

**BENTON HARBOR AREA SCHOOLS
RESOLUTION AUTHORIZING THE ESTABLISHMENT OF
CERTAIN COMPONENTS OF THE 2018-2019 SCHOOL CALENDAR**

A special meeting of the Superintendent/CEO was held in Benton Harbor High School Library, Benton Harbor, Michigan, on the 13 day of November, 2018 at 6:30 pm o'clock in the evening.

The meeting was called to order by, Dr. Robert Herrera

Present:

Absent:

The following preamble and resolution were offered and supported by Dr. Herrera:

WHEREAS:

1. Representatives of the Benton Harbor Area Schools and the Benton Harbor Education Association, MEA/NEA are in the process of negotiating the School Calendar for the 2018-2019 school year.

2. An agreement between the Board and the Association as to the 2018-2019 School Calendar has not yet been reached.

3. Pursuant to the Michigan Public Employment Relations Act:

A. Establishment of the starting day for the school year and of the amount of pupil instruction time required to receive full state school aid under the Revised School Code and the State School Aid Act is a prohibited bargaining subject, MCL 423.215(3)(b);

B. The Board has the right to establish a portion of the School Calendar when it is necessary to do so, even though there is no agreement with the Association.

4. Pursuant to Section 1284b of the Revised School Code, the Board “shall ensure” that its schools “are not in session on the Friday before Labor Day” and that the “school year does not begin before Labor Day” except if the District is operating under an approved Labor Day waiver issued by the Michigan Department of Education pursuant to Section 160 of the State School Aid Act. Further, Section 1284b provides that the Board may require professional development for its personnel before Labor Day.

5. Pursuant to Section 1284a of the Revised School Code, the Board “shall ensure” that its school calendar complies with the common school calendar adopted by the Berrien RESA School District, which has identified December 24, 2018 – January 4, 2019 as the “Holiday Break” and April 1, 2019 – April 5, 2019 as the “Spring Break”.

6. The 2018-2019 school year is rapidly progressing and it has now become necessary for the Board to establish certain components of the 2018-2019 School Calendar, absent agreement with the Association.

NOW, THEREFORE, BE IT RESOLVED:

1. The following portion of the 2018-2019 School Calendar is established (which, except for date changes, is similar to the 2017-2018 School Calendar):

- November 2, 2018: First Quarter Ends
- November 21, 2018: Early Release Day District Wide
- November 22, 2018: No School (Thanksgiving Break)
- November 23, 2018: No School (Thanksgiving Break)
- December 7, 2018: Mid Marking Period
- December 12, 2018: Early Release Day District Wide (Teacher Prof. Dev.)

2. This action is taken due to the current absence of an agreement with the Association on the 2018-2019 School Calendar.

3. The Superintendent/CEO authorizes and directs its administration to announce and publicize the above- adopted calendar dates to the Association, as well as to District parent/guardians, students, and staff.

5. The Superintendent/CEO further authorizes and directs its administration to publicly post on the District’s website the remaining School Calendar dates for 2018-2019 (as last proposed by the District in collective bargaining with the Association), with a clearly-marked notation that those calendar dates are not yet adopted by the Board and are subject to change as the Board has an obligation to negotiate those dates with the Association.

6. The Superintendent (or designee) is authorized to take all such actions as are necessary to implement this resolution of the Board of Education.

7. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

Ayes:

Nays:

Resolution declared adopted.

Dr. Robert Herrera
Superintendent/CEO

The undersigned duly qualified and acting Superintendent/CEO of the Benton Harbor Area Schools, Berrien County, Michigan, certifies that the foregoing is a true and complete copy of a resolution adopted by the Superintendent/CEO at a special meeting held on September 11, 2018, the original of which resolution is a part of the Board’s minutes, and further certifies that notice of the meeting was given to the public under the Open Meetings Act, 1976 PA 267, as amended.

Dr. Robert Herrera
Superintendent/CEO