker in a specific case, the Title IX Coordinator shall designate one (1) or more administrators who are appropriately trained to serve in the role. Likewise, the Title IX Coordinator shall appoint an appeal decisionmaker when an appeal is filed.

In circumstances when the Title IX Coordinator and trained administrators do not have time/capacity to serve, or are prevented due to a conflict of interest, bias, or partiality, or other reasons that impair the Title IX Coordinator and other trained administrators from serving as an investigator and/or decisionmaker in a specific case, the Title IX Coordinator shall (  ), in consultation with ( ) and approval of [END OF OPTION] the Superintendent or ( ) Board ( ) Board President (as appropriate), [END OF OPTION] secure one (1) or more independent third parties to serve as the investigator and/or decisionmaker. Similarly, the Title IX Coordinator has authority (  ), in consultation with ( ) and approval of [END OF OPTION] the Superintendent or ( ) Board ( ) Board President (as appropriate), [END OF OPTION] to secure an independent third party to serve as the appeal decisionmaker.

The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Under ordinary circumstances, the Board expects to complete the major stages of the grievance procedures within the timeframe specified below:

- A. **Evaluation** – The Title IX Coordinator will determine whether to dismiss a complaint or investigate it within 10 [INSERT # OF DAYS] days of receiving the complaint. **[DRAFTING NOTE: Neola recommends that the evaluation stage be completed within ten (10) days of the Title IX Coordinator receiving notice of the complaint.]**
- B. **Investigation** – The Title IX Coordinator, or designated investigator, shall ordinarily complete the investigation (i.e., collect relevant evidence that is not otherwise impermissible) within 30 [INSERT # OF DAYS] days of the Title

IX Coordinator determining the charges require investigation. If, however, the Title IX Coordinator, or designated investigator, determines that the investigation is going to take longer, the Title IX Coordinator will so notify the parties (  ) and the Superintendent [END OF OPTION] and will thereafter keep the parties (  ) and the Superintendent [END OF OPTION] informed of the status of the matter on a regular [INSERT TIME PERIOD – E.G., BIWEEKLY OR REGULAR] basis. [DRAFTING NOTE: Recognizing ED wants investigations to be completed in a prompt and equitable manner, and therefore provided elementary and secondary schools with greater flexibility when it comes to completing an investigation than is afforded to them under the 2020 Title IX regulations, Neola recommends a school district typically complete investigations within thirty (30) days.] Once the Title IX Coordinator, or designated investigator, provides the parties with "access" to either the relevant and not otherwise impermissible evidence and/or an accurate description of the evidence, the parties will have 5 [INSERT # OF DAYS] days to respond to the evidence or the description of the evidence unless the Title IX Coordinator approves a party's written request for more time. If the Title IX Coordinator approves such a request, both parties will be afforded an equal amount of time to submit their response. [DRAFTING NOTE: Neola recommends the Board limits the amount of time the parties have to review the evidence/description of the evidence to five (5) days so the matter can proceed in a timely manner to Determination.]

- C. **Determination** – After the parties either submit responses to the evidence/description of the evidence, or the deadline for submitting such responses expires, the Title IX Coordinator, or designated decisionmaker, will consider the relevant and otherwise not impermissible evidence and issue a determination as to whether sex discrimination occurred. The determination shall be issued within 10 [INSERT # OF DAYS] days of the deadline for the parties to submit responses to the evidence/description of the evidence ( ) unless the (  ) Superintendent ( ) Title IX Coordinator [END OF OPTION] approves an extension of time, which must be communicated in writing to the parties [END OF OPTION]. [DRAFTING NOTE: Neola recommends the Determination ordinarily be issued within ten (10) days of the date when the parties have to submit their responses to the evidence/description of the evidence. If the decisionmaker is someone other than the Title IX Coordinator, upon written request from the decisionmaker, the Title IX Coordinator should be permitted to approve a reasonable extension of time for the Determination to be issued. If the Title IX Coordinator is the decisionmaker: upon written request from the Title IX Coordinator, the Superintendent should be permitted to approve a reasonable extension of time for the Determination to be issued. In either situation, the administrator granting the extension should communicate to the parties the new deadline along with a rationale for the extension.]
- D. **Appeal** – A party filing an appeal of the Title IX Coordinator's decision to dismiss a complaint (  ), or the Determination, [END OF OPTION] must do so within 10 [INSERT # OF DAYS] days of receiving the Dismissal (  ) or Determination [END OF OPTION]. **DRAFTING NOTE: Neola recommends the Board allow limited appeals based on the Determination. See DRAFTING NOTE below in the appeal section, which further discusses when a board "has" to allow appeals, as opposed to under which circumstances a board could decide not to allow appeals on the Determination."**

The Title IX Coordinator, or the Superintendent if the Title IX Coordinator is the individual requesting an extension, may approve reasonable extensions of the preceding timeframes on a case-by-case basis for good cause with notice to the parties.

The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures. The parties shall not engage in retaliation, including against witnesses.

The Title IX Coordinator, or designated decisionmaker, shall objectively evaluate all evidence that is relevant and not otherwise impermissible — including both inculpatory and exculpatory evidence. Credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- A. evidence that is protected under a privilege recognized by Federal or State law ( ) or evidence provided to a confidential employee [END OF OPTION], unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality; [DRAFTING NOTE: The Board should only select the preceding OPTION if it has designated confidential employee(s).]
- B. a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness unless the

District obtains that party’s or witness’s voluntary, written consent for use in its grievance procedures; and

- C. evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent shall not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

**Notice of Allegations:**

Upon Initiation of the Board’s grievance procedures, the Title IX Coordinator shall notify the parties of the following:

- A. the Board’s Title IX grievance procedures (  ) and informal resolution process **[END OF OPTIONS]; [DRAFTING NOTE: Neola encourages the Board to include an informal resolution process.]**
- B. sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- C. retaliation is prohibited; and
- D. the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the Title IX Coordinator, or designated investigator, provides the parties with a description of the evidence, any party may request access to the relevant and not otherwise impermissible evidence. The Title IX Coordinator will provide the requesting party with the relevant and not otherwise impermissible evidence in a timely manner.

Should the Title IX Coordinator decide, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the Title IX Coordinator will provide a supplemental written notice describing the additional allegations to be investigated.

**Dismissal of a Complaint:**

The Title IX Coordinator may dismiss a complaint of sex discrimination if:

- A. the District is unable to identify the respondent after taking reasonable steps to do so;
- B. the respondent is not participating in the District’s education program or activity and is not employed by the Board;
- C. the complainant voluntarily withdraws any or all the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the District determines that, without the complainant’s withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- D. the District determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the Title IX Coordinator will make reasonable efforts to clarify the allegations with the complainant.

**[DRAFTING NOTE: While the 2024 Title IX regulations do not require notification of the dismissal to be provided in writing, Neola recommends that the Title IX Coordinator document the dismissal in writing – i.e., Neola recommends the board selects Option 1.]**

**[SELECT OPTION 1 OR OPTION 2]**

**[ ] [OPTION 1]**

Upon dismissal, the Title IX Coordinator will promptly notify, in writing, the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also simultaneously notify, in writing, the respondent of the dismissal and the basis for the dismissal.

**[END OF OPTION 1]**

**[OR]**

**[ X ] [OPTION 2]**

Upon dismissal, the Title IX Coordinator will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

**[END OF OPTION 2]**

The Title IX Coordinator will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- A. procedural irregularity that would change the outcome;
- B. new evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- C. the Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the Title IX Coordinator will:

- A. notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- B. implement appeal procedures equally for the parties;
- C. ensure that the appeal decisionmaker did not take part in an investigation of the allegations or dismissal of the complaint;
- D. ensure that the appeal decisionmaker has been trained consistent with the 2024 Title IX regulations ( ) See AG 2264 **[END OF OPTION];**
- E. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- F. notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the Title IX Coordinator will, at a minimum:

- A. offer supportive measures to the complainant as appropriate;
- B. if the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- C. take other prompt and effective steps, as appropriate, to ensure that sex discrimination does not continue or recur within the District's education program or activity.

**[DRAFTING NOTE: Neola encourages the Board to select the following option so the Title IX Coordinator can choose in appropriate circumstances to offer the parties the opportunity to participate in an informal resolution process, or to honor the parties' request to use an informal resolution process, to end the sex discrimination, prevent its recurrence, and remedy its effects.]**

**[ X ] [OPTIONAL LANGUAGE: INFORMAL RESOLUTION PROCESS]****Informal Resolution Process:**

In lieu of resolving a complaint through the Board's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The District will not offer an informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

**[END OF OPTIONAL LANGUAGE: INFORMAL RESOLUTION PROCESS]**

**Adding Allegations and/or Consolidating Complaints:**

If, in the course of an investigation, the District decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the original Notice of Allegations provided or that are included in a complaint that is consolidated, the Title IX Coordinator will notify the parties of the additional allegations.

**Investigation:**

The District will provide for an adequate, reliable, and impartial investigation of complaints.

The burden is on the District — not on the parties — to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The Title IX Coordinator, or the designated investigator and/or decisionmaker, will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The Title IX Coordinator, or the designated investigator and/or decisionmaker, will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The District will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- A. the District will provide the parties with an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence;

If the Title IX Coordinator, or designated investigator, provides a description of the evidence, the Title IX Coordinator, or designated investigator, will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

- B. the District will provide a reasonable opportunity to the parties to respond to the evidence or the accurate description of the evidence; and

- C. the District will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

**Questioning the Parties and Witnesses:**

**[DRAFTING NOTE: If the investigator and decisionmaker are two (2) separate persons, the Board may select OPTION 1 or OPTION 2, or refrain from addressing this topic in the policy.]**

**[ ] [OPTION 1]**

As part of the Investigation, the investigator ( ) may ( ) is encouraged to **[END OF OPTION]** include in the investigator's notes/file the investigator's opinion about each party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one (1) or more allegations of sex discrimination.

**[END OF OPTION 1]**

**[ ] [OPTION 2]**

The investigator should refrain from including in the investigator's notes/file the investigator's opinion about each party's or witness's credibility since the assessment of credibility is solely the responsibility of the decisionmaker.

**[END OF OPTION 2]**

**[END OF OPTIONS]**

If the investigator and decisionmaker are two (2) separate individuals, the decisionmaker will have an opportunity to question the parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one (1) or more allegations of sex discrimination.

If the investigator and the decisionmaker are the same person, the decisionmaker will have an opportunity to question the parties and witnesses in individual meetings as part of the investigation.

**[DRAFTING NOTE: The Board may select either, both, or neither of the following options. The Board should consult with its Legal Counsel to assess whether to offer any of these options.]**

Before concluding the Investigation, the investigator ( ) will ( ) may **[END OF OPTION]** allow each party to propose/submit in writing relevant questions that the party wants asked of any party or witness and

**[DRAFTING NOTE: SELECT OPTION 1, OPTION 2, OR OPTION 3. Neola does not have an opinion as to whether the Board selects OPTION 1 or OPTION 2 but has reservations about OPTION 3. The Board should consult with its Legal Counsel before selecting OPTION 3.]**

**[OPTION 1]**

the investigator will review any questions submitted by the parties and ask those questions of the specific party or witness that the investigator determines – in the investigator's sole discretion – may lead to probative evidence that will assist the decisionmaker in determining whether sex discrimination occurred. The investigator's decision to ask or not ask a specific question proposed by a party is not subject to review. Any questions asked must be relevant and not otherwise impermissible.

**[END OF OPTION 1]**

**[OR]**

**[OPTION 2]**

the investigator will ask the relevant and not otherwise impermissible questions of the specific party or witness during one (1) or more individual meetings, including follow-up meetings, with the party or witness.

**[END OF OPTION 2]**

**[OR]**

**[OPTION 3]**

the investigator will ask the relevant questions that are not otherwise impermissible, provide each party with the answers, and allow for additional, limited follow-up relevant questions from each party. ( ) The investigator will explain to the party proposing the question(s) any decision to exclude a question as not relevant.

**[END OF OPTION 3]**

**[END OF OPTIONS]**

After the parties have an opportunity to review the relevant and not otherwise impermissible evidence, or an accurate description of this evidence, the decisionmaker ( ) will (  ) may

**[DRAFTING NOTE: Select OPTION 1, OPTION 2, OPTION 3, OR OPTION 4. While Neola does not have an opinion as to whether the Board selects OPTION 1 or OPTION 2, it does not recommend the Board select OPTION 3 or OPTION 4, without consulting with its Legal Counsel.]**

**[OPTION 1]**

allow each party to propose/submit in writing relevant questions that the party wants asked of any party or witness and the decisionmaker will review any relevant and not otherwise impermissible questions submitted by the parties and ask those questions of the specific party or witness that the decisionmaker determines – in the decisionmaker's sole discretion – may lead to probative evidence that will assist the decisionmaker in determining whether sex discrimination occurred. The decisionmaker's decision to ask or not ask a specific question proposed by a party is not subject to review. Any questions asked must be relevant and not otherwise impermissible.

[END OF OPTION 1]

[OR]

( ) [OPTION 2]

allow each party to propose/submit in writing relevant questions that the party wants asked of any party or witness and the decisionmaker will ask the relevant and not otherwise impermissible questions of the specific party or witness during one (1) or more individual meetings, including follow-up meetings, with the party or witness.

[END OF OPTION 2]

[OR]

( ) [OPTION 3]

allow each party to propose/submit in writing relevant questions that the party wants asked of any party or witness and the decisionmaker will ask the relevant questions that are not otherwise impermissible, provide each party with the answers, and allow for additional, limited follow-up relevant questions from each party. ( ) The decisionmaker will explain to the party proposing the question(s) any decision to exclude a question as not relevant. [END OF OPTION]

[END OF OPTION 3]

[OR]

( ) [OPTION 4]

provide each party with an audio or audiovisual recording or transcript of the investigator’s interviews of the parties and witnesses with enough time for the parties to have a reasonable opportunity to propose/submit in writing follow-up questions, and the decisionmaker

( ) will review any follow-up questions submitted and ask those relevant and not otherwise impermissible follow-up questions of the specific party or witness that the decisionmaker determines – in the decisionmaker’s sole discretion – may lead to probative evidence that will assist the decisionmaker in determining whether sex discrimination occurred. The decisionmaker’s decision to ask or not ask a specific follow-up question proposed by a party is not subject to review. Any questions asked must be relevant and not otherwise impermissible.

( ) will ask the relevant and not otherwise impermissible follow-up questions of the specific party or witness during one (1) or more individual meetings.

[END OF OPTION 4]

[END OF OPTIONS]

**Determination of Whether Sex Discrimination Occurred:**

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the Title IX Coordinator or designated decisionmaker will:

- A. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. **[DRAFTING NOTE: Pursuant to the 2024 Title IX regulations, the Board may only use the "clear and convincing" evidence standard of proof if it uses that standard of proof in all other comparable proceedings (i.e., when assessing the merits of allegations presented pursuant to complaints filed under the Board’s general nondiscrimination and antiharassment policies – see Policies (Insert numbers of nondiscrimination, antiharassment, and Section 504/ADA – e.g., 2260, 2260.01, 5517, and the Employee policies that are going to be consolidated under new numbers)). Neola expects it will be a rare situation when a board chooses to use a clear and convincing standard of proof. If the Board is unsure whether it meets the criteria to be able to use the "clear and convincing standard," it should consult with its Legal Counsel.]** This standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker, applying the applicable standard, is not persuaded by the relevant and not otherwise impermissible evidence that sex discrimination occurred, regardless of the quantity of the evidence, the decisionmaker will not determine that sex discrimination occurred.

- B. Notify the parties, in writing, of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal.
- C. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- D. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - 1. coordinate the provision and implementation of remedies to a complainant and other people the District identifies as having had equal access to the District's education program or activity limited or denied by sex discrimination;
  - 2. coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - 3. take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
- E. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- F. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination of whether sex discrimination occurred.

**[DRAFTING NOTE: As addressed above, the Board must offer an appeal if the Title IX Coordinator dismisses a complaint in the Evaluation stage (i.e., prior to commencing an investigation). While a board may elect not to offer an appeal from the determination of whether sex discrimination occurred, Neola recommends the Board include an appeal process. If the Board includes an appeal process, the appeal process must be, at a minimum, the same appeal process the Board offers in all other comparable proceedings, including proceedings relating to other discrimination complaints. Neola intends to update its nondiscrimination, antiharassment, and Section 504/ADA policies to provide for appeal procedures that are comparable to that which is included in the following option.]**

] [OPTIONAL LANGUAGE]

**Appeal of Determinations:**

If a party disagrees with the decisionmaker's determination as to whether sex discrimination occurred, the party may file an appeal. Appeals must be submitted, in writing, within 10 (INSERT # OF DAYS) days of the appealing party's receipt of the Determination.

A party may appeal a Determination on the following bases:

- A. procedural irregularity that would change the outcome;
- B. new evidence that would change the outcome and that was not reasonably available when the Determination was made; and
- C. the Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

**[DRAFTING NOTE: The Board may insert additional grounds on which an appeal may be filed.]**

- D. ( ) the recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the sex discrimination).
- E. ( ) [OTHER] \_\_\_\_\_.

The complainant may not challenge the ultimate disciplinary sanction/consequence that is imposed. **[END OF OPTION]**

If a party appeals the decisionmaker's determination, the Title IX Coordinator will:

- A. notify the parties of any appeal;



- B. implement appeal procedures equally for the parties;
- C. designate an appeal decisionmaker, who will be a person who did not conduct the Investigation or render the Determination, and is appropriately trained ( ), as set forth in AG 2264 **[END OF OPTION]**;

1.  the Title IX Coordinator will designate the Superintendent to be the appeal decisionmaker, provided the Superintendent has not been otherwise involved in the grievance procedures (i.e., did not serve as the investigator, decisionmaker, or informal resolution process facilitator) and is appropriately trained; **[END OF OPTION]**
2.  in designating an appeal decisionmaker, the Title IX Coordinator will work with the Board to identify and appoint an independent third party to serve as the appeal decisionmaker – this individual shall be considered to be the Board's designee and will submit the appeal decision to the Board who will promptly adopt it as written and forward it to the Title IX Coordinator who will send it simultaneously to the parties; **[END OF OPTION]**

**[DRAFTING NOTE: The preceding options are offered for those districts where the Superintendent or Board typically serves as the appeal decisionmaker; with respect to Title IX, it is Neola's opinion that it is not feasible for the Board to serve as the decisionmaker for a number of reasons, not the least of which is the mandatory training requirements.]**

3. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the decisionmaker's determination;
4. provide the appeal decisionmaker with the relevant and not otherwise impermissible evidence along with the accurate description of the relevant evidence (if one was prepared and shared with the parties), any responses the parties submitted to the Investigator related to the evidence and/or the description of the evidence (if one was prepared), and the decisionmaker's determination; and
5. notify the parties, in writing, of the result of the appeal and the appeal decisionmaker's rationale for the outcome.

**[END OF OPTIONAL LANGUAGE]**

**Parties Provided a Reasonable and Equal Opportunity to Make a Statement in Support of, or Challenging, the Determination**

**[DRAFTING NOTE: The Board must select OPTION 1, OPTION 2, or OPTION 3]**

**[OPTION 1]**

When a party files an appeal, the party must set forth the reason for the appeal, and the other party will have 10 **[INSERT # OF DAYS]** days to provide the appeal decisionmaker with a statement in support of their position. Once the decisionmaker receives the statement (or the deadline for filing such a statement expires), the appeal decisionmaker will have 10 **[INSERT # OF DAYS]** days to issue a decision on the appeal.

**[END OF OPTION 1]**

**[OR]**

**[OPTION 2]**

After a party files an appeal, both parties will have \_\_\_\_\_ **[INSERT # OF DAYS]** days to submit to the appeal decisionmaker a statement in support of their position that they want the appeal decisionmaker to consider in rendering a decision. Once the decisionmaker receives each parties' statement, or the timeline for submitting such statements expires, the appeal decisionmaker will have \_\_\_\_\_ **[INSERT # OF DAYS]** days to issue a decision on the appeal.

**[END OF OPTION 2]**

**[OR]**

**[OPTION 3]**

When a party files an appeal, the appeal decisionmaker shall establish a timeline for each party to submit a statement in support of their position that they want the appeal decisionmaker to consider in rendering a decision. Once the decisionmaker receives the parties' statements, or the timeline established by the appeal decisionmaker for submitting such statements expires, the appeal decisionmaker will have \_\_\_\_ **[INSERT # OF DAYS]** days to issue a decision on the appeal.

**[END OF OPTION 3]**

**[END OF OPTIONS]**

**[DRAFTING NOTE: With respect to the timelines listed in the preceding options, Neola suggests any appeals should be filed within five (5) days of the parties receiving written notice of the Dismissal or Determination. Neola further suggests that the timeline for submitting a statement in OPTION 1 be equivalent to the timeframe in which an appeal has to be filed, and the timeline for submitting a statement in OPTION 2 be five (5) days. Finally, Neola suggests the appeal decisionmaker have ten (10) days from receipt of the statements to issue a decision.]**

No new or additional evidence may be submitted during the appeal process.

The appeal decisionmaker shall determine the outcome of the appeal based on the appeal decisionmaker's independent review of the record (i.e., the relevant and not otherwise impermissible evidence, the feedback the parties provided to the investigator and/or decisionmaker based on their review of the relevant evidence and any description of the relevant evidence that was prepared and shared with the parties, and the decisionmaker's written determination) and the appeal decisionmaker's application of the law and Board policy to the facts in the record. The appeal decisionmaker must give due deference and due weight to the decisionmaker's factual findings and credibility determinations and should not overturn them unless non-testimonial extrinsic evidence in the record justifies a contrary conclusion or unless the record read in its entirety compels a contrary conclusion. Generally, the appeal decisionmaker is expected to uphold the decisionmaker's determination unless the appeal decisionmaker determines the decisionmaker's determination is unlawful, unreasonable, or against the manifest weight of the evidence. Every reasonable presumption must be made in favor of the decisionmaker's determination.

The appeal decisionmaker shall

**[DRAFTING NOTE: The Board must select either OPTION 1 or OPTION 2 unless the Board appointed an independent third party to serve as the Board's appeal decisionmaker, in which case the Board should select OPTION 3.]**

**[OPTION 1]**

simultaneously notify the parties, in writing, of the result of the appeal and the rationale for the outcome.

**[END OF OPTION 1]**

**[OR]**

**[OPTION 2]**

notify the Title IX Coordinator, in writing, of the result of the appeal and the rationale for the outcome. The Title IX Coordinator will then simultaneously notify the parties, in writing, of the result of the appeal and the appeal decisionmaker's rationale for the outcome.

**[END OF OPTION 2]**

**[OR]**

**[OPTION 3]**

submit the appeal decision to the Board who will promptly adopt it as written and forward it to the Title IX Coordinator who will send it simultaneously to the parties. The appeal decision shall set forth the result of the appeal and the appeal decisionmaker's rationale for the outcome.

**[END OF OPTION 3]**

**[END OF OPTIONS]**

**Supportive Measures:**

The District will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education program or activity or provide support during the Board's grievance procedures or during the informal resolution process. For allegations of sex discrimination other than sex-based harassment or retaliation, the District's provision of support measures does not require the District, Board employees, or any other person authorized to provide aid, benefit, or service on the District's behalf to alter the alleged discriminatory conduct for the purpose of providing a supportive measure.

The Title IX Coordinator shall determine appropriate supportive measures on a case-by-case basis. Supportive measures may vary depending on what the Title IX Coordinator deems to be reasonably available. Supportive measures may include, but are not limited to: counseling; extensions of deadlines or other course-related adjustments; school/campus escort services; increased security and monitoring of certain areas of the campus (including school buildings and facilities); restrictions on contact between the parties; leaves of absence; changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; training and education programs related to sex-based harassment; ( ) referral to Employee Assistance Program **[END OF OPTION]**; and other similar measures.

Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties and/or the District's educational environment, or to provide support during the Board's grievance procedures or the informal resolution process.

The District will not impose such measures for punitive or disciplinary reasons.

The Title IX Coordinator may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures, or at the conclusion of the informal resolution process, or the District may continue them beyond that point.

The District will provide a complainant or respondent with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the Title IX Coordinator's decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee must be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures as set forth in the Key Definitions section of this policy.

A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

The District will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the District's education program or activity, or as otherwise permitted pursuant to the 2024 Title IX regulations.

If the complainant or respondent is an elementary or secondary student with a disability, the Title IX Coordinator shall consult with one (1) or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one (1) or more members, as appropriate, of the student's Section 504 team, if any, to determine how to comply with the requirements of the IDEA and/or Section 504, in the implementation of supportive measures.

The Superintendent may place an employee respondent on administrative leave from employment responsibilities during the pendency of the Board's grievance procedures.

**Disciplinary Sanctions and Remedies:**

Following a determination that sex-based harassment occurred, the District may impose disciplinary sanctions, which may include:

**For Students****A. Informal Discipline**

1. (  ) writing assignments;
2. (  ) changing of seating or location;

3.  pre-school,  lunchtime,  after-school **[END OF OPTIONS]** detention;
4.  in-school discipline;
5.  Saturday school.

#### B. Formal Discipline

1. suspension of bus riding/transportation privileges;
2. removal from co-curricular and/or extracurricular activity(ies), including athletics;
3. emergency removal;
4. suspension for up to ten (10) school days;
5. expulsion for up to eighty (80) school days or the number of school days remaining in a semester, whichever is greater;
6. expulsion for up to one (1) year;
7. permanent exclusion; and
8. any other sanction authorized by the Student Code of Conduct.

#### For Employees

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

The District may also provide remedies which may include disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation and implement appropriate remedies in compliance with applicable due process procedures, whether statutory or contractual.

With respect to student respondents, the Title IX Coordinator will notify the Superintendent of the recommended remedies (including disciplinary sanctions/consequences), so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Emergency Removal, Suspension, Expulsion, and Permanent Exclusion of Students, Policy 5610.02 – In-School Discipline, and Policy 5611 – Due Process Rights. Discipline of a student respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972 ("Section 504"), and their respective implementing regulations.

**[DRAFTING NOTE: The Board should review applicable policy(ies)/administrative guidelines/employee handbooks to determine whether changes are needed to establish timelines associated with imposition of discipline as result of possible delays caused by the Board's obligation to follow the grievance procedures; likewise, the Board may need to discuss with union representatives how implementation of the grievance procedures may impact any disciplinary provisions contained in applicable collective bargaining (e.g., timelines, permitted attendees at investigative interviews, etc.).]**

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

### **Retaliation**

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including initiating a disciplinary process against a person for a code of conduct violation that does not involve sex discrimination but arises out of the same facts and circumstances as a complaint or information reported about possible sex discrimination, for the purpose of interfering with the exercise of any right or privilege secured by Title IX constitutes retaliation. Peer retaliation is also prohibited. Retaliation against a person for making a complaint or participating in an investigation is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance procedures set forth above. The District shall initiate its grievance procedures upon receiving any complaint alleging retaliation.

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

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

### **Confidentiality**

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

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

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution ( ) and the principles of academic freedom as set forth in the applicable collective bargaining agreement **[END OF OPTION]**. In no case will a respondent be found to have committed sex discrimination based on expressive conduct that is protected by the First Amendment ( ) and/or the principles of academic freedom specified in the Board's collective bargaining agreement with its teachers **[END OF OPTION]**.

### **Training**

All employees, investigators, decisionmakers, facilitators of informal resolution process, the Title IX Coordinator(s) and designees, and other persons who are responsible for implementing the Board's grievance procedures or have the authority to modify or terminate supportive measures shall receive training related to their duties under Title IX and this Policy. The training shall be provided promptly upon hiring or change of position that alters their duties under Title IX or this policy, and annually thereafter. The training shall not rely on sex stereotypes.

Training materials must be made available for inspection upon request by members of the public.

### **Recordkeeping**

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

- A. for each complaint of sex discrimination, records documenting the informal resolution process and/or the grievance procedures followed and the resulting outcome;
- B. for each notification that the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including notifications under 34 C.F.R. § 106.44(c)(1) or (2), records

documenting the actions the District took to meet its obligations under 34 C.F.R. §106.44; and

C. all materials used to provide the required training.

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

The Board retains discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy including, but not limited to, Title IX Coordinator, investigator, decisionmaker, appeal decisionmaker, or facilitator of the informal resolution process.

The Board also retains discretion to appoint two (2) or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decisionmaker, appeal decisionmaker, and facilitator of the informal resolution process.

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

**[DRAFTING NOTE: The following option expressly sets forth authority that the Board has regardless of whether it is included in this policy, but is offered for those boards of education that may want to affirmatively communicate to/address these issues for readers of this policy.]**

**[  Discretion in Application**

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

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

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

**[END OF OPTION]**

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- Legal
- 20 U.S.C. 1092(F)(6)(A)(v)
- 20 U.S.C. 1232g
- 20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
- 20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
- 29 C.F.R. Part 1636
- 34 C.F.R. Part 99
- 34 C.F.R. Part 106
- 34 U.S.C. 12291(a)(8)
- 34 U.S.C. 12291(a)(10)
- 34 U.S.C. 12291(a)(30)
- 42 U.S.C. 1983
- 42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964
- 42 U.S.C. 2000d et seq.
- 42 U.S.C. 2000e et seq.

42 U.S.C. 2000gg

OCR's Revised Sexual Harassment Guidance (2001)

Book	Policy Manual
Section	Special Update - Title IX - June 2024 MI
Title	Special Update - Title IX - June 2024 Revised NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES (The Board's Policy and Grievance Procedures for Responding to Sexual Harassment Alleged to Have Occurred Prior to 8/1/2024)
Code	po2266
Status	
Adopted	February 21, 2023
Last Revised	September 6, 2023

**Revised Guideline - Special Update - Title IX**

**2266 - NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES (The Board's Policy and Grievance Procedures for Responding to Sexual Harassment Alleged to Have Occurred Prior to 8/1/2024)**

Effective August 1, 2024, this policy shall only pertain to Reports or Formal Complaints of Sexual Harassment that are based on conduct alleged to have occurred on or before July 31, 2024.

**Introduction**

The Board of Education of the Fowlerville Community Schools School District (hereinafter referred to as "the Board" or "the District") does not discriminate on the basis of sex (including sexual orientation or gender identity) in its education programs or activities and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. **[DRAFTING NOTE: In the new Title IX regulations, the term "admission" refers to admission to postsecondary institutions (i.e., institutions of graduate higher education, institutions of undergraduate higher education, institutions of professional education, and institutions of vocational education); thus, if a K-12 school does not operate a vocational program (e.g., a school or institution that has as its primary purpose preparation of students to pursue a technical, skilled, or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers fulltime study), the K-12 school does not officially need to include "admission and" in the preceding sentence (and where that phrase is used throughout this policy); Neola, however, has elected to include it because all K-12 schools "enroll" students and often the term "enroll" is viewed as synonymous with the term "admit." Since K-12 schools cannot discriminate when enrolling students into the education programs or activities that they operate, it seems appropriate to include the term "admission."]** The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

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

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

**Coverage**



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

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

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

### Definitions

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

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

- A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

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

1. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
2. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
4. *Fondling* is 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 age or because of temporary or permanent mental or physical incapacity. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
5. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent as defined by State law.
6. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent. **[DRAFTING NOTE: The Title IX regulations do not require the Board to adopt a particular**

**definition of "consent," but it is advisable to adopt a definition because "consent" is an element of each of the first four terms listed above. Since there are a number of different definitions of consent from which to choose, the Board should consult its local legal counsel concerning selecting a specific definition of consent that represents its position on the topic; the investigator(s) and decision-maker(s) will then uniformly apply the adopted definition.]**

7. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep. **[DRAFTING NOTE: Depending on the definition of "consent" that the Board adopts, it may be necessary to define "incapacitated" in the policy. If it is not defined in the policy, it should certainly be defined in the Administrative Guideline; even if defined in the policy, the Administrative Guideline provides an opportunity to expand on the concept of "consent" and what the Board means by the term "incapacitated."]**

D. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:

1. a current or former spouse or intimate partner of the victim;
2. a person with whom the victim shares a child in common;
3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
5. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

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

F. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

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

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

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

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

**Supportive Measures:** "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party,

including measures designed to protect the safety of all parties or the District’s educational environment or deter Sexual Harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), ( ) referral to Employee Assistance Program, [END OF OPTION] and other similar measures.

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

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

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

**Inculpatory Evidence:** “Inculpatory evidence” is evidence that tends to establish a Respondent’s responsibility for alleged Sexual Harassment.

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

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

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

**Title IX Coordinator(s)**

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

**[DRAFTING NOTE: Neola suggests the Board consider appointing both a male and a female Title IX Coordinator. The Board must list either the Name *or* Title of the Title IX Coordinator; while the Board may list both the Name *and* Title, Neola suggests that the Board consider only listing the Title in this policy (so it does not need to revise/amend its policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name *and* Title in the requisite postings (e.g., website) and publications (e.g., handbooks) ( ) and in the Administrative Guideline.]**

Trisha Reed  
(Name)

Director of Human Resources  
(School District Title)

517.223.6000  
(Telephone Number)

7677 Sharpe Road, Suite A Fowlerville, MI 48836  
(Office Address)

reedt@fowlervilleschools.org  
(E-mail Address)

\_\_\_\_\_  
Jeff Finney  
(Name)

\_\_\_\_\_  
Director of Athletics  
(School District Title)

\_\_\_\_\_  
517.223.6002  
(Telephone Number)

\_\_\_\_\_  
700 N. Grand, Fowlerville, MI 48836  
(Office Address)

\_\_\_\_\_  
finneyj@fowlervilleschools.org  
(E-mail Address)

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

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

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

\_\_\_\_\_  
Trisha Reed  
(Name)

\_\_\_\_\_  
Director of Human Resources  
(School District Title)

\_\_\_\_\_  
517.223.6000  
(Telephone Number)

\_\_\_\_\_  
7677 Sharpe Road, Suite A Fowlerville, MI 48836  
(Office Address)

\_\_\_\_\_  
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(E-mail Address)

\_\_\_\_\_  
Jeff Finney  
(Name)

\_\_\_\_\_  
Director of Athletics  
(School District Title)

\_\_\_\_\_  
517.223.6002  
(Telephone Number)

\_\_\_\_\_  
700 N. Grand, Fowlerville, MI 48836  
(Office Address)

\_\_\_\_\_  
finneyj@fowlervilleschools.org  
(E-mail Address)

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

The Board has adopted a grievance process that provides for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: <https://go.boarddocs.com/mi/fwlv/Board.nsf/Public?open&id=policies> \_\_\_\_\_ **[insert the web**

**address at which Policy 2266 can be found; or insert a hyperlink tied to the title of the policy].** The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the District will respond.

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

### **Grievance Process**

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

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

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

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

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s). ( ) Anonymous reports may be submitted using ( ) the online reporting form posted at \_\_\_\_\_ **[insert the web address for the reporting form, or insert a hyperlink tied to the phrase "online reporting form" or ( ) the hotline reporting number \_\_\_\_\_ [insert phone number].**

Students, Board members, and Board employees are required, and other members of the School District community and Third Parties are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Board employee who will, in turn, notify the/a Title IX Coordinator. **[DRAFTING NOTE: All Board employees are mandatory reporters pursuant to the Title IX regulations. Existing policy, however, also requires students and Board members to report any information they have concerning allegations of sex discrimination or Sexual Harassment. Neola suggests that the Board continue this additional requirement in this policy, along with the language encouraging other individuals to make such reports; this will coincide with similar requirements that are imposed on Board members and students in other nondiscrimination and anti-harassment policies. If the Board decides it does not want to go beyond the scope of the regulations for purposes of this policy, it should replace the first sentence of this paragraph with either of the following: "Board employees are required to report allegations of sex discrimination or Sexual Harassment promptly to the Title IX Coordinator." OR "Board employees are required, and other members of the School District community and Third Parties are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Board employee, who in turn will notify the/a Title IX Coordinator."]** Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

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



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

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

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

Because the Board is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of Sexual Harassment or allegations of Sexual Harassment, a Board employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. **DRAFTING NOTE: The regulations do not specify within how many days the Board employee must notify the Title IX Coordinator of receiving a report of Sexual Harassment; Neola suggests "two (2) days". Alternatively, the Board could make this language more open-ended – e.g., " \* \* \* must immediately/promptly notify the/a Title IX Coordinator of such information or report."**] The Board employee must also comply with mandatory reporting responsibilities pursuant to M.C.L. 722.623 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Title IX Coordinator.

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

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days **[DRAFTING NOTE: The regulations do not define "promptly" or otherwise specify within how many days the contact has to be made; Neola suggests "two (2) days".]** of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

**Emergency Removal:** Subject to limitations and/or procedures imposed by State and/or Federal law, the District may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purpose of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5610 – Emergency Removal, Suspension, and Expulsion of Students and Policy 5611 – Due Process Rights. **[DRAFTING NOTE: The Board may substitute "Superintendent" or "Title IX Coordinator" in place of "District" in the first sentence. Alternatively, the Superintendent could designate, through the administrative guideline, one or more administrators, including the Title IX Coordinator, to make emergency removal decisions after conducting the individualized safety and risk analysis. In Michigan, emergency removals may only be imposed in the manner delineated in M.C.L. 380.1311. Additionally, emergency removals must be conducted in compliance with the Individuals with Disabilities Education Improvement Act and/or Section 504 of the Rehabilitation Act of 1973.]**

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

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

### Formal Complaint of Sexual Harassment

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above ( ) and by \_\_\_\_\_ [END OF OPTION]. **[DRAFTING NOTE: The Board may set forth additional method(s) by which a Formal Complaint may be filed (e.g., online portal submission).]** If a Formal Complaint involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the Complainant should submit the Formal Complaint to the Superintendent, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that Formal Complaint. **[DRAFTING NOTE: If the Superintendent is the Title IX Coordinator, substitute "Board President" in place of "Superintendent" in the preceding sentence.]**

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

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly make false statements or knowingly submit false information during the grievance process, including intentionally making a false report of Sexual Harassment or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct ( ) and the Employee/Administrator Handbook. **[DRAFTING NOTE: The Board should confirm/verify that its Student Code of Conduct and any Employee/Administrator Handbook(s) include a prohibition against intentionally making a false report, submitting a false Formal Complaint, or making a false statement or submitting false information during a Title IX grievance process. Such misconduct should be a sanctionable offense pursuant to the Student Code of Conduct and Employee/Administrator Handbook(s).]**

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

### Timeline

The District will seek to conclude the grievance process, including resolving any appeals, within sixty (60) days of receipt of the Formal Complaint. **[DRAFTING NOTE: The Title IX regulations do not specify a deadline for completing the grievance process; Neola suggests sixty (60) days (i.e., twelve (12) weeks) based on the following considerations: (1) within two (2) days of receipt of the Formal Complaint, the Title IX Coordinator sends requisite notice to parties; (2) two (2) weeks (fourteen (14) calendar days) to investigate (remember the need for advance written notice to a party and adequate time for the party to prepare before any interviews/hearings/meetings; time for parties to present witnesses (including expert witnesses) and other inculpatory or exculpatory evidence); (3) at the conclusion of the investigation and before finalizing the investigative report, two (2) weeks (a minimum of ten (10) calendar days) for the parties to review the evidence and submit their feedback; (4) up to a week (i.e., seven (7) calendar days) for the investigator to consider such feedback and prepare the investigative report; (5) two (2) weeks (a minimum of ten (10) calendar days) for the parties to review the investigative report and submit questions and receive answers to questions submitted to parties and witnesses (if the Board permits hearings, the hearing cannot occur until the Complainant and Respondent have had a minimum of ten (10) calendar days to review the investigative report); (6) a week (i.e., seven (7) calendar days) for the decision-maker(s) to prepare the decision; (7) up to a week (Neola suggests three (3) to five (5) calendar days) for the parties to review the decision and submit a notice of appeal; (8) a week (seven (7) calendar days) for the parties to submit their written statements in support of or in opposition to the appeal; and (9) a week (seven (7) calendar days) for the appeal decision-maker(s) to prepare a final decision. Any informal resolution process could impact this schedule. Given this fairly aggressive timeline, the Board may want to remove the appeal process from this timeline – i.e., delete the phrase "", including resolving any appeals," from the sentence, which would allow more time for potential use of the informal resolution process. Further, the preceding schedule does not provide time for a hearing that could further extend the timeline needed to complete the grievance process.]**

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities. **[DRAFTING NOTE: The Board should consult with its local legal counsel on a case-by-case basis to determine whether there may be other reasons/good cause for a delay or extension of time – e.g., the complexity and severity of the matter, or school breaks.]** ( ) The Title IX Coordinator will provide the parties with reasonable updates on the status of the grievance process.

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

- A. Notice of the Board's grievance process, including any informal resolution processes;
- B. Notice of the allegations of misconduct that potentially constitutes Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known. The written notice must:
  1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
  2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;
  3. inform the parties of any provision in the Student Code of Conduct ( ), this policy, ( ) and/or Employee/Administrator Handbook **[DRAFTING NOTE: While the Title IX regulations only reference "code of conduct" Neola suggests that the Board reference other applicable documents that expressly prohibit an individual from making false statements or knowingly submitting false information as part of the grievance process]** that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

**[DRAFTING NOTE: The Title IX regulations do not define "upon receipt" or otherwise specify within how many days the notice must be sent; Neola suggests the Title IX Coordinator send the notice within "two (2) days" of receipt of the Formal Complaint; this suggestion is memorialized in the corresponding Administrative Guideline. Please note, however, that it could be argued that the notice should be sent sooner. Regardless, the Title IX Coordinator should have a template notice form available that can be quickly completed with the requisite information after receipt of the Formal Complaint.]**

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

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

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

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

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

The Title IX Coordinator *may* dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation ( ) or hearing **[DRAFTING NOTE: Select this option if the Board permits hearings.]**:

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



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

### **Consolidation of Formal Complaints**

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

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

**[DRAFTING NOTE: The Board may adopt provisions, rules, or practices other than those required by the Title IX regulations as part of its grievance process for handling Formal Complaints of Sexual Harassment, provided they apply equally to both parties and do not violate the language in the regulations. The Board should discuss this option with its local legal counsel.]**

### **Informal Resolution Process**

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

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

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

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

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

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

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

The informal resolution process is not available to resolve allegations that a Board employee ( ) or another adult member of the School District community or Third Party **[END OF OPTION]** sexually harassed a student. **[DRAFTING NOTE: The Title IX regulations prohibit the use of an informal resolution process when the allegations involve a Board employee sexually harassing a student; Neola suggests that it also may not be appropriate to use informal resolution processes when a Third Party is alleged to have sexually harassed a student. Since this is not a requirement, it is offered as an option. If the optional language is not selected, the Board retains the discretion to use informal resolution processes as may be determined appropriate by the Title IX Coordinator on a case-by-case basis.]**

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent. **[DRAFTING NOTE: While this language is not required by the Title IX regulations, Neola suggests the Board select this option because of the severity of this type of Sexual Harassment.]**

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

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

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

**[DRAFTING NOTE: Neola suggests the Board adopts the "preponderance of the evidence standard." The preponderance of the evidence standard is an equitable standard of proof and the legal standard by which most civil lawsuits, including civil rights claims, are adjudicated in the United States. This standard requires the decision-maker(s) to determine that there is a greater than fifty percent (50%) likelihood (i.e., it is more probable/likely than not) that the Respondent engaged in the alleged Sexual Harassment. The "clear and convincing evidence standard," on the other hand, is a higher standard of evidence, in which the District would need to show to the decision-maker(s) that the truth of the allegations is highly probable (i.e., that the contention is substantially more likely to be true than untrue). Some argue that using the clear and convincing standard may skew the playing field toward the Respondent by enhancing protection for the Respondent at the expense of the Complainant. The same standard of evidence must be applied for Formal Complaints against students as is applied to Formal Complaints against employees, and the same standard of evidence must be used for all Formal Complaints of Sexual Harassment.]**

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

Similarly, the investigator(s) and decision-maker(s) may not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege in writing.

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

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

The District establishes the following restrictions, which apply equally to both parties, regarding the extent to which an advisor may participate in the proceedings:

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**[DRAFTING NOTE: The Board should consult with its local legal counsel concerning any restrictions it may want to place on an advisor's participation in the proceedings, including rules of decorum. This topic is also addressed in Administrative Guideline 2266.]**

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

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

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all  hearings, **[DRAFTING NOTE: Select this option if the Board permits hearings.]** investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.  The investigator(s) and decision-maker(s) must provide a minimum of one (1) days' notice with respect to investigative

interviews and other meetings ( ) and \_\_\_\_ (\_\_\_) days' notice with respect to hearings [END OF OPTION]. [DRAFTING NOTE: The Board should consult with its local legal counsel concerning whether to set a minimum amount of advance notice – i.e., define “sufficient time”; Neola suggests a minimum of three (3) days’ advanced notice for hearings and one (1) day’s advanced notice for investigative interviews and other meetings.]

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

Prior to completion of the investigative report, the ( ) investigator (X) Title IX Coordinator will send to each party and the party’s advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. [DRAFTING NOTE: The Board should select the following option if it provides for a hearing before the decision-maker] ( ) The District will make all such evidence subject to the parties’ inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party’s advisor, if any, for their review and written response. The investigator will send the Investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to [DRAFTING NOTE: Select one of the following two options. The Board should select the second option if it is providing a hearing or permitting the decision-maker(s) to decide whether to conduct a hearing on a case-by-case basis.]

(X) the decision-maker(s) issuing a determination regarding responsibility.

( ) a hearing or the decision-maker(s) issuing a determination regarding responsibility.

**Determination of Responsibility**

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

[DRAFTING NOTE: The Board may, but need not, provide for a hearing before the decision-maker(s) reaches a determination of responsibility. Neola suggests that the Board not provide for a hearing. If the Board decides not to provide for a hearing, the Board should select OPTION 1; if the Board elects to provide a hearing or to provide the decision-maker(s) with the discretion to conduct a hearing on a case-by-case basis, the Board should select OPTION 2. Additionally, if the Board operates a vocational program [see the Drafting Note contained in the first paragraph of the Introduction for a definition of “vocational program”], Neola suggests that the Board consult its local legal counsel concerning whether it must provide for a live hearing related to Formal Complaints involving parties associated with the vocational program. If the Board determines, in consultation with its legal counsel, that it must provide for a live hearing, it should select Option E of OPTION 2, at least with respect to Formal Complaints involving parties involved in the vocational program (i.e., it does not need to provide for a live hearing for its regular K-12 education programs and activities that it operates.)

[X] [OPTION 1]

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

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

[END OF OPTION 1]

[ ] [OPTION 2]

After the investigator sends the investigative report to the parties and the decision-maker(s), and prior to the decision-maker(s) issuing a determination of responsibility, the decision-maker(s) ( ) may ( ) will conduct a hearing.

**[DRAFTING NOTE: Select Option A or Option B. If the Board selects "may," it should select Option A; if it selects "will," it should select Option B.]**

] [OPTION A]

If the decision-maker(s) decides not to conduct a hearing, the decision-maker(s) will state in writing the reason for not conducting a hearing and provide that explanation to the parties. Additionally, before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

If the decision-maker(s) elects to conduct a hearing, the hearing will proceed as follows:

**[END OF OPTION A]**

] [OPTION B]

The hearing will proceed as follows:

**[END OF OPTION B]**

**[DRAFTING NOTE: Select Option C or Option D or Option E; Neola suggests Option C]**

] [OPTION C]

At the hearing, the decision-maker(s) will allow each party or each party's advisor to submit relevant questions to the decision-maker(s) who will ask the questions to the other party and any witnesses. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Only relevant cross-examination and other questions, including follow-up questions and questions challenging credibility, will be permitted. Such cross-examination and questioning at the live hearing shall be conducted orally and in real time.

] If a party does not have an advisor present at the live hearing, the District will provide, without fee or charge to that party, an advisor of the District's choice, who may be, but is not required to be, an attorney, to submit questions on behalf of that party.

**[END OF OPTION C]**

] [OPTION D]

Prior to commencing the hearing, the decision-maker(s) will decide whether to allow each party's advisor to ask questions directly of the other party and any witnesses, or instead to have the questions submitted to the decision-maker(s) who will ask the other party and any witnesses the questions.

If the decision-maker(s) permits each party's advisor to ask the other party and any witnesses relevant questions and follow-up questions, including questions challenging credibility, such cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. If the decision-maker(s) permits each party's advisor to ask questions directly to the other party and any witnesses, the decision-maker(s) shall not restrict the extent to which advisors may participate in the hearing.

If, on the other hand, the decision-maker(s) decides to have each party's advisor (or the party, if the party does not have an advisor) submit relevant questions to the decision-maker(s), the decision-maker will ask the questions to the other party and any witnesses. Such cross-examination at the hearing will be conducted orally and in real time by the decision-maker(s) based upon questions submitted by a party's advisor or the party.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If the decision-maker(s) permits the parties' advisors to ask the questions directly, and a party does not have an advisor present at the live hearing, the District will provide, without fee or charge to that party, an advisor of the District's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

If the decision-maker(s) decides not to have the parties' advisors ask the questions directly, and a party does not have an advisor present at the hearing, the District will provide, without fee or charge to that party, an advisor of the District's choice, who may be, but is not required to be, an attorney, to submit questions on behalf of that party.

**[END OF OPTION D]**

**[OPTION E]**

At the hearing, the decision-maker(s) shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally; notwithstanding anything to the contrary in this policy, the decision-maker shall not restrict the extent to which advisors may participate in the hearing.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If a party does not have an advisor present at the hearing, the District will provide, without fee or charge to that party, an advisor of the District's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

**[END OF OPTION E]**

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

If a party or witness does not submit to cross-examination at the hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

Hearings may be conducted with all parties physically present in the same geographic location or, at the discretion of the ( ) decision-maker(s) (  ) Title IX Coordinator(s), any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the decision-maker shall provide for the hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or witness answering questions. The District will create an audio or audiovisual recording, or transcript, of any hearing and make it available to the parties for inspection and review.

**[END OF OPTION 2]**

**Determination regarding responsibility:** The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the (  ) preponderance of the evidence standard ( ) clear and convincing evidence standard. **[DRAFTING NOTE: Be sure to select the evidence standard selected previously (i.e., above).]**

The written determination will include the following content:

- A. identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;
- B. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence ( ), and hearings held **[END OF OPTION]; [DRAFTING NOTE: The Board should only select this option if it permits hearings.]**
- C. findings of fact supporting the determination;

- D. conclusions regarding the application of the applicable code of conduct to the facts;
- E. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the District impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the District's education program or activity should be provided by the District to the Complainant(s); and
- F. the procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

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

#### A. Informal Discipline

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

#### B. Formal Discipline

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

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

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

- A.  oral or written warning;
- B.  written reprimands;
- C.  performance improvement plan;
- D.  required counseling;
- E.  required training or education;
- F.  demotion;
- G.  suspension with pay;

H. suspension without pay;

I. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook and/or collective bargaining agreement.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual. **[DRAFTING NOTE: The Board should review applicable policy(ies)/administrative guidelines/employee handbooks to determine whether changes are needed to stated timelines related to imposition of discipline as result of possible delays caused by the Board's obligation to follow this grievance process; likewise, the Board may need to discuss with union representatives how implementation of this grievance process may impact any disciplinary provisions contained in applicable collective bargaining (e.g., timelines, permitted attendees at investigative interviews, etc.).]**

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

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

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

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

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

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

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

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

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

### Appeal

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

- A. procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

- C. the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

**[DRAFTING NOTE: The Board may insert additional grounds on which an appeal may be filed.]**

- D. ( ) the recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the Sexual Harassment).

- E. ( ) [OTHER] \_\_\_\_\_.

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

Any party wishing to appeal the decision-maker's(s') determination of responsibility, or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within three ( 3 ) days after receipt of the decision-maker's(s') determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein. **[DRAFTING NOTE: If the Board indicated above an intent to ordinarily complete the grievance process, including any appeal, within sixty (60) days of receipt of the Formal Complaint, Neola suggests that the deadline for submitting a written appeal be set at "within ( ) three (3) ( ) five (5) days" of the appealing party's receipt of the decision-makers(s') determination of responsibility.]**

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

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

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

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. **[DRAFTING NOTE: Select OPTION 1, OPTION 2, OPTION 3, or OPTION 4.]**

] **[OPTION 1]** The decision-maker(s) for the appeal shall determine when each party's written statement is due. **[END OF OPTION 1]**

] **[OPTION 2]** The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within five ( 5 ) days after the Title IX Coordinator provides notice to the non-appealing party of the appeal. **[END OF OPTION 2]**

] **[OPTION 3]** The appealing party's written statement must be submitted within \_\_\_\_ ( \_\_ ) days after the Title IX Coordinator receives notice of the appeal. The other party's written statement must be submitted within \_\_\_\_ ( \_\_ ) days after the Title IX Coordinator provides that party a copy of the appealing party's written statement. ( ) The appealing party will have \_\_\_\_ ( \_\_ ) days to submit a rebuttal to the other party's written statement. **[DRAFTING NOTE: Neola does not suggest that the Board select this extra option.] [END OF OPTION 3]**

] **[OPTION 4]** Specifically, the appealing party must submit with the notice of appeal a written statement challenging the determination of responsibility. The nonappealing party shall have up to \_\_\_\_ ( \_\_ ) days after receipt of the appealing party's written statement to submit his/her written statement in support of the determination of responsibility. **[END OF OPTION 4]**

**[DRAFTING NOTE: If the Board indicated above an intent to ordinarily complete the grievance process, including any appeal, within sixty (60) days of receipt of the Formal Complaint, Neola suggests that the deadline for both parties to submit a written statement pursuant to OPTION 2 be set at "within five (5) days" of the Title IX Coordinator providing notice to the non-appealing party of the appeal. If the Board selects OPTION 3, Neola suggests that the party's respective written statements be submitted within three (3) days of the triggering event (i.e., submission of the notice of appeal for the appealing party, and receipt of the appealing party's written statement for the nonappealing party), and if the Board selects the extra option in OPTION 3, Neola suggests the appealing party only have two (2) days after receipt of the non-appealing party's written statement to submit the rebuttal. Alternatively, in order to expedite the appeal, the Board could select OPTION 4 and require the appealing party to submit his/her written statement challenging the**



**determination of responsibility at the same time s/he submits his/her notice of appeal. The nonappealing party would then be permitted to submit a written statement in support of the determination of responsibility within the same number of days that the appealing party had to submit the notice of appeal/statement challenging the determination of responsibility (e.g., three (3) or five (5) days, depending on the appeal deadline selected above).]**

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker's(s') determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five ( 5 ) days of when the parties' written statements were submitted. **[DRAFTING NOTE: If the Board indicated above an intent to ordinarily complete the grievance process, including any appeal, within sixty (60) days of receipt of the Formal Complaint, Neola suggests that the deadline for the decision-maker(s) of the appeal to issue the final decision be set at "within five (5) days" of the date the parties submitted their written statements, or the date a last written statement is submitted pursuant to Option 3 or Option 4.]**

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

### **Retaliation**

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

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

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

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

### **Confidentiality**

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

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

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

### **Training**

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

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

[ ] All Board employees will be trained concerning their legal obligation to report Sexual Harassment to the Title IX Coordinator. This training will include practical information about how to identify and report Sexual Harassment. **[DRAFTING NOTE: While the Title IX regulations do not specifically require this training, it is critical that the Board train all of the employees concerning this legal obligation since the Board will be considered to have "actual knowledge" of Sexual Harassment if any Board employee has notice of such conduct.]**

### Recordkeeping

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

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

- A. each Sexual Harassment investigation including any determination regarding responsibility ( ) and any audio or audiovisual recording or transcript that is made of any hearing **[DRAFTING NOTE: Select this option if the Board permits live hearings.]**, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity;
- B. any appeal and the result therefrom;
- C. any informal resolution and the result therefrom; and
- D. all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

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

### Outside Appointments, Dual Appointments, and Delegations

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

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

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

**[DRAFTING NOTE: The following option expressly sets forth authority that the Board has regardless of whether it is included in this policy, but is offered for those boards of education that may want to affirmatively communicate to/address these issues for readers of this policy.]**

**Discretion in Application**

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

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

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

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Legal

- 20 U.S.C. 1092(F)(6)(A)(v)
- 20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
- 20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
- 34 C.F.R. Part 106
- 34 U.S.C. 12291(a)(8)
- 34 U.S.C. 12291(a)(10)
- 34 U.S.C. 12291(a)(30)
- 42 U.S.C. 1983
- 42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964
- 42 U.S.C. 2000d et seq.
- 42 U.S.C. 2000e et seq.
- OCR's Revised Sexual Harassment Guidance (2001)

Book	Policy Manual
Section	For the Board 37-2 Technology
Title	Vol. 37, No. 2 - Technology - February 2023 Revised WEB ACCESSIBILITY, CONTENT, APPS, AND SERVICES
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### **Revised Policy - Vol. 37, No. 2**

#### **7540.02 - WEB ACCESSIBILITY, CONTENT, APPS, AND SERVICES**

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

The Board of Education authorizes staff members () and students [**END OF OPTION**] to create content, apps and services (see Bylaw 0100 Definitions) that are hosted by the Board on its servers or District-affiliated servers (*i.e., servers the Board pays to use or otherwise sanctions the use of*) and/or published on the Internet.

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

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

Student-created content, apps, and services are subject to Policy 5722 - School-Sponsored ~~Student~~ Publications and Productions.

~~The creation of content, apps, and services by students must be done under the supervision of a professional staff member.~~

**[END OF OPTIONS]**

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

The purpose of content, apps, and services ~~covered by this policy hosted by the Board on its servers or District-affiliated servers~~ is to educate, inform, and communicate. The following criteria shall be used to guide the development of such content, apps, and services:

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

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

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

Content may inform the community about the school, teachers, students, or departments, including information about curriculum, events, class projects, student activities, and departmental policies.



### 3. Communicate

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

The information contained on the Board's website(s) should reflect and support the Board's Mission Statement, Educational Philosophy, and the School Improvement Processes.

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

Under no circumstances are District-created content, apps, and services to be used for commercial purposes, advertising, political lobbying, or to provide financial gains for any individual. Included in this prohibition is the fact no web content contained on the District's website may:

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

Under no circumstances is staff member-created content, apps, and services, including personal web pages/websites, to be used to post student progress reports, grades, class assignments, or any other similar class-related material. Employees are required to use the Board-specified website, app, or service (e.g., [Google Classroom/MISTAR/Class Dojo] ParentSquare [Progressbook/PowerSchool/Infinite Campus]) for the purpose of conveying information to students and/or parents.

Staff members are prohibited from requiring students to go to the staff member's personal web pages/websites (including, but not limited to, their Facebook, Instagram, Pinterest pages, YouTube Channel(s), or TikTok sites) to check grades, obtain class assignments and/or class-related materials, and/or to turn in assignments.

If a staff member creates content, apps, and services, related to their/his/her class, it must be hosted on the Board's server or a District-affiliated server.

Unless the content, apps, and services contain student personally-identifiable information, Board websites, apps, and web services that are created by students and/or staff members that are posted on the Internet should not be password-protected or otherwise contain restricted access features, whereby only employees, student(s), or other limited groups of people can access the site. Community members, parents, employees, staff, students, and other website users will generally be given full access to the Board's website(s), apps, and web-services.

Web content, apps and web services should reflect an understanding that both internal and external audiences will be viewing the information.

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

The Superintendent shall prepare administrative guidelines defining the rules and standards applicable to the use of the Board's website and the creation of web content, apps, and web services by staff ( x ) and students [END OF OPTION].

The Board retains all proprietary rights related to the design of and content for its website(s) web content, apps, and web services that are hosted on Board-owned or District-affiliated servers, absent written agreement to the contrary.

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



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

C. Website Accessibility

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

This policy reflects the Board's commitment and the District adopts this policy to fulfill this commitment and affirm its intention to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, 34 C.F.R. Part 104, and Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12131, and 28 C.F.R. Part 35 in all respects.

1. Technical Standards

The District will adhere to the technical standards of compliance identified at [powervilleschools.org](http://powervilleschools.org) [insert link to District website]. The District measures the accessibility of online content and functionality according to the World Wide Web Consortium's (W3C's) Web Content Accessibility Guidelines (WCAG) 2.0 Level \_\_\_\_\_, and the Web Accessibility Initiative - Accessible Rich Internet Applications Suite (WAI-ARIA 1.1) for web content, and Section 508. Electronic Information Technology Accessibility Standards 2.1, 1.2. (-) [insert another acceptable standard selected by the District e.g., the Section 508 Information and Communication Technology Accessibility Standards published by the U.S. Access Board, which serves as the standards the Federal government uses for its own websites.

[DRAFTING NOTE: While OCR currently (as of December 2022) recommends WCAG 2.0 Level AA, WCAG 2.1 is gradually becoming the standard courts cite as the ADA accessibility standard that public entities should use for websites, mobile applications, and digital content compliance. Further, W3C published a working draft of WCAG 2.2 in August 2020 and a Candidate Recommendation draft of WCAG 2.2 in September 2022; a final version of WCAG 2.2 is expected to be released in early 2023. The W3C states that WCAG 2.0 and 2.1 remain its recommendation, but version 2.2 should be used to maximize future applicability of accessibility efforts. The W3C also encourages the use of the most current version of WCAG when developing or updating Web accessibility policies. OCR recommends WCAG 2.0 Level AA.]

2. Web Accessibility Coordinator

The Board designates its ( ) Section 504/ADA Compliance Coordinator(s) (x) Technology Director ( ) \_\_\_\_\_ [END OF OPTIONS] as the District's Web Accessibility Coordinator(s). That individual(s) \_\_\_\_\_ is responsible for coordinating and implementing this policy.

[SELECT OPTION #1 OR #2]

[ ] [OPTION #1]

See Board Policy 2260.01 for the Section 504/ADA Compliance Coordinator(s)' contact information.

[x] [OPTION #2]

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

[INSERT NAME or TITLE, ADDRESS, E-MAIL, PHONE]

James Stauble, staublej@fowlervilleschools.org

Four horizontal lines for text input.

[END OF OPTIONS]

3. Third Party Content

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

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

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

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

4. Regular Audits

The District, under the direction of the Web Accessibility Coordinator(s) or his/her/their designees, will, at regular intervals, audit the District's online content and measure this content against the technical standards adopted above.

[X] [OPTION]

This audit will occur no less than once every two (2) years.

[END OF OPTION]

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

5. Reporting Concerns or Possible Violations

If a person accessing the District’s website(s), apps, or services (e.g., a student, prospective student, employee, guest, or visitor) ("user") believes that the District has violated the technical standards identified above in its online content, the user may contact a/the Web Accessibility Coordinator with any accessibility concerns. The user may also file a formal complaint utilizing the procedures set out in Board Policy 2260.01 relating to Section 504 and Title II. If any student, prospective student, employee, guest, or visitor believes that the District has violated the technical standards in its online content, s/he may contact the Web



~~Accessibility Coordinator with any accessibility concerns. S/he may also file a formal complaint utilizing the procedures set out in Board Policy 2260 and Policy 2260.01 relating to Section 504 and Title II.~~

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

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

[SELECT OPTION #1 or #2]

[OPTION #1]

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

[END OF OPTION #1]

[OPTION #2]

A teacher who elects to supplement and enhance student learning through the use of apps and/or web services is responsible for verifying/certifying to the  Superintendent  or designee \_\_\_\_\_ that the app and/or web service has a FERPA-compliant privacy policy, and it complies with all requirements of the Children's Online Privacy Protection Act (COPPA), Student Online Personal Protection Act (SOPPA), and the Children's Internet Protection Act (CIPA)  and Section 504 and the ADA.

[END OF OPTION #2]

~~The Board further requires  the use of a Board-issued e-mail address in the login process  prior written parental permission for a student seventeen (17) years of age or younger to use the to use a student's personal e-mail address in the login process.~~

#### E. Training

The District will provide  annual  periodic training for its employees who are responsible for creating web content or distributing information online ~~or distributing information with online content~~ so that these employees are aware of this policy and understand their roles and responsibilities with respect to web design and creation and/or uploading of design, documents and multimedia content.

#### F. One-Way Communication Using District Website(s), Content, Apps, and Services

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

Such communications constitute public records that will be archived.

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

If the District uses an app and/or ~~web service~~ that does not allow the District to block or deactivate public comments (e.g., Facebook, which does not allow comments to be turned off, or Twitter, which does not permit users to disable private messages or mentions/replies), the District's use of that app and/or service ~~apps and web service~~ will be subject to Policy 7544 – Use of Social Media unless the District is able to automatically withhold all public comments.

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

[DRAFTING NOTE: Districts are advised to adopt a new category of records that covers such "hidden



**public comments" on social media. Unless dictated by State law, retention periods established by the district for such unsolicited communications should be limited.**

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Book	Policy Manual
Section	For the Board 37-2 Technology
Title	Vol. 37, No. 2 - Technology - February 2023 Revised STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY
Code	po7540.03
Status	
Adopted	May 16, 2017

### **Revised Policy - Vol. 37, No. 2**

#### **7540.03 - STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology ~~directly affects~~ has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. ~~Educators are expected to continually adapt~~ As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning, to incorporate the latest technologies. The Board of Education provides Information & Technology Resources (as defined in Bylaw 0100) (collectively, "District Information & Technology Resources") ~~vast, diverse, and unique resources available through the Internet. The Board of Education provides Technology Resources (as defined in Bylaw 0100)~~ to support the educational and professional needs of its students and staff. With respect to students, District Information & Technology Resources afford them the opportunity to acquire the skills and knowledge to learn effectively and live productively in a digital world. The Board provides students with access to the Internet for ~~limited~~ educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students. The District's computer network and Internet system does not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its ~~stated~~ limited educational purpose.

The Board regulates the use of District Information & Technology Resources ~~in a manner by principles~~ consistent with applicable local, State, and Federal laws, the District's educational mission, and articulated expectations of student conduct as delineated in the Student Code of Conduct. This policy and its related administrative guidelines and the Student Code of Conduct govern students' use of District Information & Technology Resources and students' personal communication devices when they are connected to ~~District Information & Technology Resources, including online educational services/apps, regardless of whether such use takes place on or off school property, the District computer network, Internet connection, and/or online educational services/apps, or when used while the student is on Board-owned property or at a Board-sponsored activity~~ (see Policy 5136).

~~Students are prohibited from using District Information & Technology Resources to engage in illegal conduct (e.g., libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, etc.) or conduct that violates this Policy and its related administrative guidelines and the Student Code of Conduct (e.g., making personal attacks or injurious comments, invading a person's privacy, etc.). Nothing herein, however, shall infringe on students' First Amendment rights. Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like).~~ Because its Information & Technology Resources are not unlimited, the Board ~~may institute~~ has also instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

~~Students~~ Users have no right or expectation to privacy when using District Information & Technology Resources (including, but not limited to, privacy in the content of their personal files, ~~messages/e-mails, and records of their online activity~~) ~~when using the District's computer network and/or Internet connection~~.

~~While the Board uses various technologies to limit students using its Information & Technology Resources to only use/access online educational services/apps and resources that have been pre-approved for the purpose of instruction, study, and research related to the curriculum, it is impossible to prevent students from accessing and/or coming in contact with online content that has not been pre-approved for use by students of certain ages. It is no longer possible for educators and community members~~ First, the Board may not be able to technologically limit access, through its Technology Resources, to only those services and resources that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to



adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them) when significant portions of students' education take place online or through the use of online educational services/apps, access to the Internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board ~~implements~~ ~~has implemented~~ technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act (CIPA). At the discretion of the Board or the Superintendent, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of students to restrict access to child pornography and other material that is obscene, objectionable, inappropriate, and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using District Information & Technology Resources, if such disabling will cease to protect against access to materials that are prohibited under CIPA the Children's Internet Protection Act. Any student who attempts to disable the technology protection measures will be disciplined subject to discipline.

The Superintendent or ~~Technology Dept.~~ \_\_\_\_\_ may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material, if access to such sites has been mistakenly, improperly, or inadvertently inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures.

Parents are advised that a determined user may be able to gain access to online content and/or services/apps and/or resources on the Internet that the Board has not authorized for educational purposes. In fact, it is impossible to guarantee students will not gain access through the Internet to content information and communications that they and/or their parents may find inappropriate, offensive, objectionable, or controversial. Parents of minors are responsible for setting and conveying the standards that their children should follow when using the Internet.

~~Principals are responsible for providing training so that students under their supervision are knowledgeable about this policy and its accompanying guidelines.~~

Pursuant to Federal law, students shall receive education about the following:

- A. safety and security while using e-mail, chat rooms, social media, and other forms of direct electronic communications;
- B. the dangers inherent with the online disclosure of personally identifiable information;
- C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying, and other unlawful or inappropriate activities by students online; and
- D. unauthorized disclosure, use, and dissemination of personally-identifiable information regarding minors.

Staff members shall provide guidance and instruction to their students regarding the appropriate use of District Information & Technology Resources and online safety and security as specified above. Additionally, such training shall include, but not be limited to, education concerning appropriate online behavior including interacting with others on social media, including in chat rooms, and cyberbullying awareness and response instruction for their students regarding the appropriate use of technology and online safety and security as specified above. Furthermore, staff members will monitor the online activities of students while they are at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs. **[END OF OPTION]**

~~Building principals are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of District Technology Resources. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social media, including in chat rooms, and cyberbullying awareness and response. All students who use users of District Information & Technology Resources (and their parents if they are minors) are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines. (See Form 7540.03 F1)~~

In order to keep District Information & Technology Resources operating in a safe, secure, efficient, effective, and beneficial manner to all users, students are required to comply with all District-established cybersecurity procedures ( ) including, but not limited to, the use of multi-factored authentication for which they have been trained [END OF OPTION]. Principals are responsible for providing such training on a regular basis and measuring the effectiveness of the training.

[X ] Students will be assigned a District-provided school e-mail account that they are required to utilize for all school-related electronic communications, including those to staff members, peers, and individuals, and/or organizations outside the District with whom they are communicating for school-related projects and assignments. ( ) Further, as directed and authorized by their teachers, they shall use their school-assigned e-mail account when signing-up/registering for access to various online educational services/apps, including mobile applications/apps that will be utilized by the student for educational purposes. [END OF OPTION]

Students are responsible for good behavior when using District Information & Technology Resources – i.e., behavior comparable to that expected of students when they are in physical classrooms and school buildings and at school-sponsored events. Because communication classrooms, school hallways, and other school premises and school-sponsored events, communications on the Internet are often public in nature, general. General school rules for behavior and communication apply. The Board does not approve any use of its Information & Technology Resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

[NOTE: If language about social media is added to Policy 7540, it is recommended that the following optional language be added to this policy.]

[X ] Students may only use District Information & Technology Resources to access or use social media if it is done for educational purposes in accordance with their teacher's approved plan for such use. [END OF OPTION]

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of District Information & Technology Resources that are not authorized by this policy and its accompanying guidelines.

The Board designates the Superintendent and Technology Director \_\_\_\_\_ as the administrator(s) responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to students' use of District Information & Technology Resources.

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Legal	P.L. 106-554, Children's Internet Protection Act of 2000
	P.L. 110-385, Title II, Protecting Children in the 21st Century Act
	18 U.S.C. 1460
	18 U.S.C. 2246
	18 U.S.C. 2256
	20 U.S.C. 6777, 9134 (2003)
	20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended (2003)
	47 U.S.C. 254(h), (1), Communications Act of 1934, as amended (2003)
	47 C.F.R. 54.500 – 54.523



Book	Policy Manual
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### **Revised Policy - Vol. 37, No. 2**

#### **7540.04 - STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology ~~directly affects~~ ~~has fundamentally altered~~ the ways in which information is accessed, communicated, and transferred in society. Educators are expected to continually adapt their means and methods of instruction and the way they approach student learning to incorporate the latest technologies. The Board of Education provides District Information & Technology Resources (as defined by Bylaw 0100) (collectively, "District Information & Technology Resources") ~~As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning, to incorporate the vast, diverse, and unique resources available through the Internet. The Board of Education provides Technology and Information Resources (as defined by Bylaw 0100) to support the educational and professional needs of its staff and students. The Board provides staff with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students and to facilitate the staff's work. The District's computer network and Internet system does not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its stated limited educational purpose.~~

The Board regulates the use of District Information & Technology ~~and Information Resources~~ by principles consistent with applicable local, State, and Federal laws, and the District's educational mission. This policy and its related administrative guidelines (~~( ), Policy 7544 and AG 7544~~ **[END OF OPTION]** and any applicable employment contracts and collective bargaining agreements govern the ~~staff's~~ staffs' use of the District's Information & Technology ~~and Information Resources~~ and staff's personal communication devices when they are connected to District Information & Technology Resources, including online educational services/apps, regardless of whether such use takes place on or off school property, ~~the District's computer network, Internet connection and/or online educational services/apps, or when used while the staff member is on Board-owned property or at a Board-sponsored activity (see Policy 7530.02).~~

**[DRAFTING NOTE: Choose the option in the preceding paragraph if above if the Superintendent recommends and the Board adopts Policy 7544.]**

Staff members ~~are prohibited from using District Information & Technology Resources to engage in illegal conduct (e.g., libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, etc.) or conduct that violates this Policy and its related administrative guidelines (e.g., making personal attacks and injurious comments, invading a person's privacy, etc.). Nothing herein, however, shall infringe on a staff member's First Amendment rights. Because District Information & Technology Resources are not unlimited, the Board may institute restrictions aimed at preserving these resources, such as placing limits on the use of bandwidth, storage space, and printers. Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like). Because its Technology Resources are not unlimited, the Board has also instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.~~

Staff members ~~Users~~ have no right or expectation to privacy when using District Information & Technology ~~and Information Resources~~ (including, but not limited to, privacy in the content of their personal files, messages/e-mails, and records of their online activity ~~when using the District's computer network and/or Internet connection~~).

Staff are expected to ~~use~~ utilize District Information & Technology ~~and Information Resources~~ to promote educational excellence in our schools by providing students with the opportunity to develop the ~~resource-sharing~~ resource sharing, innovation, and communication skills and tools that are essential to both life and work. The Board encourages the faculty to



develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet and online educational services/apps will be guided by Board Policy 2521 - Selection of Instructional Materials and Equipment.

The Internet is a global information and communication network that brings incredible education and information resources to our students. ~~The Internet connects computers and users in the District with computers and users worldwide.~~ Through the Internet, students and staff can access relevant information that will enhance their learning and the education process. Further, District Information & Technology Resources provide students and staff with the opportunity to communicate with ~~other people from~~ throughout the world. Access to such an incredible quantity and diversity of information and resources brings with it, however, certain unique challenges and responsibilities.

~~While the Board uses various technologies to limit the use of District Information & Technology Resources to only use/access online services/apps and resources that have been pre-approved for the purpose of instruction, study, and research related to the curriculum, it is impossible to prevent users from accessing and/or coming in contact with online content that has not been pre-approved for use by students of certain ages. It is no longer possible for educators and community members. The Board may not be able to technologically limit access, through its Technology Resources, to only those services and resources that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them) when significant portions of students' education take place online or through the use of online educational services/apps, access to the Internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.~~

Pursuant to Federal law, the Board has implemented technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act (CIPA). At the discretion of the Board or Superintendent, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate, and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using the District Information & Technology Resources, if such disabling will cease to protect against access to materials that are prohibited under CIPA the Children's Internet Protection Act. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be ~~disciplined~~ subject to disciplinary action, up to and including termination.

The Superintendent or Director of Technology \_\_\_\_\_ may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. (X) The Superintendent or Director of Technology \_\_\_\_\_ may also disable the technology protection measures to enable access for bona fide research or other lawful purposes. **[END OF OPTION]**

**Principals are responsible for providing training so that staff under their supervision are knowledgeable about this policy and its accompanying guidelines.**

Staff members will participate in professional development programs in accordance with the provisions of law and this policy. Training shall include:

- A. the safety and security of students while using e-mail, chat rooms, social media, and other forms of direct electronic communications;
- B. the inherent danger of students disclosing personally identifiable information online;
- C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying, and other unlawful or inappropriate activities by students or staff online; and
- D. unauthorized disclosure, use, and dissemination of personally-identifiable information regarding minors.

**Staff members shall provide guidance and instruction to their students regarding the appropriate use of District Information & Technology Resources and online safety and security as specified above. Additionally, such training shall include, but not be limited to, education concerning appropriate online behavior including interacting with others on social media, including in chat rooms, and cyberbullying awareness and response. Further, staff members shall monitor students' online activities**



~~while the students are at school. Furthermore, staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above, and staff members will monitor students' online activities while at school.~~

] Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs. **[END OF OPTION]**

The disclosure of personally identifiable information about students online is prohibited.

~~Building principals are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of the District Technology Resources. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social media including in chat rooms, and cyberbullying awareness and response. All users of District Technology~~ All staff members who use District Information & Technology Resources are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines. (See Form 7540.04 F1)

In order to keep District Information & Technology Resources operating in a safe, secure, efficient, effective, and beneficial manner to all users, staff members are required to comply with all District-established cybersecurity procedures (  ) including, but not limited to, the use of multi-factored authentication (MFA), **[END OF OPTION]** for which they have been trained. Principals are responsible for providing such training on a regular basis and measuring the effectiveness of the training.

[  Staff will be assigned a District-provided school e-mail address that they are required to use/utilize for all school-related electronic communications, including those to students, parents and other constituents, fellow staff members, and vendors or individuals seeking to do business with the District. **[END OF OPTION]**

] With prior approval from the Superintendent or Director of Technology, staff may direct students who have been issued school-assigned e-mail accounts to use those accounts when signing-up/registering for access to various online educational services/apps that the student will use, including mobile applications/apps that will be utilized by the students for educational purposes under the teacher's supervision. **[END OF OPTION]**

Staff members are responsible for good behavior when using District Information & Technology ~~and Information~~ Resources - i.e., behavior comparable to that expected when they are in physical classrooms, school buildings, and at school-sponsored events. Because communications ~~classrooms, school hallways, and other school premises and school sponsored events.~~ Communications on the Internet are often public in nature, general rules for professional behavior and communication apply. The Board does not approve any use of District Information ~~its~~ Technology ~~and Information~~ Resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines ( ) and Policy 7544 and its accompanying procedure **[END OF OPTION]**.

**[DRAFTING NOTE: Choose the preceding option if option above if the Superintendent recommends and the Board adopts Policy 7544.]**

**[NOTE: If the use of social media is authorized by Policy 7540 and Policy 7544, choose the appropriate following option to match that language]**

[ ] Staff members may only use District Information & Technology Resources to access or use social media if it is done for educational or business-related purposes. **[END OF OPTION]**

] Staff member members' use of District Information & Technology Resources technology resources to access or use social media is to be consistent with Policy 7544 and its accompanying procedure. **[END OF OPTION]**

**[DRAFTING NOTE: Choose the following option to provide further direction to staff regarding the appropriate versus inappropriate use of social media.]**

] An employee's personal or private use of social media may have unintended consequences. While the Board respects its employees' First Amendment rights, those rights do not include permission to post inflammatory comments that could compromise the District's mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes staff members' online conduct that occurs off school property, including from the employee's private computer. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities. **[END OF OPTION]**

**[  [AI/NLP TOOLS OPTIONAL LANGUAGE]**



## Use of Artificial Intelligence/Natural Language Processing Tools

Staff are permitted to use Artificial Intelligence and Natural Language Processing (NLP) tools (collectively, "AI/NLP tools") to accomplish their job responsibilities so long as the use is ethical, responsible, and does not violate any provisions of this policy (e.g., it does not infringe on students' or staff members' privacy rights, violate their duty to maintain confidentiality related to personally identifiable information, etc.). ~~General school rules for behavior and communication apply.~~

With respect to students, it is the Board's policy that they are required to rely on their own knowledge, skills, and resources when completing school work. In order to ensure the integrity of the educational process and to promote fair and equal opportunities for all students, except as outlined below, students are prohibited from using AI/NLP tools to complete school work. The use of AI/NLP tools without the express permission/consent of a teacher is considered to undermine the learning and problem-solving skills that are essential to a student's academic success and that the staff is tasked to develop in each student. Consequently, students are encouraged to develop their own knowledge, skills, and understanding of course material rather than relying solely on AI/NLP tools, and they are expected to ask their teachers when they have questions and/or need assistance. A student's unauthorized use of AI/NLP tools is considered a form of plagiarism and any student found using such tools without permission or in a prohibited manner will be disciplined in accordance with the Student Code of Conduct.

Notwithstanding the preceding, students are allowed to use AI/NLP tools in the school setting if they receive prior permission/consent from their teacher, so long as they use the AI/NLP tools in an ethical and responsible manner. Teachers have the discretion to authorize students to use AI/NLP tools for the following uses:

- A. Research assistance: AI/NLP tools can be used to help students quickly and efficiently search for and find relevant information for their school projects and assignments.
- B. Data Analysis: AI/NLP tools can be used to help students to analyze, understand, and interpret large amounts of data, such as text documents or social media posts. This can be particularly useful for research projects or data analysis assignments – e.g., scientific experiments and marketing research.
- C. Language translation: AI/NLP tools can be used to translate texts or documents into different languages, which can be helpful for students who are learning a new language or for students who are studying texts written in a different language.
- D. Writing assistance: AI/NLP tools can provide grammar and spelling corrections, as well as suggest alternative word choices and sentence structure, to help students improve their writing skills.
- E. Accessibility: AI/NLP tools can be used to help students with disabilities access and understand written materials. For example, text-to-speech software can help students with specific learning disabilities or visual impairments to read texts and AI-powered translation tools can help students with hearing impairments to understand spoken language.

As outlined above, under appropriate circumstances, AI/NLP tools can be effectively used as a supplement to and not a replacement for traditional learning methods. Consequently, with prior teacher permission/consent, students can use AI/NLP tools to help them better understand and analyze information and/or access course materials. If a student has any questions about whether they are permitted to use AI/NLP tools for a specific class assignment, they should ask their teacher.

### [END OF OPTIONAL LANGUAGE]

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of District Information & Technology ~~and Information~~-Resources that are not authorized by this policy and its accompanying guidelines.

The Board designates the Superintendent and Director of Technology as the administrator(s) responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to staff ~~member~~members' use of District Information & Technology ~~and Information~~-Resources.

In addition, Federal and State confidentiality laws forbid schools and their employees from using or disclosing student education records without parental consent. See Policy 8330. Education records include a wide variety of information; posting personally identifiable information about students is not permitted. Staff members who violate State and Federal confidentiality ~~and/or laws or~~ privacy laws related to the disclosure of student or employee personally identifiable confidential employee information may be disciplined.



Staff members retain rights of communication for collective bargaining purposes and union organizational activities.

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Legal

P.L. 106-554, Children's Internet Protection Act of 2000

P.L. 110-385, Title II, Protecting Children in the 21st Century Act

18 U.S.C. 1460

18 U.S.C. 2246

18 U.S.C. 2256

20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended (2003)

47 U.S.C. 254(h), (1), Communications Act of 1934, as amended (2003)

47 C.F.R. 54.500 – 54.523

Book	Policy Manual
Section	For the Board 37-2 Technology
Title	Vol. 37, No. 2 - Technology - February 2023 Revised CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN
Code	po8300
Status	

### **Revised Policy - Vol. 37, No. 2**

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

The Continuity of Organizational Operations Plan (COOP) provides the District with the capability of conducting its essential operations under all threats and conditions with or without warning. Having a plan to recover from any type of disaster regardless of the severity and consequences of the emergency is critical to recovery of operations and ~~minimize~~ **minimizing** the impact on the District's teaching and learning, personnel, facilities, technology, transportation, food service, and other functional resources.

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

The primary objective of the COOP is to restore the District's critical operational functions and the learning environment as quickly as possible after a crisis or threat event ~~occurs~~ **has occurred**. A COOP contains critical and sensitive information that is confidential and exempt from public disclosure.

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

The planning and development of continuity of an organizational operations plan, as well as the ongoing review, **testing**, and revision of such a plan, is important for the overall District **(x)** and also for each school **(x)** and department in the District **[END OF OPTIONS]**.

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

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

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

The Superintendent shall conduct **(x)** an annual **(x)** a periodic **[END OF OPTION]** review of the COOP.

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Book	Policy Manual
Section	For the Board 37-2 Technology
Title	Vol. 37, No. 2 - Technology - February 2023 Revised INFORMATION SECURITY
Code	po8305
Status	

### **Revised Policy - Vol. 37, No. 2**

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

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

Data/information collected by the District shall be classified as Confidential, Controlled, or Published. Data/information will be considered Controlled until identified otherwise.

Protecting District Information & Technology Resources (as defined in Bylaw 0100) is of paramount importance. Information security requires everyone's active participation to keep the District's data/information secure. This includes Board of Education members, staff members/employees, students, parents, contractors/vendors, and visitors who use District Information & Technology Resources (as defined in Bylaw 0100) ~~and Information Resources.~~

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

All Board members, staff members/employees, students, contractors/vendors, and visitors who have access to Board-owned or managed data/information must maintain the security of that data/information and the District Information & Technology Resources on which it is stored.

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

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

Further, the Superintendent is charged with developing procedures that can ~~authorized to develop procedures that would~~ be implemented in the event of an unauthorized release or breach of data/information. These procedures shall comply with the District's legal requirements if such a breach of personally-identifiable ~~personally-identifiable~~ information occurs.

The Superintendent shall require staff members to participate in training related to the internal controls applicable to the data/information that they collect and have access to and for which they are ~~the participation of staff members in~~ appropriate training related to the internal controls pertaining to the data/information that they collect, to which they have access, and for which they would be responsible for the security protocols.

~~Third Party~~ ~~Third party~~ contractors/vendors who require access to Confidential Data/Information collected and retained by the District will be informed of relevant Board policies that govern access to and use of District Information & Technology Resources, including the duty to safeguard the confidentiality of such data/information.



Failure to adhere to this Policy and its related administrative guidelines may put data/information collected and retained~~retain~~ by the District at risk. Employees who violate this policy and/or ~~its related administrative guidelines may be disciplined~~~~the administrative guidelines promulgated consistent with this policy may have disciplinary consequences imposed~~, up to and including termination of employment, and/or referral to law enforcement. Students who violate this Policy and/or ~~its related administrative guidelines will be disciplined~~~~AGs will be subject to disciplinary action~~, up to and including expulsion, and/or referral to law enforcement. ~~(x )~~ Contractors/vendors who violate this Policy and/or ~~its related administrative guidelines~~~~AGs~~ may face termination of their business relationships with and/or legal action by the District. **[END OF OPTION]** Parents and visitors who violate this Policy and/or ~~its related administrative guidelines~~~~AGs~~ may be denied access to the District's ~~Information &~~ Technology Resources.

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

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Book	Policy Manual
Section	For the Board 37-2 Technology
Title	Copy of INFORMATION MANAGEMENT
Code	po8315
Status	
Adopted	June 13, 2017

### 8315 - INFORMATION MANAGEMENT

The Board of Education recognizes its responsibility, in certain circumstances, to maintain information created, maintained or otherwise stored by the District outside the "Records Retention Schedule". In such situations, a "Litigation Hold" procedure will be ~~used~~ utilized to identify and preserve information relevant to a specific matter. "Information" includes both paper documents and electronically stored information ("ESI"). When implementing the "Litigation Hold," the District will identify individuals in possession or custody of paper documents, ESI and electronic media containing ESI, and inform them of their obligation to preserve the documents and ESI outside the "Records Retention Schedule". The District will also identify third parties with custody or control over paper documents, ESI, or electronic media storing ESI, and request them to preserve that information. All information falling within a "Litigation Hold," which is under the control of the District, must be preserved in a readily accessible form and cannot be disposed of under the "Records Retention and Disposal" requirements. Failure to comply with a Litigation Hold notice may result in ~~discipline~~ disciplinary action, up to and including possible termination.

Instances where the Board must maintain information outside the "Records Retention Schedule" include:

- A. when the Board has specific information and/or written notice from a ~~parent/guardian, student, or another person representing the parent/guardian or student~~ ~~an individual, parent or student~~ of an intent to file an appeal of student discipline to State court;
- B. when the Board has specific information and/or written notice that litigation is imminent even though the litigation has not yet been filed in Federal or State court;
- C. when the Board is served with litigation, including, but not limited to, notice of a lawsuit in Federal or State court, or notice of a student disciplinary appeal to State court;
- D. when the Board receives specific information and/or written notification from an employee, labor union, or other person of an intent to file a claim against the Board, its members, employees or agents at an administrative agency such as the Equal Employment Opportunity Commission, Michigan Employment Relations Commission, U.S. Department of Education Office for Civil Rights, ~~Michigan Department of Education Office for Special Education,~~ State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, employees or agents;
- E. when the Board receives specific information and/or written notification from an administrative agency such as the Equal Employment Opportunity Commission, Michigan Employment Relations Commission, U.S. Department of Education Office for Civil Rights, ~~Michigan Department of Education Office for Special Education,~~ State Personnel Board of Review, or a Civil Service Commission regarding a claim ~~filed~~ against the Board, its members, employees or agents;
- F. when the Board receives written notification from a third party requesting that the Board maintain information that could be at issue in litigation or potential litigation against that third party;
- G. when the Superintendent recommends the termination of an employee to the Board pursuant to a labor contract;
- H. when the Board explores, contemplates or initiates litigation.

### Definitions



"Documents" includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound/audio recordings, images, video recordings, and other data or data compilations stored in any medium from which information can be obtained or translated if necessary.

"ESI" means any type of information that is created, used, and stored in digital form and accessible by digital means. It includes all data, digital documents or files, or other information contained on any media type (e.g., tape, hard disk drive, cloud storage, or some yet-to-be-created storage technology). Specifically, it includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound/audio recordings, images, video recordings, and other data or data compilations stored in any electronic media from which information can be obtained or translated if necessary. Examples include: e-mails and their attachments, text and instant messages, communications conducted in ephemeral messaging applications or in workplace collaboration tools, word processing documents, spreadsheets, digital photographs/pictures, videos, application programs and data files, data/information stored in databases, data files, metadata, system files, electronic calendar appointments, scheduling program files, digital scans (including TIFF files), PDF files, MPG files, JPG files, GIF files, network share files, internal websites, external websites, newsgroups, directories, security and access information, legacy data, audio recordings, voicemails, phone/call logs, faxes, internet/browser histories, caches, cookies, or logs of activity on computer systems (whether internal to the District or external) that may have been used to process or store electronic data. ESI also includes data/information from cloud applications (e.g., educational or operational services/apps), electronic records of online activity (e.g., social media postings), and data generated or stored by devices connected to the Internet of Things (IoT)

"ESI" includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images and other data or data compilations stored in any electronic media from which information can be obtained or translated if necessary. It includes, but is not limited to, e-mails, e-mail attachments, instant messages, word processing files, spreadsheets, pictures, application program and data files, databases, data files, metadata, system files, electronic calendar appointments, scheduling program files, TIFF files, PDF files, MPG files, JPG files, GIF files, network share files, internal websites, external websites, newsgroups, directories, security and access information, legacy data, audio recordings, voice mails, phone logs, faxes, internet histories, caches, cookies or logs of activity on computer systems that may have been used to process or store electronic data.

"Electronic media" includes, but is not limited to, computer hard drives (including portable hard disk drives "HDD's"), floppy drives, disaster recovery media, and storage media (including DVD's, CD's, floppy discs, Zip discs/drives, Jazz discs/drives, USB memory drives, jump disc/drives, flash discs/drives, keychain discs/drives, thumb discs/drives, smart cards, microfilm micro-film, backup tapes, cassette tapes, cartridges, etc.), accessed, used, and/or stored on/in/through the following locations: networks and servers, whether internal or external (including the cloud); laptop and desktop work computers; home and personal computers; other computer systems; databases; backup computers or servers, whether internal or external (including cloud storage); archives; mobile devices (e.g., mobile/cellular phones and tablet computers, personal digital assistants ("PDAs" - including Palm, Blackberry), etc.); pagers; firewalls; audit trails and logs, printers; copiers; scanners; digital cameras; photographic devices; and video cameras and devices. Electronic media also includes social media websites (e.g., Facebook, Twitter, LinkedIn) and any item containing or maintaining ESI that is obtained by the District for Board member or employee usage or that an employee uses for such purpose (even if privately owned by the Board member or employee) from the date this policy was first adopted into the future; laptop and desktop work computers; home and personal computers; other computer systems; backup computers or servers; archives; personal digital assistants ("PDAs" - including Palm, Blackberry, cellular phone, tablet PC, etc.); pagers; firewalls; audit trails and logs, printers; copiers; scanners; digital cameras; photographic devices; and video cameras and devices. Electronic media shall also include any item containing or maintaining ESI that is obtained by the District for Board member or employee usage or that an employee uses for such purpose (even if privately owned by the Board member or employee) from the date this policy is adopted into the future.

### Initiation and Removal of a "Litigation Hold"

The Board or the Superintendent may initiate a "Litigation Hold" under this policy. If the Superintendent initiates a "Litigation Hold," the superintendent s/he or the Board's legal counsel will notify the Board of the reason the Litigation Hold was instituted and its scope. When implementing a Litigation Hold, the Board or Superintendent may utilize an Electronically Stored Information Team ("ESI Team"). The Board's legal counsel shall be involved in implementation of the "Litigation Hold Procedure" outlined in AG 8315.

A "Litigation Hold" shall remain in place until removed/withdrawn by the Board. A "Litigation Hold" may be removed when the litigation or administrative agency matter has been resolved or can no longer be initiated. Any information maintained under this policy shall fall back under the "Records Retention Schedule" once the "Litigation Hold" is removed/withdrawn.

The Superintendent shall develop administrative guidelines outlining the procedures to be followed by Board members and employees when initiating and implementing a "Litigation Hold." This policy and its related administrative guidelines shall be posted and distributed in the manner described in AG 8315.

Legal

Federal Rules of Civil Procedure 34, 37(f)



Book	Policy Manual
Section	For the Board 37-2 Technology
Title	Copy of ADVERTISING AND COMMERCIAL ACTIVITIES
Code	po9700.01
Status	
Adopted	March 22, 2016

#### 9700.01 - **ADVERTISING AND COMMERCIAL ACTIVITIES**

The purpose of this policy is to provide guidelines for the appropriate and inappropriate use of advertising or promoting of commercial products or services to students and parents in the schools.

"Advertising" comes in many different categories and forums and is defined as an oral, written or graphic statement made by the producer, manufacturer, or seller of products, equipment, or services which calls for the public's attention to arouse a desire to buy, use or patronize the product, equipment, or services. This includes the visible promotion of product logos for other than identification purposes. Brand names, trademarks, logos or tags for product or service identification purposes are not considered advertising.

The Board of Education may permit advertising in School District facilities or on School District property in the following categories or forums in accordance with the guidelines set forth herein:

##### **A. Product Sales:**

1. product sales benefiting a district, school or student activity (e.g., the sale of beverages or food within schools);
2. exclusive agreements between the District and businesses that provide the businesses with the exclusive right to sell or promote their products or services in the schools (e.g. pouring rights contracts with soda companies);
3. fundraising activities (e.g., short term sales of gift wrap, cookies, candy, etc.) to benefit a specific student population, club or activity where the school receives a share of the profits.

##### **B. Direct Advertising/Appropriation of Space:**

1. signage and billboards in schools and school facilities;
2. corporate logos or brand names on school equipment (e.g., marquees, message boards or score boards);
3. ads, corporate logos, or brand names on book covers, student assignment books, or posters;
4. ads in school publications (newspapers, and yearbooks) and event programs);
5. media-based electronic advertising (e.g., Fowlervilleathletics.com or Internet or web-based sponsorship);
6. free samples (e.g., of food or personal hygiene products).

##### **C. Indirect Advertising:**

1. corporate-sponsored instructional or educational materials, teacher training, contests, incentives, grants, or gifts;
2. the Board approves the use of instructional materials developed by commercial organizations, such as films and videos, only if the education value of the materials outweighs their commercial nature.

The films or materials material shall be carefully evaluated by the school principal for classroom use to determine whether the films or materials contain undesirable propaganda and are in compliance with the guidelines as set forth above.

It is further the policy of the Board that its name, students, staff members and District facilities shall not be used for any commercial advertising or otherwise promoting the interests of any commercial, political, nonprofit or other non-school agency or organization, public or private, without the approval of the Board or its designee.

Any commercial advertising shall be structured in accordance with the General Advertising Guidelines set forth below.

### General Advertising Guidelines

The following guidelines shall be followed with respect to any form of advertising on school grounds or school property (x), including the District's website [END OF OPTION]:

- A. When working together, schools and businesses must protect educational values. All commercial or corporate involvement should be consistent with the District's educational standards and goals.
- B. Any advertising that may become a permanent or semi-permanent part of a school requires prior approval of the Board.
- C. The Board reserves the right to consider requests for advertising in the schools on a case-by-case basis.
- D. No advertisement shall promote or contain references to alcohol, tobacco, drugs, drug paraphernalia, weapons, or lewd, vulgar, obscene, pornographic, or illegal materials or activities, gambling, violence, hatred, sexual conduct or sexually explicit material, X or R rated movies, or gambling aids.
- E. No advertisement shall promote any specific religion or religious, ethnic, or racial group, political candidate, or ballot issue, and shall be non-proselytizing.
- F. No advertisement may contain libelous material.
- G. No advertisement may be approved which would tend to create a substantial disruption in the school environment or inhibit the functioning of any school.
- H. No advertisement shall be false, misleading, or deceptive.
- I. To the extent feasible, each advertisement must be reviewed in advance for age appropriateness.
- J. Advertisements may be rejected by the School District if determined to be inconsistent with the educational objectives of the School District, inappropriate, or inconsistent with the guidelines set forth in this policy.
- K. All corporate support or activity must be consistent with the Board's policies prohibiting discrimination on the basis of race, color, national origin, religion, sex, disability, or age, and must be age-appropriate.
- L. Students shall not be required to advertise a product, service, company, or industry.
- M. Advertising will not be permitted on the outside or the inside of school buses.
- N. The Superintendent or designee is responsible for screening all advertising (x) unless it is not feasible to do so, and the advertising is linked to a contract approved by the Board that expressly requires the vendor who is selecting and running the advertisement(s) to comply with these General Advertising Guidelines [END OF OPTION]..
- O. The Superintendent or designee may require that samples of advertising be made available for inspection.
- P. The inclusion of advertisements in School District publications, in School District facilities, or on School District school district property does not constitute or imply approval and/or endorsement of any product, service, organization, or activity.
- Q. Final discretion regarding whether to advertise and the content and value of the materials will be with the Board.

### Accounting

Advertising revenues must be properly reported and accounted for.

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