



TO: MJ Policy Service Clients

FROM: MJ School Policy Services

DATE: November 14, 2024

RE: Policy Manual and Administrative Regulations Update – November 2024

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Thank you for choosing MJ School Policy Services for your school policy needs. This memo contains recommended updates/modifications to all MJ School Policy Services policy manuals and administrative regulations manuals. Proposed revisions are presented by section, with a specific update number for ease of reference, along with a narrative providing the basis for the contemplated modification.

**PLEASE NOTE: All updates are numbered individually (i.e., Update 18.01). Additions to the language in policy or AR are shown in **red**. Deletions are shown in **blue**. Areas highlighted in **yellow** require additional information from you, to complete the update.**

As each district policy manual and administrative regulations manual is unique and modified consistent with school district priority and prerogative, recommended modifications may already be contained in your completed manuals. If you have any questions regarding the suggested revisions outlined herein and how they may/may not fit with your existing manuals, please contact us at [\*\*Policy@MillerJohnson.com\*\*](mailto:Policy@MillerJohnson.com).

If you are behind on policy updates and need support getting your manuals into compliance, PLEASE reach out to our office for support.



## **POLICY UPDATES**

### **INTRODUCTION – 0000 Series**

There are no recommended updates for this section.

### **BYLAWS – 1000 Series**

There are no recommended updates for this section.

### **STUDENTS – 2000 Series**

There are no recommended updates for this section.

### **CURRICULUM AND INSTRUCTION – 3000 Series**

#### **Update 18.01 (Policy 3001 – Curriculum Development)**

*In the interest of becoming ever-more compliant with Title I and other federal funding requirements, these revisions comply with the legislative requirement that the School District provide “written assurance of equivalence.”*

The Board directs the Superintendent to develop, implement, and provide ongoing evaluation of the School District’s core academic curriculum. The curriculum will:

- Be consistent with the Board’s policy on Student Learning and Achievement;
- Meet or exceed all requirements of the State of Michigan for instructional programs; and,
- Be standards based and founded upon legally-compliant, research-based grade level learning and achievement standards that lead to the awarding of a School District diploma.

The School District’s curriculum will also include legally-compliant, research-based learning and achievement standards for students who participate in career and technical education programs, as well as address the needs and provide legally-compliant opportunities for students with disabilities and students who are considered gifted.

The Superintendent will appoint well qualified administrators, ~~and~~ teachers, and auxiliary staff to maintain equivalence and assist the Superintendent in implementing and improving the School District’s curriculum. Appointed staff will also assist the Superintendent in, as well as otherwise improving student learning and achievement, and ensure equivalence among schools as required by law with regard to the provision of curriculum materials and instructional. Any changes to the



School District's core academic curriculum must be approved by the Board, to the extent required by [Michigan law](#).

## PERSONNEL – 4000 Series

### **Update 18.02 (Policy 4003 – Conditions of Employment)**

*The six-year litigation saga relative to the Earned Sick Time Act is finally over. In order to comply with the terms of the re-instated Earned Sick Time Act, the Policy relative to sick leave requires revision.*

**Paid Medical Leave****Earned Sick Time** The School District will provide ~~paid medical leave~~**earned sick time** (**PML-EST**) to eligible employees pursuant to Michigan law. The Superintendent will determine whether **PML-EST** will accrue over the course of each benefit year or will be provided at the beginning of each benefit year and will promulgate administrative regulations concerning the use of **PML-EST**. Payment and use of accrued or provided **PML-EST** will be coordinated with all types of paid leave available to an eligible employee pursuant to collective bargaining agreements, individual contracts, or other School District policies and administrative regulations. This policy and any implementing administrative regulations will be automatically rescinded, without further action by the Board or the Superintendent, if paid medical leave is mandated by federal law.

### **Update 18.03 (Policy 4004 – Evaluations, Discipline and Discharge, Resignations)**

*The requirement that school districts maintain a policy of performance-based compensation was removed from the Revised School Code effective July 1, 2024. Thus, we recommend the removal of this section because it is no longer required by law.*

**Performance Evaluations** All teachers and administrators can improve their performance and should strive for excellence in order to provide the best possible education for the students of the School District. To that end, the School District will use a rigorous, transparent, and fair evaluation system for all teachers and administrators. This system will comply with Michigan law and include annual year-end evaluations for all teachers and administrators, unless otherwise permitted by Michigan law. The Superintendent will provide inter-rater reliability training for all evaluators as required by law.

The evaluation system is intended to be used to improve the performance of all teachers and administrators and encourage professional growth. The system will be used, at a minimum, to inform decisions on the effectiveness and development of teachers, and to grant tenure or full certification, and to remove ineffective tenured and untenured teachers. The Superintendent will develop and implement any legally-compliant administrative regulations necessary to put this policy into effect with the involvement of teachers and school administrators. The regulations will use legally-compliant criteria to deem teachers and administrators unevaluated.

The Superintendent is authorized to promulgate regulations based on changes of the law governing evaluations.

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The evaluation of the Superintendent shall be conducted in a manner consistent with state law and/or his/her employment contract. In accordance with state law, Board members must receive training in the evaluation framework for the Superintendent. Board members are expected to complete such training before participating in an annual performance evaluation of the Superintendent. If such training is not obtained in advance of participation, the Board member(s) shall be recused from the evaluation of the Superintendent.

~~**Performance Based Compensation** The Superintendent will develop for Board review and approval a legally compliant system of performance based compensation.~~

**Ineffective Teachers** Teachers will receive ratings as prescribed by law. Any teacher rated less than effective on a year-end evaluation will be placed on an individualized development plan (IDP). That teacher will be evaluated mid-year during the next school year, in addition to receiving a year-end evaluation. If the teacher continues to be found less than effective for three consecutive years, the School District will act to discharge the teacher, either through termination (if probationary) or the filing of tenure charges (if tenured), unless special circumstances are found to exist.

**Discipline and Discharge** This discipline and discharge policy applies to all School District employees. Furthermore, the employment of a probationary employee, including a probationary teacher, may be terminated at any time, for any reason that is not in violation of state or federal law. Where this policy conflicts with an individual contract of employment or an enforceable provision of a collective bargaining agreement, the applicable contract or agreement will supersede this policy.

The Board believes in maintaining a work environment that allows employees to be successful in providing an education to students of the School District. In return, employees are required to meet the highest standards of personal integrity, professionalism, and performance. Employees whose conduct or performance is inconsistent with the School District's expectations are subject to corrective and/or disciplinary action.

Discipline, for purposes of this policy, includes verbal and written warnings, verbal and written reprimands, suspensions, and dismissals/discharges. Discipline does not include verbal or written directives, verbal counseling aimed at correcting behavior or conduct, placement upon a voluntary or involuntary paid leave of absence, and performance evaluations. Such actions are not subject to this policy.

Disciplinary actions are taken at the discretion of the School District, and may arise for any reason that is not arbitrary or capricious. Except as otherwise expressly provided by law, individual employment contracts or an enforceable provision of a collective bargaining agreement, all disciplinary decisions of the School District are final and not subject to any grievance or arbitration procedure.

**Resignations** The Superintendent is authorized to accept resignations on behalf of the Board. A resignation must be in writing and is effective upon acceptance by the Superintendent.

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## **BUSINESS – 5000 Series**

### **Update 18.04 (Policy 5008 – Meal Charge / Food Services)**

*As the State School Aid Act continues to provide for free school meals, and the requirements associated with same are ever changing – albeit in subtle and nuanced ways – revisions to the relevant policy is needed as noted below.*

The School District ~~has established this meal charge policy and food services policy to address the provision of food services for School District students, including: students who are eligible for reduced-price or full-price meal benefits and/or students who have insufficient funds to pay for school meals. This policy also addresses bad debt incurred due to the School District's inability to collect unpaid meal charges from its parents and students~~will participate in the National School Lunch Program.

The Superintendent will develop and implement administrative regulations ~~regarding meal charge and food service procedures to provide consistent direction concerning students who do not have funds in their account or in hand to cover the cost of their meal at the time of service, and procedures for students entitled to reduced-price or full-price meal benefits~~to comply with Section 30d of the State School Aid Act. These regulations, and this policy, will be provided to all households in writing at the start of each school year, to households transferring to the School District during the school year, and to all School District staff and independent contractors and companies responsible for implementation.

## **FACILITIES AND OPERATIONS – 6000 Series**

There are no recommended updates for this section.

## **SCHOOL AND COMMUNITY RELATIONS – 7000 Series**

There are no recommended updates for this section.

## **GENERAL POLICIES – 8000 Series**

There are no recommended updates for this section.

## ADMINISTRATIVE REGULATION UPDATES

### STUDENTS – 2000-AR Series

#### **Update 18.05 (2003-AR Education Records)**

*The Michigan Department of Technology, Management & Budget updated the record retention schedule for public schools. The update below revises the administrative regulations to conform with the new retention schedule (which includes shifting away from the language “CA-60”).*

**Creation and Retention** The School District maintains records according to the Michigan Department of [Education’s Technology, Management, & Budget Record Retention Manual](#) [General Retention Schedule #2 for Michigan Public Schools](#).

**Cumulative File Student Academic Records (formerly CA-60)** Building administrators will create and maintain a [Student Academic Records cumulative](#) file (formerly CA-60) for each student who attends school in the School District. The cumulative file may be created and maintained digitally. The building administrator will determine the contents of the [CA-60 Student Academic Records file](#) including, at a minimum:

1. The student’s [classes and credits](#) [Academic Records and other records showing enrollment, emergency contact information, photos, attendance records, disciplinary records, and other similar records](#);
2. The student’s [attendance record](#) [health records](#);
3. [Personal protection order records related to the student](#);
4. [The student’s enrollment eligibility records](#);
5. [The student’s standardized testing data](#);
6. [The student’s work permit records](#) [3. The student’s standardized test results, with the exception of standardized tests taken to determine whether the student is eligible for special education and related services](#);
4. [The student’s immunization status](#)
7. [The student’s transfer request records](#);

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8. The students special program authorization records, like authorizations to allow a student to participate in federally or state-funded special programs; and
59. An eligible student's most recent IEP or Section 504 Plan, and other files that document the services provided to a special education student.

## CURRICULUM AND INSTRUCTION – 3000-AR Series

### **Update 18.06 (3001-AR Curriculum Development)**

*This update corresponds with update 18.01 in order to give operational effect to the newly revised policy.*

The curriculum identifies the School District's prescribed programs and courses. Ongoing review with input from School District personnel, other professional educators, and parents is necessary to assure the curriculum remains relevant and up to date. The School District's [position] will be responsible for overseeing the ongoing review of the curriculum and equivalence among schools in the provision of curriculum materials and instructional supplies as required by law. The [position] will form a curriculum committee and serve as its chairperson. Any revisions to the curriculum that are recommended by the committee will be reported to the Superintendent for review. The Superintendent will report all revisions to the Board for review, consideration, and possible adoption.

## PERSONNEL – 4000-AR Series

### **Update 18.07 (4003-AR – Conditions of Employment)**

*This update corresponds with update 18.02, in order to give operational effect to the newly revised policy to comply with the terms of the re-instated law.*

~~Paid Medical Leave~~ **Earned Sick Time** Eligible full-time employees will be provided 7240 hours of ~~paid medical leave~~ earned sick time (PML-EST) per benefit year. The School District's benefit year begins on [insert date]. Eligible employees hired after the beginning of the benefit year and part-time employees will be provided PML-EST on a pro-rata basis. Eligible employees may ~~not~~ carry over PML-EST from one benefit year to the next. Days when school is closed will not be considered closed due to a public health emergency unless specifically designated as such by the School District's Superintendent. PML-EST must be used in [insert number] increments consistent with the School District's payroll system ~~hour increments~~. PML-EST may not be used except in the manner permitted by Michigan's ~~Paid Medical Leave Act~~ Earned Sick Time Act (PMLA-ESTA). Eligible employees who use or wish to use PML-EST ~~will~~ may be required to provide documentation acceptable to the School District after more than three consecutive absences to determine PML-

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EST is being used only for reasons permitted by Michigan law. EST has no cash value and accrued but unused time shall be forfeited upon separation from employment.

**OR**

**Paid Medical Leave Earned Sick Time** Eligible employees will accrue ~~paid medical leave~~earned sick time (PML-EST) at the rate of one hour for every 30~~5~~ hours worked. ~~Eligible employees may not accrue more than: one hour of PML per calendar week; or, 40 hours of PML per benefit year.~~ Eligible employees may not use more than ~~40-72~~ hours of PML-EST during a benefit year ~~and may not carry over more than 40 hours of PML from one benefit year to another.~~ Days when school is closed will not be considered closed due to a public health emergency unless specifically designated as such by the School District's Superintendent. PML-EST may not be used except in the manner permitted by Michigan's ~~Paid Medical Leave Act~~Earned Sick Time Act (PMLAESTA). PML-EST must be used in increments consistent with the School District's payroll system~~[insert number]-hour increments~~. Eligible employees who use or wish to use PML-EST will be required to provide documentation acceptable to the School District after more than three consecutive absences to determine PML-EST is being used only for reasons permitted by Michigan law. EST has no cash value and accrued but unused time shall be forfeited upon separation from employment.

## BUSINESS – 5000-AR Series

### **Update 18.08 (5008-AR Meal Charge / Food Services)**

*As noted above, the State School Aid Act continues to provide for free school meals. The relevant administrative regulations must also be revised to reflect the changes in law and policy.*

This administrative regulation gives effect to the Board of Education's Meal Charge/Food Services Policy.

**Free School Lunch and Breakfast** The School District shall provide reimbursable breakfasts and lunches at no cost to all students in the School District's breakfast and lunch program. [Responsible Administrator] shall submit information regarding the number of reimbursable breakfasts and lunches served as prescribed by the Department of Education, maximize federal reimbursement by operating as if it is eligible for the Community Eligibility Provision of the Richard B. Russell National School Lunch Act, meet the all applicable state and federal standards in the School District's breakfast and lunch programs, make all efforts to maximize and implement policies that require parents or guardians to fill out relevant family income information for the purpose of determining student eligibility for federal free or reduced cost meal reimbursement rates and Community Eligibility Provision eligibility determinations.

**Requests for Reduced-Price or Full-Price Meal Benefits** Parents may request reduced-price or full-price meal benefits by submitting [the appropriate form] found at [link], or by contacting [person, title or department] at [contact information].

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**Meal Account Balance** Payment for school meals, other than those provided for free by law, is expected at the time of purchase. Parents are expected to regularly monitor their child's meal account balance online, at [\[link\]](#).

**Positive Balances.** Any unpaid meal charges or money remaining in a student's meal account balance will be carried over, one time, to the next consecutive school year. The School District will refund balances in excess of \$5.00. The District does not refund balances of \$5.00 or less due to the administrative costs associated with creating a refund.

**Insufficient Funds.** The School District recognizes that, at times, students may come to school without sufficient funds in their meal account. If so, ~~elementary school students may charge up to [number] lunches. Middle and high school students may charge up to [number] lunch. After the maximum number of lunches has been charged, an emergency lunch will be provided. The emergency lunch will consist of [items]. No more than [number] emergency lunches will be provided per child per school year. Emergency lunches will be charged to the student's meal account and the student's parents or guardians are responsible for reimbursing the School District for the full amount of any emergency meals.~~ students will be provided breakfast and lunch consistent with applicable law. The School District ~~does/does not~~ permit charging for breakfast.

## **Notification and Collection**

**Low Account Balances.** The School District will notify the student's household, by email or, if the District does not know the parent's email address, by telephone, when a student's meal account balance falls below \$[X] for [number] consecutive days. The notification will include the current account balance. The District may choose to use the following sample email and/or prerecorded call:

Hello [parent/guardian]. This is [name]. I am the [position/title] at [school]. I am calling to let you know that [student] has a low balance of \$[X] in their school meal payment account. To ensure your child has enough money to purchase school meals, please add funds to their account as soon as possible. You may do so by going to [\[link\]](#) and using a debit or credit card. If you have any questions, please call us at [\[general contact information\]](#). Thank you.

District personnel shall keep records of all such phone calls or emails sent which will include the date and time of the phone call or email, and the telephone number or email address used.

**Negative Account Balances.** ~~Students eligible for reduced-price or full-price meal who have money to pay for a meal at the time of service shall be provided a reimbursable meal, even if they have incurred a negative account balance. If a student has a negative balance, they will be provided a reimbursable meal, even if they have incurred a negative account balance.~~ The School District will not use funds students have in-hand to repay a negative balance or other unpaid meal charge debts. ~~Students who qualify for full-price meals will not be denied a reimbursable meal, even if they have incurred a negative meal charge balance from the purchase of additional cafeteria items, such as a la carte items. If students eligible for full-price meals have incurred a~~ Students

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with negative account balances, they will not be permitted to purchase additional cafeteria items above and beyond the reimbursable meal provided.

The School District expects all delinquent debts will be paid in full on the last day the student will be in attendance for the relevant school year. Before uncollectable/delinquent debt can be reclassified as bad debt, the [department] must make reasonable efforts to collect on the debt and keep detailed records showing the efforts made, as follows:

- Once a student's meal account balance becomes negative for [number] consecutive days, the [department] will contact the household by email or, if the parent's email address is not known, by telephone to request payment. The [department] will also inform the parent of the School District's reduced-price and full-price meal program. The [department] will inform the parent that the matter will be turned over to the building principal if no payment is received within [one week].
- If no payment on a student's negative meal account balance is received within [number of days/weeks], the [department] will contact the building principal. The principal (or his or her designee) will contact the student's parents by email or, if the parent's email address is not known, by telephone, to determine an appropriate solution.
- If no payment is received within one week, a letter will be sent to the household notifying the debt will be turned over to a collection agency if no payment is received within 30 days of receipt of the letter or the end of the school year, whichever is first, and the student's meal account will be closed. The District may choose to use the following sample letter, or some variation thereof:

[Date]

[Parents/Guardians' Names and Address]

Dear [Parents/Guardian]:

The goal of [Name of District]'s lunch program is to provide healthy meals to children during the school day. In order to serve healthy, high-quality meals, we must make sure we are financially secure. You play a key role in this effort, and are responsible for purchases made by your child in our school cafeteria.

**As of [date], your child has a negative account balance of \$[X].** We strongly encourage you to pay this amount as soon as possible. Your response to this request is important. Paying back this debt will help keep our food service program strong and ensures all children at our school have access to the healthy food they need to focus in the classroom. We understand that mistakes happen. But meal payments are important to our program, and we must collect your cafeteria debt.

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Please contact [person] at [contact information] if you have any questions. To review [Name of District]'s Meal Charge/Food Services Policy, please visit [link]. We would be happy to work on a repayment plan with you.

You may pay your child's negative account balance at [link] using a debit or credit card or by sending a check payable to [person/department/district] at [address].

Please note that if your child has incurred a negative account balance, and you do not pay off the balance within [number] days of receipt of this letter, or by the end of the school year, whichever is first, we will have no choice but to send the negative balance to collections and close your child's meal account.

If you think your child may qualify for a free or reduced-price meal, please submit [the appropriate form] found at [link]. Thank you for your quick payment.

Sincerely,

[Person, title]

CC: [Name of teacher, principal, superintendent, as appropriate]

District personnel shall keep records of all such letters sent.

**Bad Debt** The School District defines bad debt as uncollectable/delinquent debt from inactive student meal accounts that has been determined to be uncollectable by December 31st of the year in which the debt was incurred or, in the event the debt was transferred to the next consecutive school year, December 31st of the next fiscal year. Debt is considered uncollectable/delinquent if: (1) the District has exhausted its collection attempts, as described in the preceding section; and (2) by December 31st of the current or year after the debt was incurred, the student was inactive by June 30th. A student is inactive if s/he was no longer enrolled in the School District or had graduated by June 30th. If the uncollectable/delinquent debt cannot be recovered by the School Meals Program in the year when the debt was incurred, the debt is classified as bad debt. Bad debt shall be classified as an operating loss.

Once classified as bad debt, non-federal funding sources must reimburse the nonprofit school food service account (NSFSA) for the total amount of the bad debt. The funds may come from any non-federal funding, including: the School District's general fund, state or local funding, or school or community organizations such as the PTA. Bad debt also includes losses (whether actual or estimated) arising from uncollectable accounts, including costs associated with collection efforts or legal costs incurred prior to its classification as bad debt.

**Recordkeeping** Once uncollectable/delinquent debt charges are converted to bad debt, the School District shall maintain records relating to those charges.

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**Audits and Reviews.** Upon request, the District must make accounts and records regarding its school food service available to the Michigan Department of Education and/or the United States Department of Agriculture, Food and Nutrition Service for audit or review. Such records shall be retained for a period of three years after the date of the final claim for federal reimbursement for the fiscal year in which the charges were incurred. The District may be required to keep such accounts and records for more than three years if the audit or review results in issues that require District correction, up until all such issues are resolved.

**Competitive Foods** Competitive foods means all food and beverages other than meals reimbursed under programs authorized by the National School Lunch Act and the Child Nutrition Act of 1966, which are available for sale to students on District campuses during the school day. The District is responsible for maintaining records in compliance with the nutrition standards for all competitive foods, as defined under [7 CFR 210.15\(b\)](#). The District is also responsible for ensuring departments or third-party organizations responsible for food service at its schools maintain records documenting compliance with the nutrition requirements for the foods and beverages sold to students. At a minimum, such records must include receipts, nutrition labels and/or product specifications for the competitive food available for sale.

### **FACILITIES AND OPERATIONS – 6000-AR Series**

There are no recommended updates for this section.

### **SCHOOL AND COMMUNITY RELATIONS – 7000-AR Series**

There are no recommended updates for this section.

### **GENERAL POLICIES – 8000-AR Series**

#### **Update 18.09 (8002-AR Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504))**

*The Michigan Legislature now requires service animals in-training to be admitted into places of public accommodation if they are accompanied by an animal trainer or raiser for the purpose of training or socializing the animal. This amended administrative regulation is intended to address that new wrinkle in Michigan law.*

**Service Animals** A service animal, as defined by the ADA, means a dog (or in some instances, a miniature horse) that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or mental disability, or a veteran diagnosed with post-traumatic stress disorder, traumatic brain injury, or other service-related disabilities. A service animal in training means an animal accompanied by an animal raiser or trainer with the intent that animal is being raised, socialized, and trained to become a service animal, and for the purposes of this administrative regulation, is considered a service animal. A service animal is generally allowed in any District-controlled space in which an individual with a

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disability is allowed. Service animals are not required to have any specific identifying license, paperwork, or harness.

If not obvious, the District may ask whether a service animal is required because of a disability. The District may also ask what work or task the animal has been trained to perform. The District may not ask what disability requires the use of the service animal. Issues or questions related to service animals may be directed to the [office name]. ~~If the animal is not trained, or in the process of being trained, to perform specific work or tasks, the District may prohibit the animal from being on the premises.~~

A service animal shall be under the care and control of its handler and shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether; or the use of such restraint would interfere with the service animal's safe, effective, performance of work or tasks. In such cases, the handler shall control the service animal through other means (e.g. voice control, signals, or other effective methods).

The District may ask an individual to remove a service animal from campus if: (1) the animal is out of control and the animal's handler does not take effective actions to control it or (2) the animal is not housebroken. Though the District may exclude a service animal for these reasons, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the District's property.

As always, if you have any questions regarding the proposed updates, please don't hesitate to contact us by emailing [Policy@MillerJohnson.com](mailto:Policy@MillerJohnson.com). Thank you!