

2016D Policy Updates

DFG:	Income from School Shop Sales & Services
EA:	Support Services Goals
ECA:	Building & Grounds Security
GBA:	Exempt & Nonexempt Employees
GBAA:	Staff Extra-Duty Assignments
GCBA-R:	Professional Staff Salary Schedules
GCBA:	Professional Staff Compensation
GCD:	Professional Staff Recruiting & Hiring
GDBA:	Support Staff Compensation
GDC:	Support Staff Recruiting & Hiring
IGBCA:	Programs for Homeless Students
IND:	Ceremonies & Observances
JEC:	School Admissions
JGF:	Discipline Reporting & Records
KK:	Visitors to District Property/Events

REFERENCE COPY

FILE: DFG
Basic

EXPLANATION: INCOME FROM SCHOOL SHOP SALES AND SERVICES

This policy was previously considered supplemental, and not all districts will have a copy in their manuals. MSBA recommends that districts that have adopted this policy RESCIND it. Policy DED provides adequate coverage of this topic, and a separate policy is not needed.

MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

	Board Secretary	X	Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
	Human Resources		Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

REFERENCE COPY

FILE: DFG
Basic

~~INCOME FROM SCHOOL SHOP SALES AND SERVICES~~

~~Through certain vocational activities, students may provide goods and services at a charge to the public. These activities are designed for educational purposes, and are not to make a profit or to be competitive with businesses in the community. Moneys generated from such services shall be deposited in the appropriate accounts.~~

~~The charges for work performed and goods sold through these activities will be kept current with costs for the particular service or item offered for sale.~~

~~*****~~

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

~~Adopted: 07/1985~~

~~West Plains R-VII School District, West Plains, Missouri~~

REFERENCE COPY

FILE: EA
Basic

EXPLANATION: SUPPORT SERVICES GOALS

This policy was previously considered supplemental, and not all districts will have a copy in their manuals. Districts that have adopted this policy should RESCIND it. The district's goals should be in the district's Comprehensive School Improvement Program (CSIP), and an additional Board policy is not necessary.

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	Transportation		Public Info/Communications	Technology

REFERENCE COPY

FILE: EA
Basic

~~SUPPORT SERVICES GOALS~~

~~The Board recognizes that support services are essential to the successful operation of the school district. However, support services shall be established, operated and evaluated under the qualification that the primary function of the school district is the education of its youth.~~

~~In order to provide services that are supportive of the district's educational programs, the Board establishes the following support services goals:~~

- ~~▶ Provide a physical environment for teaching and learning that is safe, healthful and pleasant for the students, staff and public.~~
- ~~▶ Establish a thorough, effective and economical maintenance program, including preventative maintenance, that will ensure a useful life of school property, vehicles, buildings and equipment.~~
- ~~▶ Provide safe transportation for eligible students to and from school.~~
- ~~▶ Provide nutritious and tasty meals to students.~~
- ~~▶ Establish efficient and businesslike procedures for the management of offices, buildings and grounds, and for the various support services programs developed to meet the needs of the educational programs.~~

* * * * *

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 07/1985

West Plains R-VII School District, West Plains, Missouri

REFERENCE COPY

FILE: ECA
Critical

EXPLANATION: BUILDING AND GROUNDS SECURITY

MSBA has modified this policy to address not only vandalism, but the theft and loss of district property. New federal regulations require school districts to protect property purchased with federal funds from damage, loss and theft. Even without the requirements of federal regulations, school districts have a duty to protect the property for which they are responsible.

IMPORTANT NOTICE

MSBA has also made a second version of this policy that includes the option for school districts to appoint school protection officers as authorized by Senate Bill 656 (2014). A school protection officer (SPO) is defined as an elementary or secondary teacher or administrator who has been designated as an SPO by the school district. While the law does not require the district to designate an SPO, it does provide an extensive and detailed procedure for this process, including specific training requirements, should the district decide to do so. MSBA strongly encourages districts to carefully study these requirements and contact their insurance carrier and attorney to discuss the financial and legal ramifications of appointing SPOs.

MSBA also created an administrative procedure that reflects the requirements of state law regarding the designation, training and use of SPOs. That procedure, ECA-AP2, should only be approved by districts appointing SPOs.

While the statutory language governing the appointment of SPOs is somewhat confusing, MSBA recommends that any district considering appointing SPOs do so in the following sequence:

1. Hold a public hearing to determine whether the use of SPOs as part of the district's emergency response is appropriate for the school district. The hearing must be publicized at least 15 days in advance. If the district determines that using SPOs is appropriate, the Board must take a public vote adopting the practice.
2. Adopt version two of policy ECA, which includes the use of SPOs, and implement procedure ECA-AP2.
3. Solicit applications from teachers and administrative staff who want to serve as SPOs.
4. In a closed session meeting posted under § 610.021(14), RSMo., authorize one or more employees who meet the requirements established by law to serve as SPOs. In the same meeting, vote on whether to allow the appointed SPOs to carry a concealed firearm.

FILE: ECA
Critical

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If you would like to see the other version of this policy and the procedure that addresses SPOs, please let your editor know.

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	Transportation		Public Info/Communications		Technology

BUILDING AND GROUNDS SECURITY

It is the goal of the West Plains R-VII School District to provide a safe learning environment for students and a safe working environment for employees. The Board directs the superintendent or designee to routinely inspect the district's property and bring proposals for improving security to the Board.

Property Access

In general, district buildings and property are not open to the public unless the district has specifically opened a building or property for public use or for an event to which the public is invited. The superintendent or designee will establish regular business hours and locations where members of the general public may contact the district and interact with district employees.

The superintendent or designee will set hours when parents/guardians may drop off and pick up their students. The district is not responsible for the supervision of students except during regular school hours or other times designated by the district.

The superintendent or designee will determine which district employees need access to district buildings or grounds outside regular building hours and provide those employees with keys or electronic access. The district will maintain a list of employees with access and will routinely monitor this list to ensure that only current employees continue to have access. An employee's access may be revoked at any time.

All district employees and volunteers are required to maintain security in district buildings, enforce building access rules and take action when doors are left unsecured or district security is otherwise compromised.

Security Personnel

The district may employ or contract for trained and appropriately licensed personnel or independent contractors to provide security during the regular school day, after regular business hours or during events or activities where additional security is determined necessary.

Surveillance Cameras

The district utilizes surveillance equipment on district property and in district facilities for security purposes.

Firearms and Weapons

The presence of firearms and weapons poses a substantial risk of serious harm to district students, staff and community members. Therefore, possession of firearms and weapons is prohibited on school premises at all times except for authorized law enforcement officials. As used in this policy, the phrase “school premises” includes all district buildings, grounds, vehicles and parking areas. This prohibition also extends to the sites of school activities whether or not those school activities are conducted on school district property.

Individuals found to be in violation of this policy will be dealt with severely. Students will be disciplined up to and including expulsion as provided in policy and regulation. Law enforcement officials will be notified and the individual violating this policy will be directed to leave school premises. Non-students violating this policy will be barred from all school premises and school activities for a period of one year. Subsequent violations by the same individual will result in a permanent bar from school premises and school activities.

Vandalism Loss, Damage and Theft

The superintendent or designee will establish controls to prevent the loss, damage and theft of district property. The administrators, department heads and supervisors of programs, buildings and departments are responsible for creating and enforcing practices and protocols to secure equipment and supplies and for budgeting for the locks, safes or storage facilities necessary to prevent loss and theft and to protect district property.

All district employees must report missing or damaged property to their supervisor as soon as they become aware that property is missing or damaged. District patrons and students are encouraged to report incidents of damage to or theft of district property. All reports of missing or damaged property will be investigated.

The Board shall seek all legal redress against persons found to have committed incidents acts of willful or malicious abuse, destruction, defacing damage and/or theft of the district property of the West Plains R-VII School District. The superintendent or designee is authorized to file charges on behalf of the district for theft, vandalism or other criminal activity involving district property.

District patrons, students and members of the staff are urged by the Board to cooperate in reporting incidents of vandalism to property belonging to the district, as well as the name(s) of the person or persons believed to be responsible.

The superintendent and/or principal shall be authorized to sign a complaint, press charges and pursue civil action against perpetrators of vandalism to district property. Restitution for the damages caused will be sought from such persons—and, in the case of minors, from their parents/guardians—under

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FILE: ECA
Critical

~~the laws of this state. Students found guilty of theft or willfully defacing or injuring damage to any district property shall pay for the damages caused thereby and may be suspended or expelled as provided by law will be disciplined in accordance with Board policies and regulations. Any employee whose actions or inactions cause the loss, damage or theft of district property may be disciplined or terminated. The district will seek restitution for willful damage to district property under the laws of this state. In the case of minors, restitution will be sought from their parents/guardians.~~

Security Records

In accordance with law and district policy, the district has closed records pertaining to district security guidelines, policies and response plans; structural plans of real property; security systems; and access and authorization codes for security systems. Other security-related records will only be provided to members of the public upon request when required by law.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 09/23/2003

Revised: 04/15/2014;

Cross Refs: BDC, Closed Meetings, Records and Votes
DID, Inventory Management
JFCJ, Weapons in School
JGD, Student Suspension and Expulsion
KG, Community Use of District Facilities
KK, Visitors to District Property/Events
KKB, Audio and Visual Recording

Legal Refs: §§ 162.215, 168.201, 171.011, 177.031, 211.181, .185, .188, 537.045, 571.030, .107,
574.085, 610.021, RSMo.
11 C.S.R. 75-17.010-040
2 C.F.R. 200.313

West Plains R-VII School District, West Plains, Missouri

REFERENCE COPY

FILE: GDBBGBA
Critical

EXPLANATION: EXEMPT AND NONEXEMPT EMPLOYEES

MSBA is updating policies related to employee compensation in this update based on questions received from districts and the results of some recent school district audits. Because compensation for overtime and the use of compensatory (comp) time are frequent topics of inquiry from school districts, MSBA is making changes to this policy as well. The title and code changes are intended to better reflect the scope of this policy.

Currently, MSBA has two versions of this policy: one for districts that use comp time and one for districts that do not. However, many districts use comp time for some nonexempt staff but not others. For example, the district might use comp time for its clerical employees but pay overtime for its maintenance and janitorial employees because it is difficult to give these employees leave. For this reason, MSBA has combined the two versions. The policy now establishes that all employees will be paid for overtime work unless their position is designated as a position for which comp time is awarded.

FLSA

New Fair Labor Standards Act (FLSA) regulations that take effect later in 2016 will impact some exempt employees in the district.

Under the FLSA, all employees are classified as exempt or nonexempt. Perhaps the biggest difference between exempt and nonexempt employees is that exempt employees are not eligible for overtime pay regardless of how many hours per week they work. Nonexempt employees must be paid time and one-half of their regular hourly rate of pay for each hour worked in excess of 40 in a workweek, unless the district uses comp time. Nonexempt employees are also required to log their time worked, and the district is required to maintain this information to prove that the employee did not work more than 40 hours in a workweek or was paid overtime or provided comp time.

There are four types of exempt employees: administrative, executive, professional and computer. The administrative and executive employee exemptions are defined by the duties of the employee's position and how much the employee is paid.

The new regulations change part of the test for determining whether an employee qualifies as an administrative or executive employee. Exempt employees must be paid on a salary basis, as opposed to an hourly basis, and most exempt employees must be paid a minimum amount. Currently, in order to qualify for the administrative or executive exemption, employees must be paid a salary of at least \$455 per week. Under the new regulations, an employee could not be classified as exempt under the administrative or executive exemption unless the employee

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is paid no less than \$913 per week. Further, the new regulations require that, beginning January 1, 2020, and every three years thereafter, the minimum salary necessary to qualify for the administrative or executive exemption be adjusted to reflect changes in wage rates.

This change will not impact certified staff such as teachers or principals since there is a special exemption for these employees.

Some districts have designated employees such as transportation directors, food service and maintenance supervisors, and some central office clerical staff as exempt under the administrative or executive exemption. These are the types of positions most likely to be impacted by the new regulations. If the district has staff designated as exempt who do not qualify under the professional exemption and who do not meet the new salary requirements, the district may either raise the salaries to maintain the employee's exempt status or start tracking employee hours and paying overtime or compensatory time.

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FILE: GDBBGBA
Critical

EXEMPT AND NONEXEMPT EMPLOYEES SUPPLEMENTARY PAY PLANS *(District Uses Compensatory Time)*

Definitions

Compensatory (Comp) Time – Time off awarded to nonexempt employees at the rate of one and one-half times the number of actual hours worked in excess of 40 in a workweek.

Exempt Employees – Those employees whose duties and compensation meet the requirements to be an exempt executive, administrative, professional or computer employee as defined in federal law and who are not eligible for overtime compensation or compensatory time.

Hours Worked – For the purposes of this policy, hours worked means all hours during which the individual is required to be on duty—generally from the required starting time to normal quitting time—and all hours an employee is permitted to work, in accordance with law. Meal periods of 30 minutes or longer and break periods of 20 minutes or longer do not count as hours worked as long as the employee is relieved of all duties and is free to leave his or her duty post. Breaks for nursing mothers to express breast milk are also not considered as hours worked.

Nonexempt Employees – This includes all district employees not specifically identified as exempt under federal law. This generally includes noncertificated staff; however, in some circumstances noncertificated staff members may qualify for exempt status. The Board directs the superintendent to ensure that job positions are classified as exempt or nonexempt and that employees are made aware of these classifications. Employees in doubt about their status should contact their immediate supervisor.

Overtime – Actual hours worked in excess of 40 hours in a workweek.

Compensation

Exempt and nonexempt employees will be compensated in accordance with the applicable Board policy. Unless otherwise permitted by law, exempt employees will be compensated on a salary basis. Nonexempt employees may be compensated on either a salary or hourly basis, although amounts paid for overtime work and deductions for unpaid leave will be calculated using an employee's regular hourly rate of pay. The district will comply with minimum wage laws, when applicable.

All nonexempt employees are required to complete a daily time record showing actual hours worked. Supervisors of nonexempt employees must verify the accuracy of such records on a weekly basis. Failure to maintain or verify such records or falsification of these records will be grounds for disciplinary action.

Overtime Compensation

The following provisions apply to nonexempt staff who work more than 40 hours during any workweek:

1. Unless the district and the employee have an agreement or understanding in advance that the employee will be given compensatory (comp) time off for overtime work, he or she will be paid one and one-half times his or her regular rate of pay for each hour of overtime.
2. The Board discourages overtime work by nonexempt employees. A nonexempt employee shall not work overtime without the express approval of his or her supervisor. Nonexempt employees who begin work earlier or work later than their assigned hours without prior authorization from their immediate supervisor are subject to discipline, including termination.

Unless a nonexempt employee works in one of the classifications listed in the "Comp Time" section of this policy, he or she will be paid one and one-half times his or her regular rate of pay for each hour of overtime.

Compensatory Time

The district uses comp time in lieu of overtime compensation for the following classifications of employees:

This policy constitutes an agreement or understanding in advance that these employees will be given comp time off for overtime work. Employees will be awarded such comp time off at the rate of one and one-half hours for each hour of overtime worked.

The following provisions apply to comp time:

1. Comp time may be accrued up to 240 hours (160 overtime hours). Overtime work beyond this maximum accrual will be monetarily compensated at the rate of one and one-half times the individual's regular rate of pay. The district may require an employee to use accrued comp time to avoid excessive accumulation or monetary liability.
2. Every effort will be made to permit the use of comp time at a time mutually agreed upon by the individual and his or her supervisor. However, when the individual's absence would unduly disrupt the district's operations, the district retains the right to postpone comp time usage.

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FILE: GDBBGBA
Critical

3. Upon leaving the district, individuals will be paid for any unused comp time at a rate not less than the higher of the average regular rate received by the employee during his or her last three years of employment or his or her final regular rate of pay. ~~(If overtime hours have not been converted to comp time, the employee will be paid one and one-half times his or her final regular pay rate for each such hour of overtime.)~~

~~Individuals covered by this policy are required to complete a daily time record showing actual hours worked. Failure to maintain or falsification of such records may be grounds for disciplinary action.~~

Required Breaks

In accordance with law, the district will provide a reasonable break time for an employee to express milk for her nursing child each time the employee has a need to express for one year after the child's birth. The district will provide a location, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public that employees may use to express milk.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 12/16/2003

Revised: 03/15/2005; 01/18/2011;

Legal Refs: Fair Labor Standards Act, 29 U.S.C. §§ 201 - 216
Garcia v. San Antonio Metro. Transit Auth., 469 U.S. 528 (1985)

West Plains R-VII School District, West Plains, Missouri

REFERENCE COPY

FILE: GCKA **GBAA**
Critical

EXPLANATION: STAFF EXTRA-DUTY ASSIGNMENTS

MSBA has updated this policy to apply to all district employees, recoded and retitled it, and revised the language for clarity and consistency with updated policy GCBA. Some information has been removed from this policy because it is covered more thoroughly in GCBA and new policy GDBA.

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FILE: GCKA **GBAA**
Critical

PROFESSIONAL STAFF EXTRA-DUTY ASSIGNMENTS

Professional **All** staff members will be **are** expected to **assume perform** reasonable duties over and above their regular teaching responsibilities **when the district determines that such additional work is necessary to supervise students, monitor an event, assist in an emergency situation or otherwise further the district's education mission.** ~~Activities and services that make minor demands on the teacher's time shall be part of each teacher's basic assignment. Teachers shall take turns selling tickets to extracurricular events, and shall supervise students at those activities, when assigned by the principal. Schedules of supervision, sponsorships and activities will be assembled by the building principals. Administrators will strive to equalize those duties among teachers.~~

~~Extra duty assignments which make *major* demands on a teacher's time shall be compensated in accordance with an extra-duty allowance salary schedule established annually by the Board. Extra duties shall be defined as those duties and responsibilities in conjunction with but not a part of the regular teaching assignment, but considered as a part of the teaching act. These duties are not considered subject to the provisions of the Teacher Tenure Act. Faculty members to be appointed to extra-duty positions will be recommended by the superintendent and approved by the Board. Appointees will be issued a contract for the terms of their extra-duty employment stating the particular assignment, its duration and the compensation to be paid. Professional staff members will be paid stipends that are commensurate with the demands of their specific extra-duty assignments. Most stipends will be paid on an annual or seasonal basis, although certain assignments not related to the teaching act, performed at irregular or infrequent intervals, may be paid at an hourly rate. **For example, employees may be assigned to sell tickets for extracurricular events or supervise students at district activities as part of their regular job duties.**~~

The Board directs the district administrative staff to carefully plan for staffing needs in advance, equitably distribute duties among qualified staff members when possible, and avoid situations where the district is obligated to pay overtime compensation when possible.

The district expects all employees to act professionally in all of their duties, regardless of whether it is the employee's regular position or an extra duty and regardless of whether the employee is compensated an additional amount for the duty. An employee's actions while performing an extra-duty position will be included in the employee's regular performance evaluation and may be used to determine the employee's suitability for continued employment in the district in any capacity.

Compensated Extra-Duty Positions

If the Board determines that a particular assignment would make a major demand on an employee's time, the Board may decide to create a compensated extra-duty position. An affirmative vote of a majority of the Board is necessary to assign an employee to a compensated extra-duty position. The

Board will approve regular extra-duty assignments and compensation for those assignments on an annual basis.

Extra-duty positions may be at-will positions, or the Board may enter into an employment contract for them. Employees will be compensated as directed in policies GCBA and GDBA. The district will avoid assigning extra duties to an employee if such assignment would result in payment of overtime compensation, unless the superintendent or designee determines the assignment is necessary and the additional amount is included in the budget for extra duties. Extra-duty positions are not subject to the provisions of the Teacher Tenure Act.

Occasional or Sporadic Extra Duties

If the Board decides to compensate employees for occasional or sporadic extra duties, such as taking tickets at events, the superintendent or designee will annually recruit current employees who are interested in earning additional compensation for these duties. The Board will approve the list of interested employees and will set compensation for the duties. After approval, the superintendent or designee has the responsibility for equitably assigning approved employees to those extra duties throughout the year.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 08/19/1997

Revised:

Legal Refs: Fair Labor Standards Act, 29 U.S.C. §§ 201 - 216
Garcia v. San Antonio Metropolitan Transit Authority, Nos. 82-1913, 82-1915,
15LW4135

West Plains R-VII School District, West Plains, Missouri

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FILE: GCBA-R
Critical

EXPLANATION: PROFESSIONAL STAFF SALARY SCHEDULES

MSBA has moved pertinent information from this regulation to policy GCBA. Districts should RESCIND this regulation.

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FILE: GCBA-R
Critical

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FILE: GCBA-R
Critical

~~PROFESSIONAL STAFF SALARY SCHEDULES~~

The following operational plan shall serve as implementing guidelines for the professional staff salary schedule adopted by the Board of Education:

- ~~1. The professional staff will be employed by the Board based on the recommendation of the superintendent.~~
- ~~2. Maintenance of the salary schedule is dependent on the local levy approvals and continued state financial support.~~
- ~~3. The minimum contract period for all full-time certificated personnel will be determined annually by the school district.~~
- ~~4. The professional salary schedule does not apply to extended contracts or extra-duty contracts.~~
- ~~5. Experienced teachers who are new to the school district may receive credit for previous experience. No one can advance more than one (1) step vertically and two (2) columns horizontally per year. The salary a teacher will receive will be determined at the time the teacher contracts with the district, or by June 1 for tenured teachers. A teacher cannot progress on the salary schedule after entering into a contract for a school year, unless authorized in the contract.~~
- ~~6. Teachers with less than a Master's Degree~~

~~→ Advancement Vertically = In order to advance vertically on the salary schedule, a teacher must have earned at least eight (8) hours of college credit in an approved area during the five (5) years prior to the first day of school of the contract year. Teachers currently employed and not complying with this provision will be "frozen" on this step and will remain there until they attain the eight (8) hours of college credit in the areas in which they are certified to teach; they will then be eligible to start moving vertically on the salary schedule. This clause shall not apply to teachers following the contract year in which they reach age 60.~~

~~→ Advancement Horizontally = To advance horizontally on the salary schedule, teachers must earn graduate hours in areas approved by the superintendent.~~

- ~~7. Non-degree vo-tech teachers may advance horizontally on the salary schedule after they have completed the minimum of 20 semester hours of professional training for teaching, as outlined by the Department of Elementary and Secondary Education. This horizontal movement will be allowed for hours taken and completed after the teacher has completed the~~

~~minimum 20 hours referred to above. One (1) horizontal step will be allowed for each eight (8) hours of work completed. These hours need not be graduate hours. These hours must be approved by the superintendent. Credit may also be given by the superintendent for workshops and technical training which are not college credited. During their first year in the school district, non-degree vo-tech teachers will be placed on the first step of the B.A. column of the salary schedule and progress vertically two (2) steps per year for three (3) years.~~

- ~~8. In order to advance on the salary schedule for completion of additional college graduate hours, professional staff must receive approval by the administration prior to enrolling in the course.~~
- ~~9. Each teacher may be assigned one (1) or more activities to sponsor without an increase in salary.~~
- ~~10. The Board of Education may recognize certification and teaching in high need areas on the salary schedule when it deems it necessary to secure or retain qualified personnel in any area where there is a shortage of qualified staff.~~

~~*****~~

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

~~Adopted: 10/16/2001~~

~~Revised: 12/16/2003~~

~~Legal Refs: §§ 163.172, 168.110 (2), RSMo.
Mo. Const. Art. III, § 38(a), 39(3)~~

~~West Plains R-VII School District, West Plains, Missouri~~

REFERENCE COPY

FILE: GCBA
Critical

EXPLANATION: PROFESSIONAL STAFF COMPENSATION

This policy has been modified for clarity and to incorporate information previously found in regulation GCBA-R1. Please read the rules regarding salary schedules carefully to ensure that this policy accurately reflects how the district will utilize salary schedules in the future.

MSBA has also taken the opportunity to clarify that only the Board may authorize compensation, either through a salary schedule or by assigning a salary or wage to a particular position or employee. This change has been added due to recent audits of school districts where it was revealed that certain employees received raises or stipends without Board involvement or knowledge.

Districts employ a variety of professionals who are not required to have teaching or administrative certificates, such as IT specialists, nurses, certified public accountants, and even engineers. MSBA has included a section that addresses compensation of noncertificated professional staff. Please review this language closely and ensure it adequately addresses how the district will set compensation for these employees in the future.

MSBA receives many calls every year involving situations where teachers and other employees were underpaid or overpaid due to mistakes made in applying salary schedules or other compensation rules. Sometimes this overpayment or underpayment has gone undetected for years. While the law is not clear regarding the district's obligations in these situations, MSBA has added a section titled "Employee Responsibility" that states that employees have 30 days to report mistakes made in compensation. While this does not definitively limit district liability to 30 days, it will hopefully encourage employees to take a more active role in reviewing their compensation and will provide districts an argument that the employee bears some responsibility for past inaccuracies.

MSBA has also included language regarding payment of compensation over 12 months, even when an employee does not work a 12-month schedule. This is allowed by state and federal law and is the practice of most districts.

MSBA has included an option where employees may be paid for extra duties during the season or months when the work is performed. Unfortunately, some districts have had negative experiences where a teacher was assigned to coach a spring sport, for example, and was paid for that duty over 12 months, but was unable to fulfill the coaching duties. It is difficult to recoup money that has already been paid. Districts can avoid this situation by paying for extra-duty stipends only in the months the compensation is earned.

FILE: GCBA
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	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

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FILE: GCBA
Critical

PROFESSIONAL STAFF SALARY SCHEDULES **COMPENSATION**

Instructional Staff

An adequate salary schedule is necessary to secure new teachers who are personally competent and professionally well prepared, to encourage the professional growth of teachers while in service, and to retain the most competent teachers while in the school system. The Board of Education shall annually adopt a salary schedule having the following essential features:

- ▶ A salary for those beginning in the system, which will be at or above the minimum salary established by state statute.
- ▶ Annual increments shall be added for each school year of successful experience up to the limits provided by the schedule.

The superintendent of schools shall prepare salary schedules for approval of the Board of Education and implement the salary schedules adopted by the Board of Education. The superintendent may consult with staff members in preparing the salary schedules.

Administrative Staff

The Board will annually determine the salaries for the administrative staff. The West Plains R-VII School District needs highly qualified employees to accomplish its education mission and must offer competitive compensation to attract and maintain experienced professional staff in the district. The Board directs the superintendent or designee to annually research regional and statewide trends in employee compensation and consult with district employees to prepare competitive salary schedules and salary recommendations for the Board to consider, within the constraints of the district's finances. Only the Board has the authority to increase an employee's regular compensation or grant employees an extra-duty position or stipend.

As required by law, teachers will be paid in accordance with a salary schedule adopted by the Board of Education. All full-time teachers will be paid at least the minimum teacher's salary as required in state law. Noncertificated professional staff and certificated staff members other than teachers will be compensated in accordance with a Board-approved salary schedule or will receive the amount of compensation approved by the Board for particular positions or particular employees.

All Professional Staff Salary Schedules

The Board is required to adopt salary schedules for the compensation of teachers and may use a salary schedule to compensate administrative and noncertificated professional staff. When creating

a salary schedule, the Board may recognize characteristics beneficial to the district, such as certification in high-need areas, in addition to traditional factors, such as experience and education.

The following rules apply to all district salary schedules unless determined otherwise by the Board:

1. The Board will make every effort to adopt salary schedules prior to the statutory deadline for issuing teacher and administrator contracts, but salary schedules and other compensation must be determined along with the district budget no later than June 30. Any salary schedule adopted by the Board will remain in effect and continue to operate until Board action is taken to change or eliminate the salary schedule.
2. The Board may freeze the operation of the salary schedule when warranted by the financial condition of the district or other relevant reasons, as determined by the Board. Once a salary schedule is frozen, employees will not advance on the salary schedule until a vote is taken by the Board authorizing movement on the salary schedule.
3. An employee may not advance more than one step vertically and two columns horizontally per year on the salary schedule unless such movement is allowed by the rules adopted by the Board and is uniformly applicable to that particular salary schedule or is otherwise approved by the Board.
4. An employee cannot progress on the salary schedule after entering into a contract for a school year unless such movement is specifically authorized in the contract.
5. Education courses and other professional development may not be used to advance on a salary schedule unless the employee had prior administrative approval to take the course or participate in the professional development and count it for advancement on the salary schedule.
6. The district will recognize similar, previous experience of an employee when placing that employee on the salary schedule. The Board delegates to the superintendent or designee the authority to set guidelines on which previous experiences qualify. In addition, the district may recognize military service or work experience that the district considers beneficial to the position. It is the employee's responsibility to fully apprise the district of his or her relevant background when first being employed in the position. Once the employee is initially placed on the salary schedule, the district is under no obligation to review the placement.
7. Teachers with less than a Master's Degree

Advancement Vertically – In order to advance vertically on the salary schedule, a teacher must have earned at least eight hours of college credit in an approved area during the five

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years prior to the first day of school of the contract year. Teachers currently employed and not complying with this provision will be "frozen" on this step and will remain there until they attain the eight hours of college credit in the areas in which they are certified to teach; they will then be eligible to start moving vertically on the salary schedule. This clause shall not apply to teachers following the contract year in which they reach age 60.

Advancement Horizontally – To advance horizontally on the salary schedule, teachers must earn graduate hours in areas approved by the superintendent.

8. Non-degree vo-tech teachers may advance horizontally on the salary schedule after they have completed the minimum of 20 semester hours of professional training for teaching, as outlined by the Department of Elementary and Secondary Education. This horizontal movement will be allowed for hours taken and completed after the teacher has completed the minimum 20 hours referred to above. One horizontal step will be allowed for each eight hours of work completed. These hours need not be graduate hours. These hours must be approved by the superintendent. Credit may also be given by the superintendent for workshops and technical training which are not college credited. During their first year in the school district, non-degree vo-tech teachers will be placed on the first step of the B.A. column of the salary schedule and progress vertically two steps per year for three years.

Compensation for Extra Duties

Additional duties, such as supervising activities, may be assigned to professional staff without additional compensation. In some situations and with Board approval, an employee may be provided extra-duty compensation or a stipend to compensate the employee for performing additional duties. In those situations, the amount of compensation will be determined by the Board and may be set by adopting an extra-duty salary schedule or approving a specific amount for the position.

Employee Responsibility

Employees are responsible for verifying that their salary schedule placement, compensation rate and paychecks are accurate. An employee is required to notify the district within 30 days of receiving an inaccurate payment, and failure to do so could lead to discipline, forfeiture of amounts owed or deductions for excess pay received, as allowed by law.

Compensation Disbursement

In general, professional staff will be paid in equal installments over 12 months, even if the employee's regular work schedule is less than 12 months. However, payment for extra duties that are seasonal or limited to a specific timeframe may be paid in the month the work was performed.

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* * * * *

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 08/19/1997

Revised:

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
DLB, Salary Deductions
HA, Negotiations with Employee Representatives

Legal Refs: §§ 163.172, 168.101, .110 (2), RSMo.
Equal Pay Act, 29 U.S.C. § 206(d)

West Plains R-VII School District, West Plains, Missouri

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FILE: GCD
Critical

EXPLANATION: PROFESSIONAL STAFF RECRUITING AND HIRING

This policy was revised to address the requirements of Senate Bill 997 (2016), which requires public employers to adopt a policy "that provides up-to-date, accurate and complete information to each new employee regarding eligibility for public service loan forgiveness." The new statute requires the policy to be adopted by April 1, 2017. Information must be provided to new employees within ten days of beginning employment. Current employees must receive the information by June 30, 2017. The Missouri Department of Higher Education is required to develop the information the district is required to provide, which can be found at: <http://dhe.mo.gov/resources/publicserviceemployees.php>. The following is a sample notice districts could use:

Notice Regarding Public Service Loan Forgiveness

In accordance with state law, the West Plains R-VII School District is required to provide all new employees with information regarding eligibility for the Public Service Loan Forgiveness Program. Employees who work full-time in a public school district might be eligible for this program. The Public Service Loan Forgiveness Program forgives the remaining balance on Direct Student Loans for borrowers after they have made 120 qualifying monthly payments under a qualifying repayment plan, as long as the borrower is not in default. For more information about the program and to determine whether you are eligible under this program, go to the Missouri Department of Higher Education's website at:

<http://dhe.mo.gov/resources/publicserviceemployees.php>.

MSBA has also clarified some of the language in this policy and added subheadings to make the policy easier to read.

In addition, MSBA has added language regarding the employment of persons who do not have full certification in the area in which they are working. For example, if a teacher or other applicant for a certificated position does not have a certificate at the time he or she is employed, MSBA recommends that the district make the employment contract conditional on the certificate or license being received by a specific date. This will assist in those hopefully rare situations where a teacher fails the content assessment or for some other reason does not obtain the certification as expected.

MSBA has also revised the section regarding employment contracts to more specifically apply to contracts issued when an employee is initially hired, as opposed to renewed.

FILE: GCD
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FILE: GCD
Critical

PROFESSIONAL STAFF RECRUITING AND HIRING

Because an effective educational program requires quality staff members, the Board and the administration of the West Plains R-VII School District will make every effort possible to attract and retain the best-qualified, highly skilled and experienced personnel. ~~The Board of Education will employ personnel in accordance with law.~~

The district's hiring procedures will comply with all federal and state laws, including laws prohibiting discrimination. All teachers and administrators must have valid certification to teach in Missouri schools or, when employment of a person without appropriate certification is unavoidable or necessary as determined by the district, must obtain the appropriate certification by a district-specified deadline. The district is an equal opportunity employer and hires only citizens of the United States and persons who are legally authorized to work in the United States. The West Plains R-VII School District will enroll and actively participate in a federal work authorization program in accordance with law.

A majority of the Board must vote to employ any person or enter into an employment contract.

Recruiting and Advertising

Efforts will be made to recruit the best-qualified candidate for the position. New or vacant positions will be posted for at least five business days in the district's buildings and publicized externally by other means as determined appropriate by the superintendent or designee. However, if the superintendent or designee determines that it would be detrimental to wait five business days or that a longer period is necessary, the position will be advertised for as many the number of days as is deemed appropriate. Further, if the same or similar position was recently advertised, the superintendent or designee may utilize applications previously received without re-advertising the position. A position is not considered vacant if the Board, superintendent or designee transfers or assigns an existing employee to the position, subject to Board approval.

Recruitment procedures will not overlook the talents and potential of individuals already employed by the school district. Any current, qualified employee meeting the stated requirements may apply for new or vacant positions in the district.

All requests for information concerning professional staff vacancies in the district shall be directed to the superintendent or designee.—

Screening Process

Persons interested in positions in the district must complete a formal application and provide all necessary information requested by the superintendent or designee. The superintendent or designee shall conduct interviews, review references and obtain other information as deemed necessary.

The superintendent or designee will conduct background checks on employees and applicants for employment in accordance with law and Board policy.

Any applicant who provides false information or inaccurate academic credentials will immediately be removed from consideration.

Hiring

A position other than the superintendent's position will be filled by the Board of Education only after receiving the recommendation of the superintendent or designee. It is the policy of the Board of Education to employ highly-qualified teachers with post-secondary degrees from fully accredited universities and the appropriate teaching certificates. In making recommendations, the superintendent or designee shall give first consideration to applicants who, in addition to proper general education qualifications, have special training and other qualifications for the particular type of vacancy to be filled. If a candidate is not acceptable to the Board, the superintendent or designee should recommend another candidate.

Before the Board votes to employ an applicant in a position that requires a certificate or other professional license, the superintendent or designee will verify that the applicant currently possesses the appropriate license or certification. Upon the recommendation of the superintendent or designee, the Board may approve the employment of an applicant to a certificated position for which the individual does not have a current certificate, but the employment will be conditioned upon the applicant completing the certification process by a district-specified deadline. The superintendent or designee will also reverify licenses and certifications once they are renewed. Any applicant found to have presented any document referencing fake academic credentials will immediately be removed from consideration.

All applicants for a particular position will be promptly notified once a decision has been made on the position has been filled. As required by law, probationary teachers, principals, assistant principals and other certificated employees in positions ineligible for tenure, except the superintendent, shall be notified in writing concerning re-employment on or before April 15 of the year in which the current contract expires.

A spouse of a Board member will only be hired to fill a vacant or new position if the position has been advertised in accordance with this policy and if the superintendent has submitted a written

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FILE: GCD
Critical

~~recommendation supporting the employment of the spouse. If the spouse of a Board member is hired, the names of all applicants for that position as well as the name of the individual hired will be included in the appropriate Board minutes.~~

Board Members

The district will not accept an application of employment from a Board member, consider a Board member for employment or decide to employ a Board member while the member remains on the West Plains R-VII School District Board of Education. Board members who wish to apply for employment in the district must first resign from the Board.

Spouses of Board Members

In accordance with law, a Board member's spouse will only be hired to fill a vacant or new position if the position has been advertised in accordance with this policy and the superintendent has submitted a written recommendation supporting the employment of the spouse. If a Board member's spouse is hired, the names of all applicants for that position and the name of the individual hired will be included in the appropriate Board minutes.

Critical Shortage of Teachers

If the district determines that it has a shortage of certificated teachers, the district may hire retired certificated teachers receiving retirement benefits from the Missouri Public School Retirement System to teach full time for up to two years without loss of benefits to the teacher; if the district meets the requirements set by state law. The district may only hire retired teachers under this program if it has:

1. Made a good-faith effort to fill positions with candidates who have not retired.
2. Not offered early retirement incentives for either of the previous two years.
3. Posted the vacancy for at least one month and solicited applications through local newspapers, other media or teacher education programs.
4. Determined that there is an insufficient number of eligible applicants.
5. Declared a critical shortage of certificated teachers that is active for one year.

The total number of retired teachers hired under this section cannot exceed at any one time the lesser of ten percent of the total teacher staff in the district or five certificated teachers. This provision does not apply to a retired certificated teacher employed as a superintendent.

Contracting

~~Unless the terms of the contract state otherwise, newly hired employees who receive a written contract must return the contract within 15 calendar days of the receipt of the contract, or the offer of employment will be deemed rejected.~~

~~Probationary teachers, principals, assistant principals and other certificated employees in positions ineligible for tenure, except the superintendent, will receive a contract no later than May 15 of the year in which the current contract expires. Once such an employee has received a contract, the employee will have 15 calendar days to sign and return the contract or the contract shall be deemed to have been rejected.~~

~~Tenured teachers shall be notified in writing by May 15 regarding the beginning date and length of the next school year and the amount of compensation to be received for the next school year as provided by the salary schedule adopted by the Board. A tenured teacher who does not notify the district of his or her intent to leave the district by June 1 is contractually bound to the district for the pecoming school year.~~

Employment Contracts

The district will only offer employment contracts to certificated employees who are required by law to receive a contract. All other professional staff employees will be considered at-will employees and will not be offered contracts.

All employment contracts will comply with applicable law. The superintendent or designee is authorized to seek legal advice regarding district employment contracts.

When an employee is initially offered employment, he or she will be given a written copy of the applicable contract and a deadline by which the signed contract must be returned to the district.

Eligibility for Public Service Loan Forgiveness

In accordance with law, the district will provide current, accurate and complete information to each new employee regarding eligibility for public service loan forgiveness. The notice will be provided within ten days following the start of employment.

* * * * *

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FILE: GCD
Critical

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 04/20/1999

Revised: 03/15/2005; 12/20/2005; 01/20/2009; 04/20/2010; 01/18/2011;

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
BBFA, Board Member Conflict of Interest and Financial Disclosure
DD, Grants
DGA, Authorized Signatures

MSIP Refs: 5.1, 8.4

Legal Refs: §§ 105.255, 1445, 162.261, .301, 168.101 - .133, 169.331, .596, 213.010, .055, .070,
285.530, 290.400 - .410, 335.075, RSMo.
Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681
Equal Pay Act, 29 U.S.C. § 206(d)
Age Discrimination in Employment Act, 29 U.S.C. §§ 621 - 634
The Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794
Family and Medical Leave Act, 29 U.S.C. § 2615
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d - 2000d-7
Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e - 2000e-17
Genetic Information Nondiscrimination Act, 42 U.S.C. §§ 2000ff - 2000ff-11
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101 - 6107
Americans with Disabilities Act, 42 U.S.C. §§ 12101 - 12213

West Plains R-VII School District, West Plains, Missouri

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FILE: GDBA
Basic

EXPLANATION: SUPPORT STAFF COMPENSATION

This is a NEW policy for district consideration. It was previously considered supplemental.; however, MSBA now recommends that all districts adopt this updated version.

This policy is not required by law, and the district is free to modify it to reflect the district's practices. However, MSBA strongly recommends that districts adopt a policy for support staff in this area. Recent audits of school districts have revealed that certain employees received raises or stipends without Board involvement or knowledge. This policy clarifies that only the Board may authorize compensation, either through a salary schedule or by assigning a salary or wage to a particular position or employee.

MSBA receives many calls every year involving situations where employees were underpaid or overpaid due to mistakes made in applying salary schedules or other compensation rules. Sometimes this overpayment or underpayment has gone undetected for years. While the law is not clear regarding the district's obligations in these situations, MSBA has added a section titled "Employee Responsibility" that states that employees have 30 days to report mistakes made in compensation. While this does not definitively limit district liability to 30 days, it will hopefully encourage employees to take a more active role in reviewing their compensation and will provide districts an argument that the employee bears some responsibility for past inaccuracies.

MSBA has also included language regarding payment of compensation over 12 months, even when an employee does not work a 12-month schedule. This is allowed by state and federal law and is the practice of most districts.

MSBA has included an option where employees may be paid for extra duties during the season or months where the work is performed. Unfortunately, some districts have had negative experiences where an employee was assigned to coach a spring sport, for example, and was paid for that duty over 12 months, but was unable to fulfill the coaching duties. It is difficult to recoup money that has already been paid. Districts can avoid this situation by paying for extra-duty stipends only in the months the compensation is earned.

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	Transportation		Public Info/Communications		Technology

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Basic

SUPPORT STAFF COMPENSATION

The West Plains R-VII School District needs highly qualified employees to accomplish its education mission and must offer competitive compensation to attract and maintain experienced staff. The Board directs the superintendent or designee to annually research regional and statewide trends in employee compensation and consult with district employees to prepare competitive salary schedules and salary recommendations for the Board to consider, within the constraints of the district's finances.

An employee of the district will be compensated in accordance with a Board-approved salary schedule or will receive the amount of compensation approved by the Board for that position or that particular employee. Only the Board has the authority to increase the compensation of an employee or grant that employee an extra-duty position or stipend.

Compensation Considerations

Unless an employee is paid in accordance with a salary schedule, as discussed later in this policy, the compensation of support staff will be made by the Board after consideration of recommendations made by the superintendent or designee. When making compensation recommendations, the superintendent or designee will consider all legal, relevant factors including, but not limited to, the expertise necessary to meet student needs, required training or licenses, experience in the position, current compensation trends for the position in the state or region, the number and quality of applicants available for the position, the district's financial circumstances, and the individual's performance evaluations.

Salary Schedules

The Board may annually adopt salary schedules for the various categories of support staff personnel. Each support staff member will be placed on the appropriate schedule commensurate with, but not limited to, job category and experience with the district. When creating a salary schedule, the Board may recognize characteristics beneficial to the district, such as training, licenses and employment in high-need areas, in addition to traditional factors such as years of experience.

If the Board adopts a salary schedule, the following will apply:

1. Salary schedules and other compensation will be determined along with the district budget by June 30. Any salary schedule adopted by the Board will remain in effect and continue to operate until Board action is taken to change or eliminate the salary schedule.
2. The Board may freeze the operation of the salary schedule when warranted by the financial condition of the district or for other relevant reasons, as determined by the Board. Once a

salary schedule is frozen, employees will not advance on the salary schedule until a vote is taken by the Board authorizing movement on the salary schedule.

3. An employee may not advance more than one step vertically and one column horizontally per year on the salary schedule unless such movement is allowed by the rules adopted by the Board and is uniformly applicable to that particular salary schedule or is otherwise approved by the Board.
4. Additional training or licenses obtained after the employee has begun work with the district may not be used to advance on a salary schedule unless the employee had prior administrative approval to participate in the training or obtain the license and count it for advancement on the salary schedule.
5. The district will recognize similar, previous experience of an employee when placing that employee on the salary schedule. The Board delegates to the superintendent or designee the authority to set guidelines on which previous experiences qualify. In addition, the district may recognize military service or work experience that the district considers beneficial to the position. It is the employee's responsibility to fully apprise the district of his or her relevant background when first being employed in the position. Once the employee is initially placed on the salary schedule, the district is under no obligation to review the placement.

Compensation for Extra Duties

Additional duties, such as supervising activities, may be assigned to support staff without additional compensation. In some situations and with Board approval, an employee may be provided extra-duty compensation or a stipend to compensate the employee for performing additional duties. In those situations, the amount of compensation will be determined by the Board and may be set by adopting an extra-duty salary schedule or approving a specific amount for the position.

Employee Responsibility

Employees are responsible for verifying that their salary schedule placement, compensation rate and paychecks are accurate. Employees are required to notify the district within 30 days of receiving an inaccurate payment, and failure to do so could lead to discipline, forfeiture of amounts owed or deductions for excess pay received, as allowed by law.

Compensation Disbursement

In general, support staff will be paid in equal installments over 12 months, even if the employee's regular work schedule is less than 12 months. However, payment for extra duties that are seasonal or limited to a specific timeframe may be paid in the month the work was performed.

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FILE: GDBA
Basic

* * * * *

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
DLB, Salary Deductions

West Plains R-VII School District, West Plains, Missouri

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FILE: GDC
Critical

EXPLANATION: SUPPORT STAFF RECRUITING AND HIRING

This policy was revised to address the requirements of Senate Bill 997 (2016), which requires public employers to adopt a policy "that provides up-to-date, accurate and complete information to each new employee regarding eligibility for public service loan forgiveness." The new statute requires the policy to be adopted by April 1, 2017. Information must be provided to new employees within ten days of beginning employment. Current employees must receive the information by June 30, 2017. The Missouri Department of Higher Education is required to develop the information the district is required to provide, which can be found at: <http://dhe.mo.gov/resources/publicserviceemployees.php>. The following is a sample notice districts could use:

Notice Regarding Public Service Loan Forgiveness

In accordance with state law, the West Plains R-VII School District is required to provide all new employees with information regarding eligibility for the Public Service Loan Forgiveness Program. Employees who work full-time in a public school district might be eligible for this program. The Public Service Loan Forgiveness Program forgives the remaining balance on Direct Student Loans for borrowers after they have made 120 qualifying monthly payments under a qualifying repayment plan, as long as the borrower is not in default. For more information about the program and to determine whether you are eligible under this program, go to the Missouri Department of Higher Education's website at:

<http://dhe.mo.gov/resources/publicserviceemployees.php>.

MSBA has also clarified some of the language in this policy and added subheadings to make the policy easier to read.

In addition, MSBA has added language regarding the employment of persons who do not have all of the licenses or certifications necessary for the area in which they are working. For example, if a maintenance worker needs to be a licensed electrician but has not received the license yet, MSBA recommends that the district make the employment contract conditional on the license being received by a specific date. This will assist in those hopefully rare situations where the employee delays obtaining the license, fails the licensing examination or for some other reason does not obtain the certification as expected.

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	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

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Critical

SUPPORT STAFF RECRUITING AND HIRING

To provide a positive educational environment for students, the district must employ quality staff members. It is the responsibility of the superintendent or designee to determine the support staff personnel needs of the school district and to locate suitable support staff candidates. The superintendent will make recommendations for employment of support staff members for the Board's approval. The Board will employ personnel in accordance with law.

The district's hiring procedures will comply with all federal and state laws, including laws prohibiting discrimination. The West Plains R-VII School District is an equal opportunity employer and hires only citizens of the United States and persons who are legally authorized to work in the United States. The West Plains R-VII School District will enroll and actively participate in a federal work authorization program in accordance with law.

A majority of the Board must vote to employ any person or enter into an employment contract.

Recruiting and Advertising

Efforts will be made to recruit the best-qualified candidate for the position. New or vacant positions will be posted for at least five business days in the district's buildings and publicized externally by other means as determined appropriate by the superintendent or designee. However, if the superintendent or designee determines that it would be detrimental to wait five business days or that a longer period is necessary, the position will be advertised for ~~as many~~ the number of days as is deemed appropriate. Further, if the same or similar position was recently advertised, the superintendent or designee may utilize applications previously received without re-advertising the position. A position is not considered vacant if the ~~Board~~, superintendent or designee transfers or assigns an existing employee to the position, subject to Board approval.

Recruitment procedures will not overlook the talents and potential of individuals already employed by the school district. Any current, qualified employee meeting the stated requirements may apply for new or vacant positions in the district.

All requests for information concerning vacancies in the district shall be directed to the superintendent or designee.—

Screening Process

Persons interested in positions in the district must complete a formal application and provide all necessary information requested by the superintendent or designee. The superintendent or designee shall conduct interviews, review references and obtain other information as deemed necessary.

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The superintendent or designee will conduct background checks on employees and applicants for employment in accordance with law and Board policy.

Any applicant who provides false information or any document referencing false information will immediately be removed from consideration.

Hiring

A position will be filled by the Board of Education only after receiving the recommendation of the superintendent or designee. All candidates will be selected on the basis of qualifications, training, experience and ability to fulfill the requirements of the position. ~~Any applicant found to have presented false credentials or any document referencing false credentials will immediately be removed from consideration.~~

Before the Board votes to employ an applicant in a position that requires a license or other necessary certification, such as a nurse or an electrician, the superintendent or designee will verify that the applicant currently possesses the appropriate license or certification. Upon the recommendation of the superintendent or designee, the Board may approve the employment of an applicant for a position for which the individual does not have a current license or necessary certification, but the employment will be conditioned upon the applicant obtaining the license or credential by a district-specified deadline. The superintendent or designee will also reverify licenses and certifications once they are renewed.

All applicants for a particular position will be promptly notified once the position has been filled.

~~A spouse of a Board member will only be hired to fill any vacant or new position if the position has been advertised in accordance with this policy and if the superintendent has submitted a written recommendation supporting the employment of the spouse. If the spouse of a Board member is hired, the names of all applicants for that position as well as the name of the individual hired will be included in the appropriate Board minutes.~~

Board Members

The district will not accept an application of employment from a Board member, consider a Board member for employment or decide to employ a Board member while the member remains on the West Plains R-VII School District Board of Education. Board members who wish to apply for employment in the district must first resign from the Board.

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Critical

Spouses of Board Members

In accordance with law, a Board member's spouse will only be hired to fill a vacant or new position if the position has been advertised in accordance with this policy and the superintendent has submitted a written recommendation supporting the employment of the spouse. If a Board member's spouse is hired, the names of all applicants for that position and the name of the individual hired will be included in the appropriate Board minutes.

Critical Shortage

In accordance with law, the district will hire individuals receiving retirement benefits from the Missouri Public Education Employee Retirement System to work full time only if the district has determined that it has a shortage of noncertificated employees. The district may only hire retired employees under this program if it has:

1. Made a good-faith effort to fill positions with candidates who have not retired.
2. Not offered early retirement incentives for either of the previous two years.
3. Posted the vacancy for at least one month and solicited applications through local newspapers or other media.
4. Determined that there is an insufficient number of eligible applicants.
5. Declared a critical shortage of noncertificated employees that is active for one year.

The total number of retired noncertificated employees hired under this section cannot exceed at any one time the lesser of ten percent of the total noncertificated staff in the district or five noncertificated employees.

Eligibility for Public Service Loan Forgiveness

In accordance with law, the district will provide current, accurate and complete information to each new employee regarding eligibility for public service loan forgiveness. The notice will be provided within ten days following the start of employment.

* * * * *

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 04/20/1999

Revised: 03/15/2005; 12/20/2005; 01/20/2009; 04/20/2010; 01/18/2011;

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
BBFA, Board Member Conflict of Interest and Financial Disclosure
DD, Grants

MSIP Refs: 8.4

Legal Refs: §§ 105.255, 1445, 162.261, .301, 168.133, 213.010, .055, .070, 285.530, 290.400 -
.410, 335.075, RSMo.

Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681

Equal Pay Act, 29 U.S.C. § 206(d)

Age Discrimination in Employment Act, 29 U.S.C. §§ 621 - 634

The Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794

Family and Medical Leave Act, 29 U.S.C. § 2615

Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d - 2000d-7

Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e - 2000e-17

Genetic Information Nondiscrimination Act, 42 U.S.C. §§ 2000ff - 2000ff-11

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101 - 6107

Americans with Disabilities Act, 42 U.S.C. §§ 12101 - 12213

West Plains R-VII School District, West Plains, Missouri

REFERENCE COPY

FILE: IGBCA
Critical

EXPLANATION: PROGRAMS FOR HOMELESS STUDENTS

MSBA has amended this policy to reflect the changes brought about by the Every Student Succeeds Act (ESSA). Specifically, the ESSA amended the McKinney-Vento Homeless Assistance Act in relation to the education rights of homeless children and youths. October 1, 2016, is the effective date for these changes.

Under the McKinney-Vento Act, state and local agencies must ensure that homeless children and youths have equal access to the same free and appropriate public education, including a public preschool education, as provided to other children. The new changes require local education agencies to review their policies, practices and procedures to ensure that homeless children and youth are appropriately identified and enrolled and have the opportunity to attend and be successful in school. Further, districts must identify and remove any barriers that would prevent homeless youths separated from public schools from receiving appropriate credit for full or partial coursework that was satisfactorily completed at a prior school.

Districts may not separate homeless students from the mainstream school environment simply because they are homeless.

The law requires districts to designate a liaison for homeless children and youth.

The policy language also reflects these key provision changes in the McKinney-Vento Act:

1) A greater emphasis on identifying homeless children and youth. Districts are now required to provide training and professional development opportunities for staff members so they are able to identify and meet the needs of homeless children and youths.

2) Requirements that eligible homeless students not face any barriers to accessing academic and extracurricular activities, including magnet schools, summer schools, career and technical education, advanced placement opportunities, online learning and charter school programs.

3) A greater focus on preschool-age homeless children, including clarification that local liaisons must ensure that these children and their families have access to and receive services, if eligible, under district-administered preschool programs, including Head Start, Part C of the Individuals with Disabilities Education Act (IDEA), and other preschool programs administered by the district.

4) Collaboration and coordination with other service providers, including public and private child welfare and social service agencies; law enforcement agencies; juvenile and family courts; agencies providing mental health services; domestic violence agencies; child care

providers; runaway and homeless youth centers; providers of services and programs funded under the Runaway and Homeless Youth Act; and providers of emergency, transitional, and permanent housing, including public housing agencies, shelter operators, and operators of traditional housing facilities.

5) Requirements that district liaisons participate in state training.

6) Removing enrollment barriers, including those related to missed application or enrollment deadlines, fines, fees or records required for enrollment (including immunization or other required health records; proof of residency; and academic records, including documentation for credit transfer or other documentation).

7) Privacy of student records, including information about a homeless student's living situation.

8) A presumption that keeping homeless students enrolled in their "school of origin" is in the student's best interest, except when contrary to the request of the student's parent/guardian or the youth (if they are unaccompanied). "School of origin" is defined as the school the homeless student attended when he or she was permanently housed or the school in which the student was last enrolled. This now includes preschools and "receiving schools," which are defined as the school a student is to attend after completing the final grade level at the school of origin.

9) Requirements that the student must be able to remain in the school of origin for the duration of homelessness or until the end of the school year in which the student becomes permanently housed.

10) Dispute resolution procedures that now address eligibility issues in addition to school selection and enrollment.

11) If a parent/guardian or youth initiates a dispute with a district, the child or youth must be immediately enrolled in the school in which placement is sought and, at the request of the parent/guardian or, in the case of an unaccompanied youth, the local liaison, be provided transportation to or from the school of origin for the duration of the dispute, including any appeals.

12) Local liaisons now have the authority to affirm the eligibility of identified homeless students who meet the definition of homeless programs administered by the U.S. Department of Housing and Urban Development.

REFERENCE COPY

FILE: IGBCA
Critical

The ESSA has also removed the term "awaiting foster care placement" from the definition of "homeless children and youths." This means that children who are awaiting foster care placement will no longer be considered homeless and will therefore not be eligible for McKinney-Vento services unless they meet the revised definition of "homeless children and youths."

For more detailed information, please see the following links:

The U.S. Department of Education non-regulatory program guidance on McKinney-Vento:
<http://www2.ed.gov/programs/homeless/legislation.html>

Fact sheet for teachers and administrators:
<http://www2.ed.gov/policy/elsec/leg/essa/160315ehcyfactsheet072716.pdf>

Dear Colleague Letter:
<http://www2.ed.gov/policy/elsec/guid/secletter/160726.html>

<i>MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.</i>					
	Board Secretary	X	Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
	Human Resources	X	Principals		Library/Media Center
X	Health Services	X	Counselor		Special Education
X	Transportation		Public Info/Communications		Technology

REFERENCE COPY

FILE: IGBCA
Critical

PROGRAMS FOR HOMELESS STUDENTS

The West Plains R-VII School District Board of Education recognizes that ~~homelessness alone should not be sufficient reason to separate students from the mainstream school environment~~ **homeless students are particularly vulnerable and need special assistance to access and benefit from the education environment.** Therefore, the district, in accordance with state and federal law and the Missouri state plan for education of the homeless, will give special attention to ensure that homeless students in the ~~school district~~ **are promptly identified and** have access to a free and appropriate public education **and related support services.**

Homeless students are individuals who lack a fixed, regular and adequate nighttime residence and include the following:

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; **or** are abandoned in hospitals; ~~or are awaiting foster care placement.~~
2. Children and youths who have a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings.
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings.
4. Migratory children who meet one of the above-described circumstances.

District Liaison for Homeless Children and Youths

The Board designates the following individual to act as the district's liaison for homeless children and youths (district liaison):

**Director of Special Services
610 East Olden, West Plains, MO 65775
Phone (417) 256-6150 - Fax (417) 256-8616**

The district liaison shall designate and train another district employee to serve as the district liaison in the absence of the district liaison.

School of Origin

For the purposes of this policy, "school of origin" is defined as the school that the student attended when permanently housed or the school in which the student was last enrolled, including a public preschool. When the student completes the final grade level served by the school of origin, the term shall then include the designated receiving school at the next grade level for all feeder schools.

Enrollment

The selected school shall immediately enroll the homeless student even if the student is unable to produce records normally required for enrollment, such as previous academic records, immunization or other health records, proof of residency, or other documentation, and even if the student has missed any application or enrollment deadlines during any period of homelessness. Outstanding fines, fees or absences shall not present a barrier to enrollment of the student. However, the district may require a parent/guardian of a homeless student to submit contact information.

Immediately upon identifying the student as being eligible for homeless services, the selected school shall ensure that the student is attending class and participating fully in school activities.

Enrollment/Placement

The district will consider the best interest of the homeless student, with parental involvement, in determining whether he or she should be enrolled in the school of origin or the school that nonhomeless students who live in the attendance area in which the homeless student is actually living are eligible to attend. ~~To the extent feasible, and in accordance with the homeless student's best interest, the homeless student should continue his or her education in the school of origin, except when contrary to the wishes of the parent or guardian.~~ In determining the best interest of the student, the district will:

1. Presume that keeping the student in the school of origin is in the student's best interest, except when doing so is contrary to the request of the student's parent/guardian. If the homeless student is unaccompanied by a parent or guardian, the homeless coordinator district liaison will consider the views of the homeless student in deciding where he or she will be educated.–
2. Consider student-centered factors related to the student's best interest, including factors related to the impact of mobility on achievement, education, health and safety of homeless students, giving priority to the request of the homeless student's parent/guardian or the unaccompanied student.

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The choice regarding placement shall be made regardless of whether the homeless student lives with ~~the homeless~~ his or her parents/guardians or has been temporarily placed elsewhere.

If the district determines that placement should be in the school of origin, the student will continue his or her education in the school of origin for the duration of the homelessness when the student's family becomes homeless between academic years or during an academic year, and for the remainder of the academic year even if the student becomes permanently housed during the academic year.

If the district determines that it is not in the best interest of the student to attend either the school of origin or the school requested by the parent/guardian or unaccompanied student, the district shall provide a written explanation of the reasons for its determination. The explanation shall be given in a manner and form understandable to the parents/guardians or unaccompanied student and shall include information regarding the right to appeal the district's determination.

If the student is unaccompanied, the district liaison shall assist the student in placement or enrollment decisions, shall give priority to the views of the student, and shall provide the student with notice of his or her right to appeal the district's decision.

~~The school selected shall immediately enroll the homeless student even if he or she is unable to produce records normally required for enrollment, such as previous academic records, immunization records, proof of residency or other documentation. However, the district may require a parent or guardian of a homeless student to submit contact information.~~

~~The district must provide a written explanation, including a statement regarding the right to appeal, to the homeless student's parent or guardian, or to the homeless student if unaccompanied, if the district sends him or her to a school other than the school of origin or other than a school requested by the parent or guardian.~~

~~If a dispute arises over school selection or enrollment in a school, the homeless student shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute.~~

~~The homeless student, parent or guardian shall be referred to the district homeless coordinator, who will carry out the dispute resolution process as expeditiously as possible.~~

~~For the purposes of this policy, "school of origin" is defined as the school that the student attended when permanently housed or the school in which the student was last enrolled.~~

Services

Each homeless student shall be provided services comparable to the services offered to other students in the district including, but not limited to, transportation services; educational services for

which the student meets the eligibility criteria, such as educational programs for disadvantaged students, students with disabilities and gifted students; vocational programs in career and technical education; school meals nutrition programs; preschool programs; before- and after-school care programs; and programs for students with limited English proficiency learners. Homeless students will not be segregated in a separate school or in a separate program within a school based on the students' status as homeless.

The district will coordinate services for homeless students with local social service agencies and other agencies or entities providing services to homeless students and their families, including services and programs funded under the Runaway and Homeless Youth Act. The district will also coordinate transportation, transfer of school records and other interdistrict activities with other school districts.

Transportation

If the homeless student's school of origin, including a public preschool, and temporary housing are located in the West Plains R-VII School District, the district will provide transportation to and from the school of origin at the request of the parent, guardian or homeless coordinator district liaison, provided it is in the best interest of the student.

If the homeless student's school of origin and temporary housing are located in two different school districts, the districts may agree on a method to apportion the responsibility and costs for providing transportation to the school of origin. If no agreement is reached, the districts will equally share the responsibility and costs for transporting the student. If a homeless student becomes permanently housed in the middle of the school year, the district will continue to provide transportation to the school of origin for the remainder of the school year.

Transportation to the school of origin shall be provided even if a homeless preschooler who is enrolled in a public preschool moves to another district that does not provide a widely available or universal preschool.

Records

When a homeless student enrolls in the district or a district school, the district will immediately contact the school the homeless student last attended in order to obtain academic or other relevant records.

Any records ordinarily kept by the school for each homeless student; (including immunization or other health records, academic records, birth certificates, guardianship records and evaluations for special services or programs) shall be maintained so that the district is equipped to provide the student with appropriate services, may be given the student, so that make necessary referrals can be

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FILE: IGBCA
Critical

~~made and so that~~ transfer records ~~may be transferred~~ in a timely fashion when a homeless student enters a new school district. Copies of records shall be made available upon request to students or parents/guardians in accordance with the Family Educational Rights and Privacy Act (FERPA).

Information about a homeless student's living situation shall be treated as a student education record and shall not be deemed to be directory information under FERPA.

Coordinator

~~The Board designates the following individual to act as the district's homeless coordinator:~~

Director of Special Services
610 East Olden, West Plains, MO 65775
Phone (417) 256-6150 - Fax (417) 256-8616

Responsibilities of District Liaison for Homeless Children and Youths

The district liaison will attend all required professional development and other technical assistance activities as determined appropriate by the Department of Elementary and Secondary Education (DESE). The district shall inform school personnel, service providers and advocates working with homeless families of the duties of the district ~~homeless coordinator~~ liaison. The ~~homeless coordinator~~ district liaison will ensure that:

1. Homeless students, including homeless preschool-age children, are identified by school personnel ~~and by other entities and agencies with which the school coordinates activities~~ through outreach and coordination activities with other entities and agencies.
2. Homeless students are enrolled in and have a full and equal opportunity to succeed in schools in the district.
3. Homeless families and students have access to and receive educational services for which they are eligible, including Head Start and Early Head Start, ~~Even Start~~ early intervention services under the Individuals with Disabilities Education Act (IDEA), and preschool programs administered by the district, as well as referrals to health-care services, dental services, mental health and substance abuse services, housing services and other appropriate services based on their assessed needs.
4. The parents or guardians of homeless students are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.

5. Public notice of the educational rights of homeless students is disseminated ~~where such students receive services, such as in~~ locations frequented by parents/guardians, youth and unaccompanied youth, including schools, family shelters, public libraries and soup kitchens, in a manner and form understandable to the parents/guardians and youth.
6. Enrollment disputes are mediated in accordance with law.
7. The parents/~~or~~ guardians of a homeless student and any unaccompanied student ~~is~~ are fully informed of all transportation services, including transportation to the school of origin, and ~~is~~ are assisted in accessing transportation to the selected school ~~selected~~.
8. Unaccompanied students will be assisted in placement or enrollment decisions, their views will be considered, and they will be provided notice of the right to appeal.
9. School personnel providing services to homeless students and their parents/guardians receive professional development and other support.
10. Unaccompanied students:
 - ▶ Are enrolled in school;
 - ▶ Have opportunities to meet the same challenging state academic standards that are established for other students; and
 - ▶ Are informed of their status as independent students under laws applicable to higher education and that they may obtain assistance from the district liaison in order to receive verification of this status for the purposes of applying for federal student aid.
11. Students who need to obtain immunizations; or ~~immunization or~~ medical or immunization records; will receive assistance.
12. The district collects and reports reliable, valid and comprehensive data to DESE regarding homeless students.
13. All homeless high school students receive information and individualized counseling regarding college readiness, college selection, the application process, financial aid and the availability of on-campus supports.
14. Every effort is made to enroll preschool-age homeless children in preschool if they are not already enrolled.

REFERENCE COPY

FILE: IGBCA
Critical

Disputes

Parents/Guardians or unaccompanied youth may appeal district decisions regarding eligibility, enrollment or placement in accordance with the Standard Complaint Resolution Process adopted by DESE.

1. Parents/Guardians or unaccompanied youth will submit disputes to the district liaison, who will carry out the dispute resolution process as expeditiously as possible. The liaison will provide the parent/guardian or unaccompanied youth a written explanation of any decisions relating to eligibility, enrollment or placement. The written explanation will include:
 - ▶ A description of the action proposed or refused by the district;
 - ▶ An explanation of why the action was proposed or refused;
 - ▶ A description of any other options the school considered;
 - ▶ The reasons other options were rejected;
 - ▶ A description of any other relevant factors to the district's decision and information related to the eligibility or best interest determination including the facts, witnesses and evidence relied upon and their sources;
 - ▶ Appropriate timelines to ensure any relevant deadlines are not missed; and
 - ▶ Contact information for the local liaison and the state coordinator for homeless children and youth (state coordinator) and a brief description of their respective roles.
2. The liaison will discuss the explanation with the parent/guardian or unaccompanied youth and answer any related questions.
3. If the explanation provided to the parent/guardian or unaccompanied youth does not resolve the dispute, the parent/guardian or unaccompanied youth should notify the liaison, who will provide the parent/guardian or unaccompanied youth with the standard state complaint resolution process and ensure that the parent/guardian or unaccompanied youth has the contact information for the state coordinator. If requested, the liaison will assist any unaccompanied youth in submitting the appeal.

The student will remain enrolled and will be allowed to attend and fully participate in all school activities during the dispute process.

If the parent/guardian or unaccompanied youth are English learners, use a native language other than English, or need additional supports due to a disability, the district shall make translators, interpreters or other support services available without charge and in the appropriate language.

Resolving Grievances

Level I— A complaint regarding the placement or education of a homeless student shall first be presented orally and informally to the district's homeless coordinator. If the complaint is not promptly resolved, the complainant may present a formal written complaint (grievance) to the homeless coordinator. The written charge must include the following information: date of filing, description of alleged grievances, the name of the person or persons involved and a recapitulation of the action taken during the informal charge stage. Within five business days after receiving the complaint, the coordinator shall state a decision in writing to the complainant, with supporting evidence and reasons. In addition, the coordinator will inform the superintendent of the formal complaint and the disposition.

Level II— Within five business days after receiving the decision at Level I, the complainant may appeal the decision to the superintendent by filing a written appeals package. This package shall consist of the complainant's grievance and the decision rendered at Level I. The superintendent will arrange for a personal conference with the complainant at his or her earliest mutual convenience. Within five business days after receiving the complaint, the superintendent shall state a decision in writing to the complainant, with supporting evidence and reasons.

Level III— If a resolution is not reached in Level II, a similar written appeals package shall be directed through the superintendent to the Board of Education requesting a hearing before the Board at the next regularly scheduled or specially called meeting. Within 30 business days after receiving the appeals package, the Board shall state its decision and reply in writing to the parties involved. For district purposes, the decision of the Board of Education is final.

Level IV— If the complainant is dissatisfied with the action taken by the Board of Education, a written notice stating the reasons for dissatisfaction may be filed with the State Homeless Coordinator, Federal Discretionary Grants, P. O. Box 480, Jefferson City, MO, 65102-0480. An appeal of this decision can be made within ten days to the Deputy Commissioner of Education.

* * * * *

Note: *The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.*

REFERENCE COPY

FILE: IGBCA
Critical

Adopted: 09/17/2002

Revised: 11/18/2003; 06/19/2012

Cross Refs: EEA, Student Transportation Services
JEC, School Admissions
JECA, Admission of Resident Students
~~JECE, Admission of Nonresident Students~~
JECC, Assignment of Students to Grade Levels/Classes

Legal Refs: §§ 167.020, .181, 210.003, RSMo.
19 C.S.R. 20-28.010
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g
34 C.F.R. Part 99
McKinney-Vento Homeless Education Assistance Improvements Act of 2001, 42
U.S.C. §§ 11431 *et seq.*- 11435

West Plains R-VII School District, West Plains, Missouri

REFERENCE COPY

FILE: IND
Critical

EXPLANATION: CEREMONIES AND OBSERVANCES

Senate Bill 638 (2016) altered state law governing the recitation of the Pledge of Allegiance in schools. Previously, schools were required to ensure that the Pledge of Allegiance was recited once per week. Now schools must ensure that the Pledge of Allegiance is recited in at least one scheduled class of every student "no less often than once per school day." MSBA has altered this policy accordingly.

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Board Secretary		Business Office		Coaches/Sponsors
Facility Maintenance		Food Service		Gifted
Human Resources	X	Principals		Library/Media Center
Health Services		Counselor		Special Education
Transportation		Public Info/Communications		Technology

CEREMONIES AND OBSERVANCES

The Board of Education recognizes the value of district-sponsored programs and ceremonies during school hours and at other appropriate times. Recognizing achievement and talent encourages further learning. District-sponsored programs, ceremonies and observances also provide an opportunity to involve the community in public education.

Programs, Ceremonies and Observances

1. The flag of the United States of America will be prominently displayed, either on the outside of the building or upon a pole erected in the school yard, at every school in the district during school hours.
2. Pursuant to state law, the Pledge of Allegiance will be recited in at least one scheduled class of every student no less than once ~~a week~~ **per school day**. However, **in accordance with law**, no student will be required to participate in the recitation.
3. The text of the Bill of Rights of the U.S. Constitution will be displayed in all school buildings in a conspicuous and legible manner.
4. Teachers and students should observe the following days with the appropriate exercises, as required by law:
 - ▶ Bird Appreciation Day (March 21)
 - ▶ Prisoners of War Remembrance Day (April 9)
 - ▶ Patriots Day (April 19)
 - ▶ Constitution Day and Citizenship Day (September 17, or the preceding or following week if this date falls on a weekend or holiday)
 - ▶ Missouri Day (the third Wednesday of October)
 - ▶ Pearl Harbor Remembrance Day (December 7)
5. The district may observe the following days and months, as recommended in state statute:
 - ▶ Missouri Lifelong Learning Month (February)
 - ▶ Math, Engineering, Technology and Science Week (the first week of March)
 - ▶ Arbor Day (the first Friday in April)

- ▶ Jefferson Day (April 13)
 - ▶ Emancipation Day (June 19)
 - ▶ Emergency Services Day (September 11)
 - ▶ POW/MIA Recognition Day (the third Friday of September)
 - ▶ Disability History and Awareness Month (October)
 - ▶ Bill of Rights Day (December 15)
6. The district may host a diploma ceremony on or around Veterans Day for any veteran receiving an honorary diploma from the Department of Elementary and Secondary Education (DESE) pursuant to "Operation Recognition."
7. Each school in the district shall, prior to any scheduled Veterans Day observance, conduct programs and activities that convey the meaning and significance of Veterans Day. Veterans Day observances will be held as closely as possible to November 11, and the duration of activities and programs that lead up to such an observance shall be the equivalent of at least one class period.

The superintendent or designee will create administrative procedures addressing how ceremonies and observances will be conducted.

Religious Content in Programs and Ceremonies

The schools of the West Plains R-VII School District, as well as all employees of the district as governmental officials, are required by law to remain neutral and refrain from endorsing any particular religious belief. However, this policy should not be interpreted to preclude the factual and objective teaching about religions, religious holidays and religious differences.

In particular, music, art, literature and drama with religious themes and programs involving religious themes will be permitted if presented in an objective manner without sectarian indoctrination. Religious content included in any student performance or ceremony will be selected on the basis of independent educational merit.

To the extent required by law, district employees or officials shall not lead attendees of a district-sponsored event in prayer or any other religious ritual, nor shall they direct, whether implicitly or explicitly, a student to lead attendees in a prayer or any other religious ritual. However, this policy shall not be used to deny any student, employee or district official any personal legal right of expression.

* * * * *

REFERENCE COPY

FILE: IND
Critical

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 10/16/2001

Revised: 03/16/2004; 12/20/2005; 04/20/2010; 05/15/2012; 04/16/2013; 10/21/2014;

Cross Refs: **AC, Prohibition against Discrimination, Harassment and Retaliation**
GBCB, Staff Conduct
KG, Community Use of District Facilities

Legal Refs: Mo. Const. art. I, §§ 5 - 8, art. IX, § 8
§§ 9.030, .040, .070, .072, .100, .105, .110, .115, .130, .138, .140, .141, .161,
160.360, 162.946, 170.049, 171.021, RSMo.
U.S. Const. amend. I
Patriotic and National Observances and Ceremonies, 36 U.S.C. § 106
Santa Fe Independent Sch. Dist. v. Doe, 530 U.S. 290 (2000)

West Plains R-VII School District, West Plains, Missouri

REFERENCE COPY

FILE: JEC
Critical

EXPLANATION: SCHOOL ADMISSIONS

MSBA has revised this policy to reflect the changes in the criminal code brought about by the adoption of Senate Bill 491 and House Bill 1371 (2014), which recoded many of the criminal statutes and renamed certain crimes. Specifically, House Bill 491 changed the names of the crimes listed in § 167.171, RSMo. If a student is charged with or convicted of one of these offenses, whether in adult or juvenile court, the district is prohibited from admitting that student into the regular school environment. These changes to the criminal code will go into effect on January 1, 2017, so districts should adopt the changes to this policy by that date.

Specifically, the bills:

- 1) Changed the statutory number for first-degree robbery from § 569.020, RSMo., to § 570.023, RSMo.
- 2) Changed the crime of distribution of drugs to a minor under § 195.212, RSMo., to delivery of a controlled substance under § 579.020, RSMo.
- 3) Altered the kidnapping statute to add the language of kidnapping in the first degree.
- 4) Clarified that certain crimes were still in effect "as they existed prior to January 1, 2017."

This policy also reflects the changes brought about by House Bill 1689, which includes the requirement that if districts maintain a pre-kindergarten program, then children are eligible for admission to that program only if they have reached the age of three before the first day of August of the year in which they plan to enroll.

MSBA has also added language that more specifically states the immunization requirements students must meet prior to admission.

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X	Health Services	X	Counselor	Special Education
	Transportation		Public Info/Communications	Technology

SCHOOL ADMISSIONS

Student Admission

The Board of Education shall provide free public education to all students who are residents of the school district and who are between the ages of 5 and 21 years and who otherwise qualify for admission under Missouri law unless otherwise required by federal law. Federal law also requires the district to provide services to resident students qualifying for special education services between the ages of 3 and 21. Any senior qualifying for graduation at the end of the school semester and attaining age 21 during the course of the semester may complete that particular semester tuition free.

The district may operate an early childhood or pre-kindergarten program on a free or tuition-paying basis and enroll students meeting the age requirements of that program.

Persons seeking admission to the district and its instructional programs must satisfactorily meet all residency, academic, age, immunization, discipline and other eligibility prerequisites as established by Board policy and law. Students who are homeless, in foster care or are otherwise entitled to admission will be admitted in accordance with Board policy and law.

Unless otherwise required by law or Board policy, the district will not allow a student to attend school, including a district-sponsored preschool, daycare or nursery school, until the district has satisfactory evidence on file demonstrating that the student has been immunized, that the immunization process has begun and satisfactory progress is being accomplished, or that the student is exempted from obtaining immunizations in accordance with law.

Students who transfer to the district from another district will be placed in accordance with Board policy.

Entrance Ages

In accordance with law, a student is eligible for admission to attend the West Plains R-VII School District, and is eligible for admission to summer school the summer prior to entering kindergarten, if the student:

1. Reaches the age of five before August 1 of the school year in which he or she plans to enroll;
2. Has attended school, or the summer school prior to a kindergarten school term, in the St. Louis City School District or the Kansas City 33 School District, regardless of the age of the student; or

3. Is a child in the household of an active duty member of the military, including some veterans who are deceased or injured as defined by law, who has successfully completed an accredited pre-kindergarten program or has attended an accredited kindergarten in another state, regardless of the age of the student.

A student eligible to attend who has previously attended a kindergarten program or otherwise demonstrates to the satisfaction of the district that he or she is socially and academically ready to progress may be placed in a class, grade or program that would best meet the student's educational needs, after consultation with the student's parent/guardian. Likewise, a student who demonstrates that he or she is not socially or academically ready to enter kindergarten or the grade in which he or she would otherwise be placed may be placed in a preschool or other appropriate class or program offered by the district, after consultation with the student's parent/guardian.

Students who are entering kindergarten or first grade are encouraged to preregister in the spring prior to the fall semester in which they are to begin attendance. Students entering the schools in the district will be required to present a birth certificate or other acceptable proof of age if necessary to determine whether the student is eligible to attend school.

Preschool and Pre-Kindergarten Entrance Ages

In accordance with law, if the district maintains a preschool or pre-kindergarten program for which state aid is collected, a child is eligible for admission to attend the preschool or pre-kindergarten program if the child reaches the age of three before August 1 of the school year in which he or she plans to enroll.

Requests for Student Records

Within two business days of enrolling a student, the school official enrolling the student shall request those records required by district policy for student transfer, including discipline records, from all schools previously attended by the student within the last 12 months.

Within 48 hours of enrolling a nonresident student placed in the district pursuant to §§ 210.481-536, RSMo., via foster homes, residential care facilities or child-placing agencies pursuant to law, the school official enrolling the student shall request those records required by district policy for student transfer, including discipline records, from all schools and facilities previously attended by the student; the Department of Social Services; the Department of Mental Health; the Department of Elementary and Secondary Education; and any entity involved with the placement of the student within the last 24 months.

The district will accept hand-carried or unofficial records for the purpose of enrolling a student transferring from another state who is in the household of an active duty member of the military,

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including some veterans who are deceased or injured as defined by law, but will request official records in accordance with this policy.

Statement of Prior Suspension, Expulsion or Criminal Offense

The Board of Education requires the parent, guardian or other person having control or charge of a child of school age to provide upon enrollment a signed statement indicating whether the student has been suspended or expelled from a public or private school in this state or any other state for an offense in violation of Board policies. In addition, the person enrolling the student must affirm that the student has not been convicted of or charged with an act listed in the "Admission Restrictions" section of this policy. This registration document shall be maintained as a part of the student's scholastic record.

Students Suspended or Expelled from Another District

Without the superintendent's or designee's permission, no student may enroll in a school in the district during a suspension or expulsion from another in-state or out-of-state school district, including a private, charter or parochial school or school district, if it is determined upon attempt to enroll that the student's conduct would have resulted in a suspension or expulsion in this district. The parent/guardian or student may request a conference with the superintendent or designee to consider whether the conduct of the student would have resulted in a suspension or expulsion in this district. The superintendent or designee may make such suspension or expulsion from another district effective if it is determined that such conduct would have resulted in a suspension or expulsion in this district. If it is determined that such conduct would not have resulted in a suspension or expulsion in this district, the superintendent or designee shall not make such suspension or expulsion from another school or district effective. The superintendent or designee will consider whether the student has received the due process required by law before making any decision.

A remedial conference will be held in accordance with Board policy prior to the enrollment of any student following a suspension or expulsion from another school for an act of school violence as defined in § 160.261.2, RSMo. The remedial conference will be held regardless of whether such act was committed at a public or private school in this state, provided that such act shall have resulted in the suspension or expulsion of such student in the case of a private school.

Admission Restrictions

In accordance with § 167.171, RSMo., no student may be readmitted or enrolled to a regular program of instruction in the school district if he or she has been convicted of or charged with an act that if committed by an adult would be one of the following:

1. First-degree murder under § 565.020, RSMo.
2. Second-degree murder under § 565.021, RSMo.
3. First-degree assault under § 565.050, RSMo.
4. Forcible rape, (as it existed prior to August 28, 2013,) or rape in the first degree under § 566.030, RSMo.
5. Forcible sodomy, (as it existed prior to August 28, 2013,) or sodomy in the first degree under § 566.060, RSMo.
6. Statutory rape under § 566.032, RSMo.
7. Statutory sodomy under § 566.062, RSMo.
8. Robbery in the first degree under § 569.020, RSMo., as it existed prior to January 1, 2017, or robbery in the first degree under § 570.023, RSMo.
9. Distribution of drugs to a minor under § 195.212, RSMo., as it existed prior to January 1, 2017, or delivery of a controlled substance under § 579.020, RSMo.
10. Arson in the first degree under § 569.040, RSMo.
11. Kidnapping, or kidnapping in the first degree, when classified as a class A felony under § 565.110, RSMo.

Nothing in this section shall prohibit the readmittance or enrollment of any student if a charge has been dismissed or when a student has been acquitted of any of the above acts. This section does not apply to a student with a disability, as identified under state eligibility criteria, who is convicted as a result of an action related to the student's disability. If the district maintains an alternative education program, and the district determines that the placement is appropriate, a student subject to these admissions restrictions may be admitted to such an alternative education program.

* * * * *

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

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Adopted: 09/17/2002

Revised: 03/15/2005; 05/21/2008; 01/20/2009; 04/20/2010; 04/15/2014;

Cross Refs: IGBCA, Programs for Homeless Students
IGBCB, Programs for Migrant Students
IGBE, Students in Foster Care

Legal Refs: §§ 43.408, 160.051 - .053, .055, .261, 167.023, .101, .122, .161, .171, 210.003,
565.020 - .021, .050, .110, 566.030, .032, .060, .062, 569.020, .040, 570.023,
579.020, RSMo.

McKinney-Vento Homeless Education Assistance Improvements Act of 2001,
42 U.S.C. §§ 11431 - 11435

West Plains R-VII School District, West Plains, Missouri

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EXPLANATION: DISCIPLINE REPORTING AND RECORDS

MSBA has revised this policy to reflect changes in the criminal code. These changes go into effect on January 1, 2017.

While many of the crimes that districts must report to law enforcement have changed, the most notable one is the change to the definition of third-degree assault. School districts have struggled to report third-degree assaults because the previous definition of the crime encompassed many minor offenses, and school employees, who typically are not trained in law enforcement, frequently classified these incidents as horseplay and did not think to report the offense as a crime under the Safe Schools Act.

As of January 1, third-degree assault will occur when a person "knowingly causes physical injury to another person." Physical injury is defined as a "slight impairment of any function of the body or temporary loss of use of any part of the body." MSBA anticipates that district employees will have an easier time identifying these offenses as third-degree assault.

The law did not change requirements for district reporting of incidents of third-degree assault to law enforcement, nor did it change regarding the ability of districts to enter into agreements with local law enforcement entities regarding the reporting of third-degree assaults. If the district currently has an agreement with law enforcement on the reporting of third-degree assault, the district needs to review that agreement to determine whether it still reflects how the district wants to operate given the change in the definition of third-degree assault.

MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

	Board Secretary		Business Office	X	Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
	Human Resources	X	Principals		Library/Media Center
	Health Services		Counselor		Special Education
X	Transportation		Public Info/Communications		Technology

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DISCIPLINE REPORTING AND RECORDS

In compliance with state law, the Board of Education establishes clear channels of communication between teachers, administrators, law enforcement officials and other schools concerning acts of school violence and other behaviors that endanger the welfare or safety of students, staff or patrons of the district. The purpose of this policy is to designate specific actions committed by students that must be reported to teachers, administrators and/or law enforcement officials as well as those actions that must be documented in a student's discipline record.

Definitions

The following definitions and terms apply to this policy:

Act of School Violence/Violent Behavior – The exertion of physical force by a student with the intent to do serious physical injury to another person while on school property, including while on school transportation in service on behalf of the district or while involved in school activities.

Need to Know – Relates to school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties.

School or District Property – Property utilized, supervised, owned, rented, leased or controlled by the school district including, but not limited to, school playgrounds, parking lots, school transportation and any property on which any school activity takes place.

Serious Physical Injury – Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of any part of the body.

Serious Violation of District's Discipline Policy – One or more of the following acts if committed by a student enrolled in the district:

1. Any act of school violence/violent behavior.
2. Any offense that occurs on district property, on district transportation or at any district activity and that is required by law to be reported to law enforcement officials.
3. Any offense that results in an out-of-school suspension for more than ten school days.

~~*Need to Know* – Relates to school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties.~~

~~School or District Property = Property utilized, supervised, owned, rented, leased or controlled by the school district including, but not limited to, school playgrounds, parking lots, school transportation and any property on which any school activity takes place.~~

Reporting to School Staff

School administrators shall report acts of school violence to all teachers at the attendance areas in which the involved students are educated and to other school district employees with a need to know the information to adequately supervise the students and to protect themselves or others. In addition, any portion of a student's individualized education program (IEP) that is related to demonstrated or potentially violent behavior shall be provided to any teachers and other district employees with a need to know the information.

The superintendent or designee will inform district employees with a need to know of any **criminal** act committed or allegedly committed by a student in the district that is reported to the district by a juvenile officer or an employee of the Children's Division (CD) of the Department of Social Services, sheriff, chief of police or other appropriate law enforcement **authority entity** in accordance with state law. Such reports shall not be used as the sole basis for denying educational services to a student.

Reporting to Law Enforcement Officials

School administrators are required by law to report certain crimes to law enforcement. In an effort to support timely and accurate reporting, the Board encourages all employees who have information about any criminal act to share that information with their supervisors. The Board expects employees to share information regarding serious criminal acts, and employees must report criminal acts when required by law and Board policy.

Any crime listed in this section, or any act that if committed by an adult would be a crime listed in this section, that is committed on school property, on any school transportation or at any school activity must be reported immediately by the appropriate school administrator to the appropriate law enforcement **agency entity**. The following **criminal** acts are subject to this reporting requirement:

1. First- or second-degree murder under §§ 565.020, .021, RSMo.
2. Voluntary or involuntary manslaughter under § 565.023, .024, RSMo.
3. **Involuntary manslaughter in the first or second degree under §§ 565.024, .027, RSMo.**
34. **First- or second-degree kidnapping under §§ 565.110, .120, RSMo.**
45. First-, second- or third-degree assault under §§ 565.050, .060, .052, .070, .054, RSMo.*
56. Rape in the first or second degree under §§ 566.030, .031, RSMo.
67. Sodomy in the first or second degree under §§ 566.060, .061, RSMo.
78. Burglary in the first or second degree under §§ 569.160, .170, RSMo.

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- 89. Robbery in the first degree under § ~~569.020~~570.023, RSMo.
- 910. Possession of a weapon under chapter 571, RSMo., 18 U.S.C. § 921
- ~~1011. Distribution of drugs and distribution of drugs to a minor~~ Manufacture of a controlled substance under §§ ~~195.211, .212~~ 579.055, RSMo.
- 12. Delivery of a controlled substance under § 579.020, RSMo.
- ~~113.~~ Arson in the first degree under § 569.040, RSMo.
- ~~12.~~ Felonious restraint under § 565.120, RSMo.
- ~~1314.~~ Property damage in the first degree under § 569.100, RSMo.
- ~~1415.~~ First-, second- or third-degree cChild molestation in the first degree pursuant to under §§ 566.067, .068, .069, RSMo.
- ~~1516.~~ Sexual misconduct involving a child pursuant to § 566.083, RSMo.
- ~~1617.~~ Sexual abuse in the first degree pursuant to § 566.100, RSMo.
- ~~1718.~~ First-degree hHarassment under § 565.090, RSMo.
- ~~1819.~~ First-degree sStalking under § 565.225, RSMo.

* Immediate reporting of third-degree assault under § 565.070054, RSMo., may not be required if an agreement with law enforcement exists.

If the district is aware that a student who is suspended for more than ten days or expelled is under court jurisdiction, the superintendent shall notify the appropriate division of the juvenile or family court of the suspension or expulsion.

All employees shall immediately report to the principal any incident that constitutes a crime, including any incident in which a person is believed to have committed an act that if committed by an adult would be first-, second- or third-degree assault, rape in the second degree or sodomy in the second degree against a student or school employee, while on school property, school transportation or at school activities. Employees shall also inform the principal if a student is discovered to possess a controlled substance or weapon in violation of the district's policy. The principal shall immediately report these listed offenses to the appropriate law enforcement agency entity and the superintendent. However, if the district has entered into an agreement with law enforcement regarding the reporting of third-degree assaults, the district will report third-degree assaults to law enforcement in accordance with that agreement.

School districts may report or disclose education records to law enforcement entities and juvenile justice authorities if the disclosure concerns the law enforcement's entity's or juvenile justice authorities' authority's ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed must comply with applicable restrictions set forth in state and federal law.

Reporting Third-Degree Assault

The superintendent and the appropriate local law enforcement agency^{entity} may develop a written agreement outlining the procedure for reporting any incident in which a student is believed to have committed an act that if committed by an adult would be third-degree assault. If such an agreement exists in the district, the principal shall report third-degree assaults to the appropriate local law enforcement agency^{entity} in accordance with the agreement.

Student Discipline Records

The Board of Education directs the superintendent or designee to compile and maintain records of any serious violation of the district's discipline policy for each student enrolled in the district. Such records shall be made available to all district employees with a need to know and shall be provided to any school district in which the student subsequently attempts to enroll within five business days of receiving the request, in accordance with state law. If a student is placed in another school by the CD, the records will be transferred to the new school within two business days after notification by the CD. Personally identifiable student records will only be released or destroyed in accordance with state and federal law.

Pursuant to Department of Secondary and Elementary Education (DESE) data reporting requirements, the district shall report rates and durations of, and reasons for, student suspensions of ten days or longer and expulsions.

Confidentiality

Any information received by a school district employee relating to the conduct of a student shall be received in confidence and used for the limited purpose of assuring that good order and discipline are maintained in the schools.

Liability

Teachers and authorized district personnel, including volunteers selected with reasonable care by the district, shall not be civilly liable when acting in accordance with the Board's policies, including the Board's discipline policies, or when reporting to the appropriate supervisor or other person acts of school violence or threatened acts of school violence ^{to the appropriate supervisor or other person,} pursuant to law and district policy.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 10/16/2001

Revised: 03/15/2005; 01/20/2009; 01/18/2011; 04/15/2014;

Legal Refs: §§ 160.261, .522, 167.020, .115 - .117, .122, 210.865, 211.032, 565.002, RSMo.

West Plains R-VII School District, West Plains, Missouri

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EXPLANATION: VISITORS TO DISTRICT PROPERTY/EVENTS

MSBA has updated this policy to reflect the changes in the criminal code that will take effect on January 1, 2017. Specifically, the statutory references to the use of a child in a sexual performance and promoting a sexual performance by a child have changed. MSBA has also included new language related to building security.

MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

	Board Secretary		Business Office	X	Coaches/Sponsors
X	Facility Maintenance		Food Service		Gifted
	Human Resources	X	Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

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VISITORS TO DISTRICT PROPERTY/EVENTS

District Property

Parents/Guardians and patrons of the district are welcome to visit district schools and attend district events; however, all visitors during business hours, including Board members, must sign or check in at the building office prior to proceeding elsewhere in the building. The district discourages parents/guardians or others from using district property or events as places for visiting students and may refuse the use of district property for that purpose.

The principal or designee of each school building will post appropriate signs to direct visitors to designated doors nearest the building office. It is the responsibility of all district employees to direct visitors to the office and report any person in violation of district rules.

The Board and administration will not tolerate any person whose presence disturbs classes or district activities or hinders the instructional process. Visitors to district property may not possess weapons, including concealed weapons, on district property, on district transportation or at any district function or activity sponsored or sanctioned by the district unless the visitor is an authorized law enforcement official or is otherwise authorized by Board policy.

Appropriate Behavior

The West Plains R-VII School District believes that district events are a vital part of the total educational program and should be used as a means for developing positive social interaction, good sportsmanship and appropriate behavior, in addition to knowledge and skills. Well-organized and well-conducted programs contribute to the morale of the student body and strengthen school-community relations.

To this end, the Board encourages district patrons to exhibit good sportsmanship, citizenship, ethics and integrity at all district events and at all times while on district grounds. The district will work with the Missouri State High School Activities Association (MSHSAA) and other organizations to promote good behavior by the patrons at athletic and other events. The Board will work with parents/guardians, alumni associations and local service organizations to keep appropriate behavior a top priority. The superintendent will establish procedures for crowd control at district events consistent with this policy.

Registered Sex Offenders and Persons Prohibited on or Near District Property

Sex offenders required to be listed on the Missouri Highway Patrol's sex offender registry, or who have pled guilty, pled *nolo contendere* or been convicted of crimes for which the law currently requires offenders to be listed, regardless of when those crimes were committed, are not allowed on

district property or transportation or at district activities, regardless of whether those activities are held on or off district property, unless access is required by law.

In accordance with law, the district also prohibits all persons who have pled guilty or *nolo contendere* to or **who** have been convicted of or found guilty of violating the following provisions from being on or within 500 feet of any school building, district property, district activity or any vehicle used to transport students:

1. Any of the provisions in Chapter 566 of the Missouri Revised Statutes.
2. Incest, § 568.020, RSMo.
3. Endangering the welfare of a child in the first degree, § 568.045, RSMo.
4. Use of a child in a sexual performance, § ~~568.080~~**573.200**, RSMo.
5. Promoting a sexual performance by a child, § ~~568.090~~**573.205**, RSMo.
6. Sexual exploitation of a minor, § 573.023, RSMo.
7. Promoting child pornography in the first degree, § 573.025, RSMo.
8. Furnishing pornographic material to minors, § 573.040, RSMo.
9. Any offense committed in another state, a foreign country, or under tribal, federal or military jurisdiction that, if committed in this state, would be a violation listed above.

Despite the prohibitions in this section, the superintendent may grant permission for a parent, guardian or custodian of a student to be on district property for the limited purpose of attending meetings with district staff or in other situations where the student may benefit. Permission will be granted sparingly, if ever, and only in situations where the parent, guardian or custodian will be supervised at all times or will not be alone with a child. If the superintendent does not grant permission, the parent, guardian or custodian may seek permission from the Board. The superintendent will inform the principal and other relevant district staff of the scope of the permission granted.

This section may not apply to a student entitled by law to be on district property for educational services if the student's presence is necessary to obtain those services and the student is not otherwise prohibited by law from being on district property. The exceptions cited in this section do not apply if the person is otherwise prohibited or banned from district property by other sections of this policy.

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Disruptive Conduct

If a visitor's conduct becomes disruptive, threatening or violent, the superintendent, principal or a designee of either may require the visitor to leave. The superintendent or designee may inform the visitor that he or she is not welcome back on district property or at district events indefinitely or for a specific period of time. During any period of prohibition, the visitor will not be allowed on district property. The superintendent may make exceptions for parents, guardians or custodians of students enrolled in the district if the person's presence is necessary to transport the student or may benefit the student educationally, or in situations where the parent, guardian or custodian will be supervised at all times. The superintendent may make an exception for visitors to attend a meeting of the Board or its committees but is not obligated to do so. This paragraph does not apply if the person is otherwise prohibited or banned from district property by other sections of this policy.

Enforcement

If a visitor prohibited from district property or events under this policy is on district property, district staff will contact law enforcement and/or escort the person from district grounds and inform the person of the district policy prohibiting his or her presence.

The superintendent, principal or a designee of either may file a report or sign a complaint with law enforcement on behalf of the district. The Board grants the superintendent or designee the authority to consult an attorney for guidance or to seek a court order banning the visitor from district property. A visitor denied access to district property may communicate with the Board in writing but will not be allowed back onto district property unless allowed by the Board.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 10/16/2001

Revised: 07/19/2005; 12/19/2006; 01/20/2009; 05/15/2012;

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
AH, Use of Tobacco Products and Imitation Tobacco Products
BDDH, Public Participation at Board Meetings
ECA, Building and Grounds Security
ECD, Traffic and Parking Controls

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ECG, Animals on District Property
INC, Speakers at District Events
JEDB, Student Dismissal Precautions

Legal Refs: Mo. Const. art. IX, § 1(a)
§§ 566.149, 589.400, RSMo.
U.S. Postal Serv. v. Greenburgh Civic Ass'ns., 453 U.S. 114 (1981)
Embry v. Lewis, 215 F.3d 884 (8th Cir. 2000)
Lovern v. Edwards, 190 F.3d 648 (4th Cir. 1999)
Vukadinovich v. Board of Sch. Trustees of Mich. City, 978 F.2d 403 (7th Cir. 1992)
Miller v. Montgomery County R-II Sch. Dist., 2011 WL 1299536 (April 1, 2011)

West Plains R-VII School District, West Plains, Missouri