

2013 MSBA Spring Policy Update

BBBB-UC

IGBE-UC

JG-R1

DLB-UC

IGC-UC

JG-R2

EBBA-UC

IGCE-UC

JG-R3

ECG-UC

IKC-C

JG-R4

FEF-UC

IKF-C

JHCD-UC

GBCC-UC

IND-UC

JHCF-UC

GCBDA-C

JCB-UC

JHG-UC

GDBDA-C

JECC-UC

JO-UC

REFERENCE COPY

FILE: BBBB
Critical

EXPLANATION: SCHOOL BOARD BALLOT ISSUES

MSBA has revised the section titled "Restriction on Use of Funds" to include more detailed information on actions districts may legally take to support or oppose a ballot measure.

MSBA has deleted language regarding boundary change arbitrations to accurately reflect the current status of the law.

The last section was added to make it clear that there are some elections that do not have to wait until the next established election day. These types of elections are usually time sensitive and may be held as necessary.

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.

X	Board Secretary		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

FILE: BBBB
Critical

REFERENCE COPY

REFERENCE COPY

FILE: BBBB
Critical

SCHOOL BOARD BALLOT ISSUES

The ~~West Plains R-VII School District~~ School Board **of the West Plains R-VII School District** may place issues on the ballot as needed or as required by law.

Certification of Ballot Language

The Board will approve ballot language before any ballot issue is submitted to the election authority for inclusion on the ballot. The superintendent is authorized to have ballot language drafted or reviewed by an attorney prior to Board approval. In accordance with law, the superintendent or designee will notify the election authority of the ballot issue and provide the language for the ballot no later than 5:00 p.m. on the tenth Tuesday prior to the election. The superintendent or designee may send the required notices by facsimile transmission as long as the election authority receives the original copy of the notice within three business days of the facsimile.

If there will be no additional cost for printing or reprinting the ballots, or if the Board agrees to pay any costs incurred, the Board may seek a court order to add an issue to or remove an issue from the ballot, as long as the certification occurs no later than 5:00 p.m. on the sixth Tuesday before the election.

Accepting Election Results

The Board will be presented with official election results at the next regular meeting scheduled after the district receives the results. The Board will accept the results or, alternatively, decide whether to take action to challenge the results.

Restriction on Use of Funds

In accordance with Board policy and law, no contribution or expenditure of public funds will be made directly by any Board member, employee or agent of the district to advocate, support or oppose any ballot measure or candidate for public office. **To the extent allowed by law, Board members or the superintendent or designee may adopt resolutions, make public appearances or issue press releases concerning candidates or ballot measures.**

Types of Ballot Issues Submitted by the District

Bond Issues

When the Board deems it necessary to raise capital funds, the Board may vote to submit a bond issue to the voters. All bond issues must be in furtherance of the district's facility plan and should only be submitted after careful study of the district's needs and after consultation with members of the

public and the professionals necessary to accurately determine the cost and feasibility of the project. A bond issue passes with a four-sevenths vote at the general municipal election (April), primary election (August of even-numbered years) or a general election (November of even-numbered years). A two-thirds majority is required for all other elections. Following approval by the voters, the disposition of the bonded indebtedness will be in accordance with law.

Levy Issues

By law the Board may set a tax rate of \$2.75 on the hundred-dollar assessed valuation without an election. The Board may vote to submit a levy issue to the voters when the Board deems it necessary to levy taxes in excess of that amount. In addition, the Board must submit a proposition to the voters as to whether the rate of taxation shall be increased by the Board if the Board receives a written petition signed by voters requesting the proposition. The petition must include voter signatures numbering at least ten percent of the votes cast for the member of the School Board receiving the greatest number of votes cast at the last school election in which Board members were elected. Levy issues pass with a majority vote if the proposed levy is under \$6.00. A proposed levy in excess of \$6.00 requires a two-thirds vote to pass.

Waiver of Proposition C Rollback

By law the Board must reduce the total operating levy of the district to decrease the revenue the district would receive by an amount equal to 50 percent of the previous fiscal year's state sales tax receipts, with some exceptions. The Board may submit an issue to the voters to forgo all or part of this reduction when the Board deems it necessary to increase the revenue received by the district. This issue passes with a majority vote.

Transportation of Students Living Less than One Mile from School

If the district wishes to transport students living less than one mile from school and if an increase in the tax levy of the district is required to provide transportation, the Board shall submit the issue at an election. This issue passes with a two-thirds majority.

Boundary Change

The Board must submit a proposition to change the boundary of the school district if it receives a written petition signed by voters requesting the proposition. The petition must include voter signatures numbering at least ten percent of the votes cast for School Board members in the last annual school election in the district. A petition meeting this criteria must be submitted to the school boards of all districts affected by the proposed boundary change. Once the Board has received a petition meeting this criteria, the question will be submitted at the next election, **except as allowed by law. If a board of arbitration appointed by the State Board of Education has previously rejected**

REFERENCE COPY

FILE: BBBB
Critical

a boundary change, a petition to change the same or substantially same boundary cannot be filed with the district until the expiration of two years from the date of the election at which the previous boundary change was submitted to the voters of the district.

The boundary will be immediately changed if a majority of ~~the voters~~ those voting in all districts affected vote for the boundary change. If the voters in one of the districts approve the change and voters in another does not, either any of the districts affected or a majority of the signers of the petition may appeal in writing to the State Board of Education within 15 calendar days of the election. The State Board will appoint a board of arbitration to settle the matter.

~~If the potential receiving district obtained a score consistent with the criteria for classification of the district as “accredited” on its most recent annual performance report (APR), and the potential sending district obtained a score consistent with the criteria for classification of the district as “unaccredited” on its most recent APR, the board of arbitration will approve the proposed boundary change. Otherwise, t~~The board of arbitration will base its decision on the following factors:

1. The presence of school-age children in the affected area.
2. The presence of actual educational harm to school-age children, either due to a significant difference in the time involved in transporting students or educational deficiencies in the district that would have its boundary adversely affected.
3. The presence of an educational necessity, not of a commercial benefit to landowners or to the district benefiting from the proposed boundary adjustment.

Consolidation

The Board, by a majority vote, may call for an election on a proposal to consolidate with one or more adjacent districts. The issue will be put on the ballot if the school board(s) of the district(s) with which the Board seeks to consolidate likewise vote(s) to put the issue on the ballot.

The Board must submit a proposition to consolidate the district with one or more adjacent districts if it receives a written petition signed by voters requesting the proposition. The petition must include voter signatures numbering at least ten percent of the votes cast for school board members in the last election in which board members were elected, or 100 voters, whichever is the higher number. A petition meeting this criteria must be submitted to the school boards of all districts involved in the consolidation. Once the Board has received a petition meeting this criteria, the question will be submitted at the next election.

A plat of the proposed new district will be published and posted with the notices of election. The results of the election will be certified to the state commissioner of education by the board secretary

of each district or by the election authority charged with conducting the elections. If the measure passes with a majority vote in each affected district, the state commissioner will declare the new district formed as of July 1 following the submission of the question.

Annexation

The Board must submit a proposition for the district to be attached to one or more adjacent districts if it receives a written petition signed by voters requesting the proposition. The petition must include voter signatures numbering at least ten percent of the votes cast for School Board members in the last election in which Board members were elected, or a majority of the voters of the district, whichever is the lesser.

Alternatively, the Board may, by a majority vote, submit a plan to the voters of the West Plains R-VII School District to attach the West Plains R-VII School District to one or more adjacent districts and call for an election.

A plat of the proposed new district will be published and posted with the notices of election. If a majority of the votes cast in the election favor annexation, the Board secretary will certify the fact, with a copy of the record, to the Board and to the school boards of the districts to which annexation is proposed. If a majority of all the members of the school boards of each district the West Plains R-VII School District seeks to be attached to vote in favor of annexation, the boundary lines of the affected districts shall be changed to include the West Plains R-VII School District.

Dissolution

The Board must submit a proposition to dissolve the district if it receives a written petition signed by voters requesting the proposition. The petition must include voter signatures numbering at least ten percent of the votes cast for School Board members in the last election in which Board members were elected or 100 voters, whichever is greater. The question will be submitted at a municipal election. If a majority of voters voting favor dissolution, the district will be dissolved and may be annexed to one or more other districts by the State Board of Education, in accordance with law.

Elections Not Restricted by Date

School districts do not have to wait until an official election date and may call a special election for:

1. Bond elections necessitated by fire, vandalism or natural disaster.
2. Special elections to decide tie votes or election contests.

REFERENCE COPY

FILE: BBBB
Critical

3. Tax elections necessitated by a financial hardship due to a five percent or greater decline in per-pupil state revenue to a school district from the previous year.

* * * * *

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: 05/21/2008

Revised:

Cross Refs: DC, Taxing and Borrowing Authority/Limitations
DCB, Political Campaigns

Legal Refs: Mo. Const. art. VI, § 26(b); art. X, § 11(c)
§§ 115.123, .125, .646, 162.223, .431, .441, .451, 164.031, .121, .151, 167.231,
RSMo.

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

REFERENCE COPY

FILE: DLB
Critical

EXPLANATION: SALARY DEDUCTIONS

This policy has been updated for the following reasons:

1. **House Bill 1608 (2012) repealed the statute that established the Missouri Educational Employees' Memorial Scholarship Program. MSBA has deleted mention of this program from this policy.**
2. **A 2010 opinion of the Missouri Ethics Commission (MEC) has determined that § 130.028, RSMo., is not applicable to public subdivisions (Mo. Atty. Gen. Op. No. 2010.03.CF.002). This section of the law requires all "employers" to facilitate employee-directed payroll deductions to political action committees if ten or more employees request to do so. Although the MEC is not a court, it is the entity charged with enforcing the statute, so MSBA has removed this requirement from this policy.**
3. **Section 168.300, RSMo., allows districts to adopt policies authorizing voluntary deductions at the request of employees. The statute states that the district "shall deduct, in addition to the amount to be paid to any entity for which deduction is authorized, the cost of compliance with the request of the employee." Many districts do not do this, but it appears to be required.**
4. **MSBA has added language addressing situations where employees are overpaid or owe the district money. MSBA strongly recommends that districts also address these issues, which have become quite common, in employment contracts as well.**

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
X	Human Resources		Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

FILE: DLB
Critical

REFERENCE COPY

SALARY DEDUCTIONS

All salary deductions will normally be subject to Board approval and are voluntary on the part of the individual employee, except for deductions for absences not covered by paid leave or those required by law. The district will regularly pay employees for work performed and will not make deductions from salary except as required by law or in accordance with Board policy.

Voluntary Deductions

The employee must authorize all voluntary deductions in writing. The district will deduct the administrative cost of compliance in addition to the deduction amounts authorized by the employee.

- ~~Contributions to the Missouri Educational Employees' Memorial Scholarship Program shall be voluntary, but not subject to Board approval.~~
- ~~Salary deductions for unauthorized or unpaid absences of salaried personnel shall be computed by dividing the contracted salary, excluding extra-duty pay, by the number of days in the contract period. Deductions for other personnel shall be based upon the hourly rate of individual employees.~~
- ~~The Board may authorize voluntary payroll deductions from compensation earned by employees if ten or more employees so request. These deductions may be taken for, but are not limited to, credit unions, tax-sheltered annuities, individual retirement accounts (IRAs), membership dues, group insurance premiums or other voluntary contributions. The amount deducted will be remitted to the organization, company or association authorized by the employee. In addition to the amount authorized, the district may deduct any administrative costs of compliance. The Board shall not be responsible for any good-faith error in the administration of this service.~~
- ~~If the district provides a system of payroll deduction, the district will, upon written request by ten or more employees, provide employees with the option of contributing to a continuing committee through payroll deduction. A continuing committee is a committee of continuing existence that 1) is not formed, controlled or directed by a candidate; 2) is not a candidate or campaign committee; and 3) has the primary or incidental purpose of receiving contributions or making expenditures to influence or attempt to influence the action of voters. No employee will be subjected to any adverse employment action based on his or her participation or lack thereof in such a program.~~

Involuntary Deductions

The district will make all deductions as required by law and will make deductions when presented a garnishment, wage attachment or other legal order. The superintendent or designee may authorize an administrative fee for processing these mandatory deductions when allowed by law.

In addition, the district may make deductions from an employee's salary or wages for unauthorized absences, absences for which there is no paid leave or absences that exceed the paid leave provided to the employee. The district may also make deductions for disciplinary purposes, such as an unpaid suspension, in accordance with law and district policy.

The district may make deductions when an employee clearly owes the district money and the deduction does not otherwise violate the law.

Salary deductions for exempt employees shall be computed by dividing the salary, excluding extra-duty pay, by the number of days in the contract period. Deductions for nonexempt employees shall be based upon the hourly rate of the individual employee.

Improper Deductions

The Board of Education prohibits improper pay deductions. Employees who believe that improper pay deductions have been taken should immediately report the concern to the assistant superintendent. Employees will be reimbursed for improper deductions. If an employee's request for reimbursement is denied, the employee may appeal that decision by following the grievance procedure set forth in Board policy. Nothing in the policy shall prevent the district from properly charging absences against sick leave, personal leave or other such leave or from making deductions from pay for unapproved or unpaid absences, as established in Board policy.

* * * * *

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: 03/15/2005;

REFERENCE COPY

FILE: DLB
Critical

Cross Refs: GBBDA, Family and Medical Leave Act
GCBDA, Professional Staff Short-Term Leaves and Absences
GDBDA, Support Staff Leaves and Absences

Legal Refs: §§ ~~130.011, .028~~, 168.300, ~~173.267~~, RSMo.

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

REFERENCE COPY

FILE: EBBA
Critical

EXPLANATION: ILLNESS AND INJURY RESPONSE AND PREVENTION

MSBA has removed the word "epinephrine" in the second paragraph of this policy because "medications" are already included and, as a type of medication, epinephrine does not need to be listed separately. Please note that there has not been any change in the law governing civil liability for administering epinephrine.

This policy was also updated in accordance with Senate Bill 599 (2012), § 170.310, RSMo., which sets out standards for CPR instruction in grades 9–12. While districts are not required to provide the instruction, if they do:

1. The instruction must be based on a program established by the American Heart Association or the American Red Cross or must be provided "through a nationally recognized program based on the most current national evidence-based emergency cardiovascular care guidelines."
2. Hands-on practicing and skills testing must be incorporated into the instruction.
3. If instruction is designed to result in certification, the district must use an authorized cardiopulmonary instructor.

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

FILE: EBBA
Critical

REFERENCE COPY

REFERENCE COPY

FILE: EBBA
Critical

ILLNESS AND INJURY RESPONSE AND PREVENTION

District personnel will provide appropriate first aid and emergency treatment, and contact emergency medical services (EMS) when appropriate, for any individual who is injured or becomes ill while on district property, on district transportation or at a district activity. Further medical attention, including the cost of services provided by EMS, is the responsibility of the individual unless otherwise required by law.

In accordance with law, any qualified employee will be held harmless and immune from civil liability for administering ~~epinephrine~~, medications, cardiopulmonary resuscitation (CPR) or other lifesaving methods in good faith and according to standard medical practice. A qualified employee is one who has been trained to administer medication or medical services according to standard medical practice. Procedures for handling emergencies will be established and distributed in each school building.

Training

The superintendent **or designee**, in consultation with the school nurse, is authorized to implement a program to train students and employees in CPR and other lifesaving methods. **If CPR instruction is provided to students in grades 9–12, instruction will be based on a program established by the American Heart Association, the American Red Cross or a similar nationally recognized program and will be delivered as required by law.**

Incident Reports

Employees must report all **work-related injuries and illnesses** to their supervisor immediately **and will be required to provide the details of the injury or illness in writing**. Staff who witness any injury or observe the onset of a serious illness on district property, on district transportation or at a district activity will prepare a written incident report on the incident **report** form available in each building. A copy of the incident report form will be filed with the appropriate designee as soon after witnessing the event as possible.

The superintendent is charged with providing the Board periodic statistical reports on the number and types of injuries occurring on district property or at district activities as well as information on individual accidents or injuries **as necessary when Board action on the matter is required.**

Protective Equipment

The superintendent or designee will continuously review job descriptions and district activities to improve safety in the district. The district will provide protective equipment when it is required by law or when it is determined by the superintendent or designee to be necessary to maintain district

FILE: EBBA
Critical

REFERENCE COPY

safety standards. In accordance with law, students, staff and visitors must wear eye protective devices in vocational, technical and industrial arts courses and laboratories involving chemicals, welding, construction, vehicle repair or other activities as designated by the district. When protective equipment is provided, all persons are required to use protective the equipment as directed. Failure to do so will result in disciplinary action including removal from school property or the activity requiring protective gear.

* * * * *

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: 08/22/1995

Revised: 04/18/2006; 01/18/2011;

Cross Refs: GBEA, Workers' Compensation
GBEBA, Drug-Free Workplace
JFCA, Student Dress Code
JHC, Student Health Services and Requirements
JHCD, Administration of Medications to Students
JHCF, Student Allergy Prevention and Response

Legal Refs: §§ 167.621, .624, .630, .635, 170.005, .310, RSMo.

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

REFERENCE COPY

FILE: ECG
Critical

EXPLANATION: ANIMALS ON DISTRICT PROPERTY

MSBA has modified this policy at the request of many districts to clarify that animals such as those used in agriculture instruction programs are exempt from the rabies vaccination requirement when the vaccinations are not required in the opinion of a veterinarian. MSBA has also added language that waives the requirements of the "Animals Used as Part of the Curriculum" section for courses that routinely use live animals when the courses have been approved by a supervisor.

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

FILE: ECG
Critical

REFERENCE COPY

ANIMALS ON DISTRICT PROPERTY

Animals are not allowed on district property, including district transportation, except in accordance with law and policy.

Definitions

The following definitions shall be used for the purpose of applying this policy.

Animals – Any nonhuman creature.

Handler – The individual responsible for the care and control of an animal. The handler for a service animal will generally be the individual with a disability served by the animal; however, under some circumstances, the handler may be someone other than the individual with the disability.

Service Animal – Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical or sensory disability or a psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the disability of the individual being served. Examples of work or tasks include, but are not limited to: assisting individuals who are blind or have low vision with navigation and other tasks; alerting individuals who are deaf or hard of hearing to the presence of people or sounds; providing nonviolent protection or rescue work; pulling a wheelchair; assisting an individual during a seizure; alerting individuals to the presence of allergens; retrieving items such as medicine or a telephone; providing physical support and assistance with balance and stability to individuals with mobility disabilities; and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

For the purposes of this policy and subject to the limitations herein, a miniature horse will also be considered a service animal.

Tether – A harness, leash or other similar restraint.

Therapy Animal – Any animals that are not a service animals and whose primary purpose is to provide emotional support, well-being, comfort or companionship.

Service Animals

Service animals are permitted on district property, including district transportation, in accordance with law. The district will make modifications as necessary to allow for the presence of service animals; however, if the service animal is a miniature horse, the district will first determine if such

modifications are reasonable by considering the size and weight of the miniature horse and whether the horse's presence in the facility compromises legitimate safety requirements.

All service animals must be under the control of their handlers. Service animals must have a tether unless the handler is unable to use one or unless the use of a tether would interfere with the service animal's safe, effective performance. Animals that are not tethered must be under the control of the handler through some other means, such as voice commands or hand signals.

The district will not allow service animals to remain on district property if they are not housebroken or are out of control. If a service animal is properly excluded from district property, the individual with a disability served by the animal will be given the opportunity to participate in the program, service or activity without having the service animal on district property.

District officials may verify that an animal qualifies as a service animal by asking whether the animal is required because of a disability and what work or tasks the animal has been trained to perform, if it is not readily apparent. Except as otherwise specified in this policy, district officials will not inquire about the nature or extent of the individual's disability or require the individual to provide documentation that the animal is a service animal.

Animals as Accommodations for Employees and Students

Employees and students may use service animals pursuant to the "Service Animals" section of this policy; however, the district may make additional inquiries about the nature and extent of the employee's or student's disability as permitted by law.

Employee requests for use of an animal other than a service animal as an accommodation must be made in accordance with Board policy. If the employee's request for an animal other than a service animal is granted, the rules for use of the animal will be specified at the time the accommodation is granted.

A student with a disability will only be allowed to have an animal other than a service animal as an accommodation in accordance with the student's individualized education program (IEP) or Section 504 plan. If a student's IEP or Section 504 plan allows the use of an animal other than a service animal, the special education director, compliance officer or designee will work with the student and the parents/guardians of the student to create a plan for the animal's care. The student will be primarily responsible for the care and control of any animal used as an accommodation unless otherwise provided in the IEP or Section 504 plan.

REFERENCE COPY

FILE: ECG
Critical

Animals Used in Instruction

General

1. Animals with venom that is harmful to humans will not be allowed on district property.
2. ~~Mammals~~An animal will not be allowed on district property without proof of a current rabies vaccinations to prevent the spread of diseases, such as rabies, to humans unless vaccinations are not required in the opinion of a veterinarian.
3. Animals are prohibited from being on district property if anyone has been ticketed or charged for the behavior of the animal.
4. Animals will never be maintained in or near an area where outside air is brought into district buildings.
5. Live animals may not be transported on district transportation and, unless specific permission from the building administrator is given otherwise, must be kept in a pen, cage or tank while on district property.
6. If students will be handling live animals, the employee responsible for the animal must instruct the students in proper handling techniques designed to minimize the danger of injury to the students and the animal. Protective clothing or equipment must be used when warranted.

Therapy Animals

Staff members may use therapy animals in the course of their regular duties only after receiving permission from the administrator of the building where the animal will be used. Before permission to use therapy animals is granted, staff members must provide:

1. Proof that the animal is certified to be a therapy animal.
2. An explanation of how the animal will be used, including research supporting the use of therapy animals.
3. A plan for how the staff member will provide for the care and control of the animal.
4. A plan for how the staff member will accommodate students with allergies to the animal.

Animals Used as Part of the Curriculum

Staff members who wish to use live animals to implement the curriculum must obtain permission from the administrator of the building where the animal will be used prior to introducing an animal into the curriculum. Before permission to use live animals to implement the curriculum is granted, staff members must provide their building administrator with:

1. A statement that the animal does not present a danger to students or staff members.
2. A statement of the instructional purpose, tied to the district's curriculum, that the animal will serve.
3. A plan for how the staff member will provide for the care and control of the animal.
4. A plan for how the staff member will accommodate students with allergies to the animal.

The requirements of this subsection will be waived for courses that routinely use live animals, such as courses in the district's agriculture instruction program, when the course curriculum has been approved by a supervisor.

Animal Habitats

As part of the instructional program, students and staff members may be granted permission to develop habitats that attract various forms of wildlife. Any plan to develop a habitat must be presented to the appropriate building administrator in advance of the project. The building administrator will consult with the central office administrator responsible for facilities and grounds prior to giving approval for the project.

Animals Used by Law Enforcement

The district allows the use of animals by law enforcement personnel in conjunction with the performance of their official duties. The district will work with law enforcement to avoid frightening students or unduly disrupting instruction when using animals.

* * * * *

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: ECG
Critical

Adopted: 05/15/2012

Revised:

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
GBE, Staff Health and Safety
IGBA, Programs for Students with Disabilities
JFG, Interrogations, Interviews and Searches
JHCF, Student Allergy Prevention and Response
JHD, Student Guidance and Counseling
KK, Visitors to District Property/Events

Legal Refs: 28 C.F.R. Part 35

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

REFERENCE COPY

FILE: FEF
Critical

EXPLANATION: CONSTRUCTION CONTRACTS BIDDING AND AWARDS

In *Lakeside Roofing Co. v. Nixon*, 2012 WL 709276 (March 5, 2012), the U.S. District Court for the Eastern District of Missouri found the state's excessive unemployment statute unconstitutional. MSBA is removing all references to this law.

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.

<input checked="" type="checkbox"/>	Board Secretary	<input checked="" type="checkbox"/>	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

FILE: FEF
Critical

REFERENCE COPY

REFERENCE COPY

FILE: FEF
Critical

CONSTRUCTION CONTRACTS BIDDING AND AWARDS

The West Plains R-VII School District seeks to provide and maintain safe facilities capable of supporting the educational mission of the district, while at the same time utilizing public funds prudently.

Definitions

For the purposes of this policy, the following definitions apply:

Construction – Building a new facility or improving, enlarging, altering, painting, decorating, excavating, demolishing or performing major repairs on an existing facility.

Facility – A building, structure, stadium, field or parking lot, or part thereof, such as a roof or heating or air conditioning system.

Major Repair – Replacement or repair of existing facilities when the size, type or extent of the facility is changed or increased.

Project Planning

Construction projects will be planned to cause the least disruption to the district's educational program and to ensure the safest possible environment for students, staff and the public. District staff will rely on the district's long-term facilities plan when making decisions regarding construction and major repair of district facilities. The district is committed to providing accessible facilities. All projects will comply with laws regarding accommodations for individuals with disabilities, and the district will consider recommended accommodations as well.

Before bidding a project, the district will determine whether engineering, architectural or land surveying services are required and will select those services in accordance with law and Board policy. The superintendent or designee is authorized to contact legal counsel for assistance in drafting or reviewing proposed contract language.

The district may enter into a union-only project labor agreement if the district 1) is utilizing no more than 50 percent of state funds on the construction project, 2) conducts an impact analysis, 3) publishes the results of that analysis and the reasons for requiring such an agreement, and 4) holds a public hearing, as required by law. The district will publish its determination on whether to require a union-only project labor agreement within 30 days of the public hearing.

Purchasing Materials

All materials purchased either directly by the district or indirectly by the contractor or subcontractors must comply with legal requirements, including the purchasing preferences required by law.

Bidding

All construction projects that may exceed an expenditure of \$15,000 shall be advertised in a newspaper of general circulation, in accordance with law, and may also be advertised in business, trade or minority newspapers or other modes of communication such as the district's website or other websites. Projects will not be split or artificially divided for the purpose of avoiding these competitive bidding requirements.

Prior to advertising for bids, the superintendent or designee and the architect or construction manager, if applicable, will draft detailed bid specifications for the construction project. Bid specifications will include all legal mandates including, but not limited to, requiring:

1. Compliance with prevailing wage requirements.
 2. Laborers to receive mandatory safety training.
 3. ~~Laborers to be Missouri residents or residents of approved states when excessive unemployment restrictions apply.~~
 4. ~~Contractors bidding on a contract for services in excess of \$5,000 to provide a sworn affidavit and supporting documentation that affirms the contractor's participation in a federal work authorization program, such as E-Verify, and that the bidder will not employ illegal workers for the project. A contractor is only required to provide this affidavit to the district annually.~~
54. A performance bond if the project is estimated to exceed \$25,000.

The Board of Education may also require a bidder's bond in an amount determined by the estimated cost of the project.

In accordance with the Sunshine Law and Board policy, the Board will discuss bid specifications in closed session, and the content of bid specifications will remain confidential until they are officially approved by the Board or published for bidding. Likewise, sealed bids and related documents will be closed until the bids are opened.

REFERENCE COPY

FILE: FEF
Critical

Sealed bids may be opened at a public meeting of the Board of Education or by administrative personnel. In either case, all bids shall be publicly opened, and the date, time and place of the bid opening shall be included in the bid notice. Notice of the bid opening will also be posted for the public.

The district will not entertain bids that are not made in accordance with the specifications furnished by the district. The district reserves the right to waive minor technical defects in a bid, reject any or all bids, reject any part of a bid and to advertise for new bids. If the scope of the project changes substantially, the district will rebid the project.

The Board will determine which responsible bidder has the lowest bid and direct the superintendent or designee to negotiate a satisfactory contract prior to final approval of the bid.

Contracting

The superintendent or designee is authorized to consult legal counsel regarding contract language. Any contract the district enters into must include all legally required provisions. The contract must be approved by an affirmative vote of a majority of the whole Board to be binding.

Payment

When applicable, the architect or construction manager shall approve all payment requests from contractors prior to submission to the Board of Education for payment. The superintendent or designee will examine all work performed on projects where no architects or construction managers are used.

Pursuant to prevailing wage laws, an Affidavit of Compliance must be filed with the district before payment will be approved. The district will withhold and retain any amounts due as a result of any violation of the prevailing wage law prior to making final payment with any contractor.

The district will make prompt payment on any invoices received, after thorough inspection of the work provided and verification that all legal requirements have been met. However, in accordance with law, the district may retain a portion of the payment until after the entire project has been completed. The Board must approve the payment of all bills by an affirmative vote of a majority of the whole Board.

Construction Projects Conducted on Behalf of the District

The district appreciates business and community support of its educational mission and welcomes both financial and physical contributions to the district. It is important for taxpayers and patrons to understand that various laws apply to projects conducted on behalf of the district, even if not directly

FILE: FEF
Critical

REFERENCE COPY

funded by the district. Further, because the district facilities are used by a large number of people, it is essential that all construction projects adhere to the highest level of quality and safety. The district and the donor must ensure compliance with all applicable laws before a construction project is conducted on school grounds, regardless of the source of the labor or method of payment.

* * * * *

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: 12/21/1999

Revised: 03/16/2004; 01/20/2009; 04/20/2010;

Cross Refs: BBFA, Board Member Conflict of Interest and Financial Disclosure
DJF, Purchasing
DK, Payment Process

Legal Refs: §§ 34.057, .059, .216, 107.170, 162.301, 177.086, 285.530, 290.210 - .340, ~~.550-~~
~~.580~~, 292.675, 432.070 - .080, 493.010 - .140, 610.021, RSMo.
8 C.S.R. 30-3.010 - .060

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

REFERENCE COPY

FILE: GBCC
Critical

EXPLANATION: STAFF USE OF COMMUNICATION DEVICES

This policy was revised to replace the term "cell phone" with "communication device." The market continues to develop new electronic methods of communication, and this policy needs to apply to all these devices.

The policy was also amended to define "use/using" a communication device and to recognize that district employees may appropriately use personal electronic communication devices for instructional purposes.

MSBA removed the section titled "Technology Safety" because many districts are allowing employees to synchronize their electronic devices with the district's network. Districts are free to keep this language or modify it to best suit the specific needs of the district.

E-Rate rules do allow school districts to use funds to pay for services such as data plans and wireless service that are used for both business and personal use **IF** the application for E-Rate funds only requests the discount for the portion of the use that is for business purposes. For example, if the district provides smart phones to employees, and the phones or service are funded using the E-Rate discount, no personal use would be allowed. However, if the district allocated the funding 50 percent eligible and 50 percent ineligible, the district could allow personal use for up to 50 percent of the funded amount. More information is available from the Schools and Libraries section of the Universal Service Administrative Company at <http://www.usac.org/sl/>.

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	X	Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications	X	Technology

FILE: GBCC
Critical

REFERENCE COPY

REFERENCE COPY

FILE: GBCC
Critical

STAFF CELL PHONE USE OF COMMUNICATION DEVICES

The West Plains R-VII School District encourages district employees to use technology, including cell phones communication devices, to improve efficiency and safety. The district expects all employees to use such communication devices in a responsible manner that does not interfere with the employee's job duties. Employees who violate district policies and procedures regarding cell phone governing the use of communication devices may be disciplined, up to and including termination, and may be prohibited from possessing or using a cell phone communication devices while at work. Cell phones Communication devices may not be used in any manner that would violate the district's policy on student-staff relations.

Definitions

Cell Phone Communication Device – All Any portable devices except laptops that sends or receives calls or text messages, allows the retrieval of e-mail or provides access to the Internet.

Use/Using – Answering the phone or talking on the phone; sending or responding to a text, e-mail or other communication; opening and viewing pictures or digital recordings; opening and listening to music or audio communications; continuously checking a communication device; or any activity with a communication device that interferes with the employee's job duties or appropriate supervision of students.

General Cell Phone Use

The district prohibits any employees cell phone use from using any communication device that interrupts or disrupts the performance of duties by the employee or otherwise interferes with district operations, as determined by the employee's supervisor. This prohibition applies regardless of whether the cell phone communication device used is owned by the employee or provided by the district.

Employees are responsible for keeping communication devices secure and, if possible, password protected.

Supervision of students is a priority in the district, and employees who are responsible for supervising students must concentrate on that task at all times. Employees shall not use a cell phone communication devices when they are responsible for supervising students unless any of the following conditions occurs:

1. There is an emergency. The device is being used to instruct the students being supervised at the time.

2. The use is necessary to the performance of an employment-related duty ~~at that particular time and cannot be avoided.~~
3. The employee has received specific and direct permission from a supervisor. ~~Supervisors shall limit such permission to unusual circumstances such as communication regarding a family birth or surgery.~~
4. **There is an emergency.**

Even when these conditions exist, the employee is responsible for obtaining assistance in adequately supervising students during the approved use so that students are supervised at all times.

Use in Vehicles

Regardless of other provisions of this policy, unless there is an emergency, employees shall not use ~~cell phones~~ **communication devices** when:

1. Driving district-provided vehicles.
2. **Operating a vehicle in which a student is being transported on district property when the transportation is provided as part of the employee's job.**
3. Supervising students who are entering or exiting a vehicle, crossing thoroughfares or otherwise safely reaching their destinations.

Even in emergency situations, employees should first take all possible safety precautions before using ~~cell phones~~ **communication devices**.

Technology Safety

~~To protect district technology, the district does not allow personal cell phones to be synchronized with the district's network. Employees should contact the district's technology director for alternative methods of synchronization, if feasible.~~

Use of District-Provided ~~Cell Phones~~ Communication Devices

The district may provide ~~cell phones~~ **communication devices** and service to some employees to assist them in carrying out their employment-related duties on and off district property. Use of a district-provided ~~cell phone~~ **communication device** is a privilege. The superintendent or designee has sole discretion as to which employees will be provided ~~cell phones~~ **communication devices** and may recall any previously issued ~~cell phone~~ **communication device**. Employees do not have any expectation of

REFERENCE COPY

FILE: GBCC
Critical

privacy in district-provided ~~cell phones~~ communication devices or any information stored on them, and such ~~phones~~ devices may be confiscated and searched at any time.

Employees are expected to exercise reasonable care to protect district-provided ~~cell phones~~ communication devices from damage or theft and must report any such incidents immediately. The district may require employees to reimburse the district for any damage or theft that was the result of the employee's negligence. Users of district-provided ~~cell phones~~ communication devices must abide by any use limitations included in the district's service contract.

Personal Use of District-Provided Cell Phones Communication Devices

Personal use of district-provided ~~cell phones~~ communication devices is permissible as long as the use does not exceed the limits of the applicable plan. ~~However, personal use of a cell phone is not permitted if the phone or service is paid for under E-Rate.~~ An employee whose use exceeds plan limitations will be required to reimburse the district for all expenses beyond those covered by the plan and may have privileges suspended or revoked unless the employee can show that all use was for employment-related duties and the ~~phone~~ device was not used for personal reasons. The amount of personal use of a communication device or service paid for under E-Rate can be no greater than the cost allocation submitted in the request for the E-Rate discount.

* * * * *

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: 04/20/2010

Revised:

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
EHB, Technology Usage

Legal Refs: U.S. Const. amend. IV
47 C.F.R. §§ 54.500, .513, .522

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

REFERENCE COPY

FILE: GCBDA
Critical

EXPLANATION: PROFESSIONAL STAFF SHORT-TERM LEAVES AND ABSENCES

MSBA has updated this policy to incorporate new leave requirements made by House Bill 1315 (2012), § 41.1005, RSMo. **Only districts with 50 or more employees are required to offer the new Coast Guard Auxiliary leave. If your district does not have 50 or more employees and does not offer this leave, please do not adopt the section on Coast Guard Auxiliary leave.**

MSBA has also clarified the language in the paid leave section.

<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
X	Human Resources	X	Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

FILE: GCBDA
Critical

REFERENCE COPY

REFERENCE COPY

FILE: GCBDA
Critical

PROFESSIONAL STAFF SHORT-TERM LEAVES AND ABSENCES

Consistent contact with students and staff is important to the learning environment and district operation and therefore is an essential duty of a professional staff member's position. When a professional staff member is routinely tardy, frequently absent or is absent for an extended period of time, the learning environment and district operations deteriorate, and the students suffer.

Professional staff employees may be terminated for excessive absences or tardiness. Unless authorized by the Board or the superintendent or otherwise authorized by law, an employee's absence or tardiness is considered excessive if it:

1. Is for a reason not granted as paid or protected leave under Board policy.
2. Exceeds the number of days allotted by the Board for that particular leave.
3. Is for a reason authorized by Board policy but exceeds five days a month, ten days in a semester or 20 days per school year.

Even if the absence or tardiness is authorized by the Board or the superintendent, if the absence or tardiness occurs for a reason not granted as paid leave under Board policy or if it exceeds the number of days the employee has been granted under a designated leave, the employee's salary will be docked.

No employee will be disciplined or terminated for absences qualifying for protection under the Family and Medical Leave Act (FMLA) or other applicable law (see Board policy GBBDA).

The district may require an employee to provide the district a ~~doctor's note or other~~ verification of illness **from a healthcare provider** before the district applies sick leave or other applicable paid leave to the absence. In accordance with law, the district may require an employee to present a certification of fitness to return to work whenever the employee is absent from work due to the employee's health.

This policy does not apply to temporary or substitute staff members unless otherwise noted.

The following leaves with pay will be provided to full-time professional staff employees:

1. **Paid Leave** – Professional staff employees whose assignments call for 12 months of full-time employment will ~~be entitled to~~ **receive** 12 days of paid leave. Professional staff employees whose assignments call for full-time employment only during the regular school term will ~~be entitled to~~ **receive** ten days of paid leave. Unused sick leave will be cumulative

to 100 sick leave days. An absence of over one through four hours shall be counted as a half-day of sick leave. An absence of over four hours shall be counted as a full day of sick leave.

Absences may be charged against paid leave for the following reasons:

- a. Illness, injury or incapacity of the employee. The Board reserves the right to require a ~~physician's~~ **healthcare provider's** certification attesting to the illness or incapacity of the claimant and/or inclusive dates of the employee's incapacitation. FMLA health certification procedures apply to FMLA-qualifying absences, even if such absences are paid sick leave.
- b. Illness, injury, incapacity or funeral of a member of the immediate family. The Board defines "immediate family" to include:
 - ▶ The employee's spouse.
 - ▶ The following relatives of the employee or the employee's spouse: parents, children, children's spouses, grandparents, grandchildren, siblings and any other family member residing with the employee.
 - ▶ Any other person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver.

(Note: "Family" for FMLA purposes is more limited.)
- c. Illness, injury or incapacity of other relatives, with permission granted by the superintendent.
- d. Pregnancy, childbirth and adoption leave in accordance with this policy.
- e. Tax investigation.
- f. Court appearances, unless applicable law **or policy provides for paid leave** ~~requires no leave be charged to the employee.~~
- g. Wedding or graduation.
- h. Observance of a religious holiday.

REFERENCE COPY

FILE: GCBDA
Critical

- i. Conducting personal business of such a nature that it cannot be performed on a Saturday, Sunday or before or after school hours, including parent-teacher conferences.
 - j. Absences under leaves authorized by law, policy or the Board that would otherwise be unpaid including, but not limited to, leave under the FMLA.
 - k. ~~Leave connected with duty as a volunteer firefighter, member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team or activation by the Federal Emergency Management Agency (FEMA) in times of national disaster.~~
- l. — Leave for other purposes as approved by the principal.

Staff members who are ill are encouraged to stay home to promote healing and reduce the risk of infecting others, especially during a pandemic or other significant health event. In the event of a pandemic or other significant health event, schools may be closed to all staff and students or just students. If schools are closed only to students, staff members are expected to work regular schedules or use appropriate leave.

During the period a district employee receives Workers' Compensation benefits for time lost to work-related incidents (paid @ 2/3 the employee's salary), the employee may use one-half day of paid leave to supplement the Workers' Compensation benefit amount. The amount of the Workers' Compensation Benefit Check will be subtracted from the employee's regular payroll amount.

Any certificated employee who is a member of a retirement system shall remain a member during any period of leave under sick leave provisions of the district or under Workers' Compensation. The employee shall also receive creditable service credit for such leave time if the employee makes contributions to the system equal to the amount of contributions that he or she would have made had he or she been on active service status.

Whenever possible, it is expected that requests for paid leave will be made in writing to the designated administrator at least 48 hours in advance of the time leave is requested. However, 30 days' notice is required by law if the leave qualifies as FMLA leave and such notice is practical. The administrator will respond promptly to the employee's written request.

Payment for Unused Sick Leave Days

The purpose of this policy is to help reduce the number of sick days used by certified staff in order to continue our students' education with the use of fewer substitute teachers. Any member of the Public School Retirement System of Missouri (PSRS) currently employed as a teacher or administrator (hereinafter "employee") by the West Plains R-VII School District may participate in the unused sick day policy if the member meets the criteria and complies with the procedures set forth below. An employee who wishes to participate in the unused sick day policy must exercise his or her options on or before June 1 in the year the employee is leaving the district. This only applies to the year that the employee is leaving the district (either resignation or retirement).

Eligibility

- ▶ Participating individual must be certified staff and a member of the PSRS.
- ▶ It is the sole responsibility of the eligible certified employee to notify the superintendent by June 1 of the year that the employee is eligible and wishes to participate in the unused sick day policy.
- ▶ Employee must be on full-time status.

Amount of Compensation

Fifty dollars per accumulated sick day as of June 1, with a maximum of 100 days. This amount will be added to employee's last paycheck.

Survivorship Payment

- ▶ The employee shall designate a beneficiary on the application at the time of filing a declaration to participate in the unused sick day policy.
- ▶ In the event of the employee's death after separation from the district, but prior to completion of all payments provided under this policy, the designated beneficiary shall receive payments at the intervals prescribed under this policy.
- ▶ Any change to the designation of beneficiary must be submitted to the office of the Board of Education in writing.

2. **Vacation** – All professional staff employed on a 12-month basis will receive one to two weeks of vacation per year. An employee must submit a written request for vacation to the superintendent or designee and receive written authorization before taking vacation days. If the employee's absence may disrupt district operations, the superintendent or designee has

REFERENCE COPY

FILE: GCBDA
Critical

the discretion to deny a request for vacation or to limit the time of year the employee may take his or her vacation.

A district employee may not use vacation days during the period the employee receives Workers' Compensation for time lost to work-related incidents.

Unless otherwise provided, the following leaves will be provided to full-time and part-time professional employees.

1. **Holidays** – July 4th, Labor Day, Thanksgiving, Christmas, Memorial Day and New Year's Day. Holidays may be modified or eliminated as needed when the academic calendar is changed due to inclement weather or for other reasons. Holidays may change from year to year.
2. **Professional Leave** – Employees may be granted professional leave to attend classes or conferences, meet with mentors or participate in other approved professional growth activities. Professional leave must be approved by the superintendent or designee, arranged well in advance, and is not considered personal leave.
3. **Military Leave** – The Board shall grant military leave as required by law. Members of the National Guard or any reserve component of the U.S. Armed Forces who are engaged in the performance of duty or training will be entitled to a leave of absence of 120 hours in any federal fiscal year (October 1 – September 30) without impairment of efficiency rating or loss of time, pay, regular leave or any other rights or benefits. Employees shall provide the district an official order verifying that they are required to report to duty.
4. **Election Leave** – Any employee who is appointed as an election judge pursuant to state law may be absent on any election day for the period of time required by the election authority. The employee must notify the district at least seven days prior to any election in which the employee will serve as an election judge. No employee will be terminated, disciplined, threatened or otherwise subjected to adverse action based on the employee's service as an election judge.
5. **Leave to Vote** – Employees who do not have three successive hours free from work while the polls are open will be granted a leave period of up to three hours to permit the employees three successive hours while the polls are open for the purpose of voting. Requests for such leave must be made prior to election day, and the employee's supervisors will designate when during the workday the leave should be taken. Any employee who properly requests leave to vote and uses the leave for that purpose will not be subject to discipline, termination or loss of wages or salary.

6. **Jury Duty Leave** – An employee will be granted paid leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process or time spent actually serving on a jury. An employee will not be terminated, disciplined, threatened or otherwise subjected to adverse action because of the employee's receipt of or response to a jury summons.
7. **Leave for Court Subpoena** – If the subpoena is directly related to the employee's school duties, the employee will be released for court appearance without loss of leave. Other court appearances will be deducted from personal leave.
8. **Firefighter Leave** – Employees will be allowed to use personal, vacation and/or unpaid leave for any time taken to respond to an emergency in the course of performing duties as a volunteer firefighter. For the purposes of this section, "volunteer firefighter" includes members of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team or those activated by the Federal Emergency Management Agency (FEMA) in times of national disaster. Employees covered under this section shall not be terminated from employment for joining a volunteer fire department or for being absent from or late to work in order to respond to an emergency. Employees shall make every reasonable effort to notify the principal or supervisor if the employee may be absent from or late to work under this section. Employees are required to provide their supervisors with a written statement from the supervisor or acting supervisor of the volunteer fire department stating that the employee responded to an emergency along with the time and date of the emergency.
9. **Crime Victim Leave** – Any employee who is a crime victim, who witnesses a crime or who has an immediate family member who is a crime victim will not be required to use vacation, personal or sick leave in order to honor a subpoena to testify in a criminal proceeding, attend a criminal proceeding or participate in the preparation of the criminal proceeding.
10. **Civil Air Patrol Leave** – Any employee who is a member of Civil Air Patrol and has qualified for a Civil Air Patrol emergency service specialty or who is certified to fly counternarcotics missions shall be granted unpaid leave to perform Civil Air Patrol emergency service duty or counternarcotics missions without loss of time, regular leave or any other rights or benefits in accordance with law. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri. The district may request that the employee be exempted from responding to a specific mission.
11. **Coast Guard Auxiliary Leave** – Employees who are members of the United States Coast Guard Auxiliary will be granted an unpaid leave of absence for periods during which they are engaged in the performance of United States Coast Guard or United States Coast Guard

REFERENCE COPY

FILE: GCBDA
Critical

Auxiliary duties, including travel related to such duties, when authorized by the director of auxiliary or other appropriate United States Coast Guard Authority. Such leaves of absence will be given without loss of time, regular leave or any other rights or benefits to which such employees would otherwise be entitled. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri or upon any navigable waterway within or adjacent to the state of Missouri. The district may request that an employee be exempted from responding to a specific mission.

Pregnancy, Childbirth and Adoption Leave

This section creates no rights extending beyond the contracted period of employment. FMLA certification and recertification procedures apply to FMLA-eligible employees. An employee must notify the district of the need for and anticipated duration of the leave at least 30 days before leave is to begin, if foreseeable. If 30 days' notice is not practical, the employee must give as much notice as possible. A pregnant employee shall continue in the performance of her duties as long as she is able to do so and as long as her ability to perform her duties is not impaired, based on medical opinion.

Employees eligible for FMLA leave for the birth, first-year care, adoption or foster care of a child will have such leave applied in accordance with the FMLA. The district shall only apply up to six weeks of accrued paid leave to such absences.

Employees who are ineligible for FMLA leave may take up to six weeks of leave for the birth, first-year care, adoption or foster care of a child and may use any combination of accrued sick leave, personal leave, vacation leave or unpaid leave.

Pregnant employees who need more than six weeks of paid or unpaid leave for a pregnancy-related incapacity must provide certification of the medical necessity for such leave.

* * * * *

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: 03/15/2005; 05/21/2008; 01/20/2009; 04/19/2011; 05/15/2012;

Cross Refs: DLB, Salary Deductions

FILE: GCBDA
Critical

REFERENCE COPY

HA, Negotiations with Employee Representatives
HPA, Employee Walkouts, Strikes and Other Disruptions

Legal Refs: §§ 41.1000, **1005**, 105.270 - .271, 115.102, .639, 168.122, 169.595, 320.200, .330 -
.339, 494.460, 595.~~036~~, .209, RSMo.

Fair Labor Standards Act, 29 U.S.C. §§ 201 - 219

Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2611 - 2619

Title VII of the Civil Rights Act of 1964 as amended by the Pregnancy
Discrimination Act, 42 U.S.C. § 2000e(k)

29 C.F.R. § 1604.10

Willis v. School Dist. of Kansas City, 606 S.W.2d 189 (Mo. Ct. App. 1980)

Stewart v. Board of Educ. of Ritenour, 574 S.W.2d 471 (Mo. Ct. App. 1978)

Aubuchon v. Gasconade County R-I Sch. Dist., 541 S.W.2d 322 (Mo. Ct. App. 1976)

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

REFERENCE COPY

FILE: GDBDA
Critical

EXPLANATION: SUPPORT STAFF LEAVES AND ABSENCES

MSBA has updated this policy to incorporate new leave requirements made by House Bill 1315 (2012), § 41.1005, RSMo. Only districts with 50 or more employees are required to offer this new Coast Guard Auxiliary leave. If your district does not have 50 or more employees and does not offer this leave, please do not adopt the section on Coast Guard Auxiliary leave.

MSBA has also clarified the language in the paid leave section.

<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
X	Human Resources	X	Principals	Library/Media Center
	Health Services		Counselor	Special Education
	Transportation		Public Info/Communications	Technology

FILE: GDBDA
Critical

REFERENCE COPY

REFERENCE COPY

FILE: GDBDA
Critical

SUPPORT STAFF LEAVES AND ABSENCES

Consistent staffing is important to the learning environment and district operation and therefore is an essential duty of all employees. When an employee is routinely tardy, frequently absent or is absent for an extended period of time, the learning environment and district operations deteriorate, and the students suffer.

Employees may be terminated for excessive absences or tardiness. Unless authorized by the Board or superintendent, or otherwise authorized by law, an employee's absence or tardiness is considered excessive if it:

1. Is for a reason not granted as paid or protected leave under Board policy.
2. Exceeds the number of days allotted by the Board for that particular leave.
3. Is for a reason authorized by Board policy but exceeds five days a month, ten days in a semester or 20 days per school year.

The employee's salary will be docked if the absence or tardiness occurs for a reason not granted as paid leave under Board policy or if it exceeds the number of days the employee has been granted under a designated leave, even if the absence or tardiness is authorized by the Board or the superintendent.

No employee will be disciplined or terminated for absences qualifying for protection under the Family and Medical Leave Act (FMLA) or other applicable law (see Board policy GBBDA).

The district may require an employee to provide the district a ~~doctor's note or other~~ verification of illness **from a healthcare provider** before the district applies sick leave or other applicable paid leave to the absence. In accordance with law, the district may require an employee to present a certification of fitness to return to work whenever the employee is absent from work due to the employee's health.

This policy does not apply to temporary or substitute staff members unless otherwise noted.

The following leaves with pay will be provided to full-time support staff employees.:

1. **Paid Leave** – Any support staff employees whose assignments call for 12 months of full-time employment will ~~be entitled to~~ **receive** 12 days of paid leave. Support staff employees whose assignments call for full-time employment only during the regular school term will ~~be entitled to~~ **receive** ten days of paid leave. Unused sick leave will be cumulative to 100 sick

leave days. An absence of over one through four hours shall be counted as a half-day of sick leave. An absence of over four hours shall be counted as a full day of sick leave.

Absences may be charged against paid leave for the following reasons:

- a. Illness, injury or incapacity of the employee. The Board reserves the right to require a ~~physician's~~ **healthcare provider's** certification attesting to the illness or incapacity of the claimant and/or inclusive dates of the employee's incapacitation. FMLA health certification procedures apply to FMLA-qualifying absences, even if such absences are paid sick leave.
- b. Illness, injury, incapacity or funeral of a member of the immediate family. The Board defines "immediate family" to include:
 - ▶ The employee's spouse.
 - ▶ The following relatives of the employee or the employee's spouse: parents, children, children's spouses, grandparents, grandchildren, siblings and any other family member residing with the employee.
 - ▶ Any other person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver.

(Note: "Family" for FMLA purposes is more limited.)
- c. Illness, injury or incapacity of other relatives, with permission granted by the superintendent.
- d. Pregnancy, childbirth and adoption leave in accordance with this policy.
- e. Tax investigation.
- f. Court appearances, unless applicable law **or policy provides for paid leave** ~~requires no leave be charged to the employee.~~
- g. Wedding or graduation.
- h. Observance of a religious holiday.

REFERENCE COPY

FILE: GDBDA
Critical

- i. Conducting personal business of such a nature that it cannot be performed on a Saturday, Sunday or before or after school hours, including parent-teacher conferences.
 - j. Absences under leaves authorized by law, policy or the Board that would otherwise be unpaid including, but not limited to, leave under the FMLA.
 - k. ~~Leave connected with duty as a volunteer firefighter, member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team or activation by the Federal Emergency Management Agency (FEMA) in times of national disaster.~~
- l. — Leave for other purposes as approved by the principal.

Staff members who are ill are encouraged to stay home to promote healing and reduce the risk of infecting others, especially during a pandemic or other significant health event. In the event of a pandemic or other significant health event, schools may be closed to all staff and students or just students. If schools are closed only to students, staff members are expected to work regular schedules or use appropriate leave.

During the period a district employee receives Workers' Compensation benefits for time lost to work-related incidents (paid @ 2/3 the employee's salary), the employee may use one-half day of paid leave to supplement the Workers' Compensation benefit amount. The amount of the Workers' Compensation Benefit Check will be subtracted from the employee's regular payroll amount.

Any support staff employee who is a member of a retirement system shall remain a member during any period of leave under sick leave provisions of the district or under Workers' Compensation. The employee shall also receive creditable service credit for such leave time if the employee makes contributions to the system equal to the amount of contributions that he or she would have made had he or she been on active service status.

Whenever possible, it is expected that requests for paid leave will be made in writing to the designated administrator at least 48 hours in advance of the time leave is requested. However, 30 days' notice is required by law if the leave qualifies as FMLA leave and such notice is practical. The administrator will respond promptly to the employee's written request.

- 2. **Vacation** – All support staff employed on a 12-month basis will receive one to two weeks of vacation per year. An employee must submit a written request for vacation to his or her supervisor and receive written authorization before taking vacation days. If the employee's

absence may disrupt district operations, the supervisor has the discretion to deny a request for vacation or to limit the time of year the employee may take his or her vacation.

A district employee may not use vacation days during the period the employee receives Workers' Compensation for time lost to work-related incidents.

Unless otherwise provided, the following leaves will be provided to full-time and part-time support staff employees.

1. **Holidays** – Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas, and New Year's Day. Holidays may be modified or eliminated as needed when the academic calendar is changed due to inclement weather or for other reasons. Holidays may change from year to year.
2. **Professional Leave** – Employees may be granted professional leave to attend classes or conferences, meet with mentors or participate in other approved professional growth activities. Professional leave must be approved by the immediate supervisor, arranged well in advance and is not considered personal leave.
3. **Military Leave** – The Board shall grant military leave as required by law. Members of the National Guard or any reserve component of the U.S. Armed Forces who are engaged in the performance of duty or training will be entitled to a leave of absence of 120 hours in any federal fiscal year (October 1 – September 30) without impairment of efficiency rating or loss of time, pay, regular leave or any other rights or benefits. Employees shall provide the district an official order verifying that they are required to report to duty.
4. **Election Leave** – Any employee who is appointed as an election judge pursuant to state law may be absent on any election day for the period of time required by the election authority. The employee must notify the district at least seven days prior to any election in which the employee will serve as an election judge. No employee will be terminated, disciplined, threatened or otherwise subjected to adverse action based on the employee's service as an election judge.
5. **Leave to Vote** – Employees who do not have three successive hours free from work while the polls are open will be granted a leave period of up to three hours to permit employees three successive hours while the polls are open for the purpose of voting. Requests for such leave must be made prior to election day, and the employee's supervisors will designate when during the workday the leave should be taken. Any employee who properly requests leave to vote and uses the leave for that purpose will not be subject to discipline, termination or loss of wages or salary.

REFERENCE COPY

FILE: GDBDA
Critical

6. **Jury Duty Leave** – An employee will be granted paid leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process or time spent actually serving on a jury. An employee will not be terminated, disciplined, threatened or otherwise subjected to adverse action because of the employee's receipt of or response to a jury summons.
7. **Leave for Court Subpoena** – If the subpoena is directly related to the employee's school duties, the employee will be released for court appearance without loss of leave. Other court appearances will be deducted from personal leave.
8. **Firefighter Leave** – Employees will be allowed to use personal, vacation and/or unpaid leave for any time taken to respond to an emergency in the course of performing duties as a volunteer firefighter. For the purposes of this section, "volunteer firefighter" includes members of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team or those activated by **the Federal Emergency Management Agency (FEMA)** in times of national disaster. Employees covered under this section shall not be terminated from employment for joining a volunteer fire department or for being absent from or late to work in order to respond to an emergency. Employees shall make every reasonable effort to notify the principal or supervisor if the employee may be absent from or late to work under this section. Employees are required to provide their supervisors with a written statement from the supervisor or acting supervisor of the volunteer fire department stating that the employee responded to an emergency along with the time and date of the emergency.
9. **Crime Victim Leave** – Any employee who is a crime victim, who witnesses a crime or who has an immediate family member who is a crime victim will not be required to use vacation, personal or sick leave in order to honor a subpoena to testify in a criminal proceeding, attend a criminal proceeding or participate in the preparation of the criminal proceeding.
10. **Civil Air Patrol Leave** – Any employee who is a member of Civil Air Patrol and has qualified for a Civil Air Patrol emergency service specialty or who is certified to fly counternarcotics missions shall be granted unpaid leave to perform Civil Air Patrol emergency service duty or counternarcotics missions without loss of time, regular leave or any other rights or benefits in accordance with law. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri. The district may request that the employee be exempted from responding to a specific mission.
11. **Coast Guard Auxiliary Leave** – Employees who are members of the United States Coast Guard Auxiliary will be granted an unpaid leave of absence for periods during which they are engaged in the performance of United States Coast Guard or United States Coast Guard

Auxiliary duties, including travel related to such duties, when authorized by the director of auxiliary or other appropriate United States Coast Guard Authority. Such leaves of absence will be given without loss of time, regular leave or any other rights or benefits to which such employees would otherwise be entitled. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri or upon any navigable waterway within or adjacent to the state of Missouri. The district may request that an employee be exempted from responding to a specific mission.

Pregnancy, Childbirth and Adoption Leave

This section creates no rights extending beyond the contracted period of employment. FMLA certification and recertification procedures apply to FMLA-eligible employees. An employee must notify the district of the need for and anticipated duration of the leave at least 30 days before leave is to begin, if foreseeable. If 30 days' notice is not practical, the employee must give as much notice as possible. A pregnant employee shall continue in the performance of her duties as long as she is able to do so and as long as her ability to perform her duties is not impaired, based on medical opinion.

Employees eligible for FMLA leave for the birth, first-year care, adoption or foster care of a child will have such leave applied in accordance with the FMLA. The district shall only apply up to six weeks of accrued paid leave to such absences.

Employees who are ineligible for FMLA leave may take up to six weeks of leave for the birth, first-year care, adoption or foster care of a child and may use any combination of accrued sick leave, personal leave, vacation leave or unpaid leave.

Pregnant employees who need more than six weeks of paid or unpaid leave for a pregnancy-related incapacity must provide certification of the medical necessity for such leave.

* * * * *

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: 03/15/2005; 05/21/2008; 01/20/2009; 04/19/2011; 05/15/2012;

Cross Refs: DLB, Salary Deductions

REFERENCE COPY

FILE: GDBDA
Critical

HA, Negotiations with Employee Representatives
HPA, Employee Walkouts, Strikes and Other Disruptions

Legal Refs: §§ 41.1000, 1005, 105.270 - .271, 115.102, .639, 168.122, 169.595, 320.200, .330 -
.339, 494.460, 595.036, .209, RSMo.

Fair Labor Standards Act, 29 U.S.C. §§ 201 - 219

Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2611 - 2619

Title VII of the Civil Rights Act of 1964 as amended by the Pregnancy
Discrimination Act, 42 U.S.C. § 2000e(k)

29 C.F.R. § 1604.10

Willis v. School Dist. of Kansas City, 606 S.W.2d 189 (Mo. Ct. App. 1980)

Stewart v. Board of Educ. of Ritenour, 574 S.W.2d 471 (Mo. Ct. App. 1978)

Aubuchon v. Gasconade County R-I Sch. Dist., 541 S.W.2d 322 (Mo. Ct. App. 1976)

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

REFERENCE COPY

FILE: IGBE
Critical

EXPLANATION: STUDENTS IN FOSTER CARE

In the past few years, the Missouri Legislature has modified the law as it applies to students in foster care, and MSBA anticipates that more changes will be forthcoming. For that reason, MSBA has gathered various policy requirements that pertain to students in foster care and consolidated them into this NEW policy.

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	X	Food Service	X	Gifted
	Human Resources	X	Principals		Library/Media Center
	Health Services	X	Counselor		Special Education
	Transportation		Public Info/Communications		Technology

FILE: IGBE
Critical

REFERENCE COPY

REFERENCE COPY

FILE: IGBE
Critical

STUDENTS IN FOSTER CARE

The West Plains R-VII School District recognizes that students in foster care face unusual educational challenges. The purpose of this policy is to remove barriers to, and provide opportunities for, academic excellence for foster care students.

Foster Care Student – Any K–12 student who is residing in a foster care setting in this state.

The district designates **special education director** as the liaison for foster care students. The liaison will provide assistance regarding all aspects of the enrollment, placement, transfer and withdrawal of children in foster care.

Enrollment and Placement of Foster Care Students

The district will initially place foster care students in the same courses and programs the students were in while attending the previous district to the extent this district offers such courses and programs. Such placements may include, but are not limited to: honors classes; vocational, technical and career pathway courses; and International Baccalaureate (IB), Advanced Placement (AP), English Language Learner (ELL), special education and gifted programs. If necessary, the district will waive course or program prerequisites or other preconditions for placement in courses or programs offered at the district. After placement, the district may perform additional evaluations to ensure that the student has been placed appropriately and may change the student's placement after consultation with the student's foster parent.

Access to Records

The district will provide foster parents and other legal guardians access to student records and will respond within three business days to a request for records by another district when the request involves a foster care student. In accordance with law, the district will allow a child placement agency access to a foster care student's records for the purposes of assisting the school transfer or placement of a student and fulfilling educational case management responsibilities required by the juvenile officer or by law.

Attendance

If a student in foster care is absent from school due to a decision by a court or child-placing agency to change the student's placement or due to a verified court appearance or related court-ordered activity, the grades and credit of the student will be calculated as of the date the student left school, and the district will not lower the student's grade as a result of absence under these circumstances.

Programs and Activities

The district will encourage foster care students to participate in extracurricular activities and assist them in joining extracurricular activities. Locally imposed application deadlines for participation in extracurricular activities will be waived for foster care students who are otherwise eligible to participate in the activities. Participation in activities governed by the Missouri State High School Activities Association (MSHSAA) will be permitted in accordance with the rules established by MSHSAA. Foster care students are automatically eligible for participation in the district's free nutrition program.

Graduation

In order to facilitate timely graduation of foster care students, the district will:

1. Waive specific courses required for graduation if similar course work has been satisfactorily completed in another school. If such course work is not waived, the district will provide reasonable justification for the denial.
2. Accept the results of exit exams, end-of-course exams, nationally norm-referenced tests or alternative testing from another school to satisfy district testing requirements related to graduation.
3. Accept for credit full or partial course work completed at the previous school attended in accordance with district policy.

If a foster care student who enrolls in the district at the beginning of or during his or her senior year cannot meet the district's graduation requirements by the end of the senior year, even after all alternatives have been considered, the liaison will contact the student's previous district to determine if the student is eligible to receive a diploma from the previous school.

The West Plains R-VII School District will award a diploma to foster care students who transfer out of the district at the beginning of or during the senior year if, considering all courses, tests and attendance at the school to which the student transferred, the student has met the West Plains R-VII School District graduation requirements.

* * * * *

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: IGBE
Critical

Adopted:

Cross Refs: JEC, School Admissions
JECB, Admission of Nonresident Students
JECC, Assignment of Students to Grade Levels/Classes
JED, Student Absences and Excuses
JO, Student Records

Legal Refs: §§ 160.1990, 167.018 - .019, 210.760, .1050, RSMo.

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

REFERENCE COPY

FILE: IGC
Critical

EXPLANATION: EXTENDED INSTRUCTIONAL PROGRAMS

MSBA has updated this policy in accordance with House Bill 1608, which eliminated the statutes governing the Extended Day Child Care Program and the Extended Day Child Care Fund. These statutes set out the procedures and requirements for applying for grant monies to support and fund extended-day child care. However, in July the state of Missouri was granted "ESEA Flexibility," otherwise known as a waiver of some of the requirements of the No Child Left Behind Act (NCLB). The section on "Supplementary Educational Services" has been removed to comply with the ESEA Flexibility/NCLB Waiver. For more information on the waiver, see <http://dese.mo.gov/qs/esea-waiver.html>.

MSBA encourages districts to take the time to review all of the programs listed in this policy. While some of these programs, such as extended school year (ESY) for special education students, reading improvement instruction for grades 3-6 and summer school, are required by law, other programs are optional. Districts that do not provide the optional services should remove the reference(s) to the program(s).

Districts are still able to establish extended-day child care without these funds. MSBA has just removed some of the specific requirements that are no longer relevant because the law has been repealed.

MSBA has also modified the "Reading Improvement Instruction" section for clarity.

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

FILE: IGC
Critical

REFERENCE COPY

REFERENCE COPY

FILE: IGC
Critical

EXTENDED INSTRUCTIONAL PROGRAMS

The West Plains R-VII School District shall attempt to provide continuous progress in education to fit the needs of individuals of the community. In meeting these needs, the district may provide programs beyond those offered during the regular school day. The district will pursue all available state or federal aid for its extended instructional programs.

Adult Education

The Board may provide school facilities for the purpose of maintaining and expanding programs and services for persons interested in adult education. Such programs shall be commensurate with the needs of the community. The Board may provide administrative, ancillary and other supportive services needed to enhance the quality of the adult education program; however, the program shall be provided only out of revenue derived by the school district from sources other than state appropriations.

Early Childhood

The Board recognizes the critical importance of the early years in determining the educational development of children is recognized by the Board. and, insofar as resources permit, encourages programs designed to help meet the physical, emotional, social and intellectual needs of preschool-age children are encouraged.

The district will provide services to students with disabilities beginning at age three in accordance with the Individuals with Disabilities Education Act (IDEA) and as required by other applicable law.

Extended School Year

Extended school year (ESY) services may be necessary to provide a child with a disability a free appropriate public education pursuant to the law of special educational services. A student's individualized Education Program (IEP) team will determine whether ESY services are necessary and the length, nature and type of services to be provided.

Extended-Day Child Care

The district may establish before- and after-school child care programs for students between the ages of five and 14 and for the children of students. The district may establish such a program directly or with any not-for-profit corporation and may charge a fee for such programs.

Reading Improvement Instruction (Grades K-3)

The district may provide a program of reading improvement instruction for students in kindergarten through third grade who do not meet the district's objectives for reading. Students receiving such instruction can be counted toward additional average daily attendance for extra hours of instruction falling outside the traditional school day.

Reading Improvement Instruction (Grades 3-6)

~~The district will design and implement a reading improvement plan with at least 30 hours of additional reading instruction or practice outside the regular school day for students in grades four through six who do not meet minimum standards on the district's reading assessment, as required by law. The district will also design and implement reading improvement plans for students determined prior to the beginning of any school year to have a cognitive ability insufficient to meet minimum reading standards for students in grades three through six, as required by law.~~ The district will administer reading assessments and implement reading improvement plans for students in grades three through six in accordance with law. Reading improvement plans will include at least 30 hours of additional reading instruction or practice outside the regular school day.

Remediation as a Condition of Promotion

The district requires remediation as a condition of promotion to the next grade level for any student identified by the district as failing to master skills and competencies established for that particular grade level. The superintendent or designee shall determine which skills and competencies must be mastered, how they are to be assessed and what remediation is appropriate. The district may operate remediation programs outside the regular school day, including summer school. Such remediation shall recognize that different students learn differently and shall employ methods designed to help those students achieve at high levels. The district will pursue all available state or federal aid for such programs.

Summer School

The district shall establish a summer school program for reading instruction with a minimum of 40 hours of reading instruction and practice for all students with a reading improvement plan. The district may offer a pre-kindergarten summer school to students who will reach the age of five before August 1 of the school year beginning in that calendar year. Summer school may also be utilized for remediation as a condition of promotion.

Supplementary Educational Services

REFERENCE COPY

FILE: IGC
Critical

The district may be required to arrange for provision of free supplementary educational services to low-income students who attend a school that has been identified for school improvement as required by law. The district will notify parents of children eligible to receive these services and provide these parents with a list of state-approved service providers in the area, a description of the services available and, if requested, assist the parents in selecting a provider.

The district, in consultation with the parents and the provider, will develop a plan for improving the student's achievement for every child receiving services. The plan will articulate how progress reports will be shared with the parents and the school. This plan will be consistent with the IEP of any student receiving special services under IDEA.

Violence Prevention

The district may provide a violence prevention instructional program. The program shall instruct students of the negative consequences of membership in or association with criminal street gangs or street gang activity, encourage nonviolent conflict resolution of problems facing youth, present alternative constructive activities for the students and encourage community participation in program instruction. The program shall be administered as appropriate for different grade levels and shall not be offered for academic credit. The district will contact the Department of Elementary and Secondary Education for guidance in establishing a violence prevention instructional program and will apply for any available state or federal aid.

* * * * *

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: 09/17/2002

Revised:

Legal Refs: §§ 160.053, .500, 161.650, 167-290-310-.645, 171.091, 178.280, .290, .693, .695,
RSMo.
Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 - 1417
34 C.F.R. Part 300
No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 - 7941

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

REFERENCE COPY

FILE: IGCE
Critical

EXPLANATION: DISTRICT-SPONSORED INSTRUCTION OPTIONS

The Missouri Senior Cadets program was eliminated by House Bill 1608 (2012). Additionally, MSBA has revised this policy to include the use of MSBA's Online Learning Consortium and the new Mizzou K–12 Online.

MSBA encourages districts to review this policy carefully. All of these instructional programs are optional and may be removed from the policy if the district does not offer the program or will not offer the program in the future.

<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		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	X	Technology

FILE: IGCE
Critical

REFERENCE COPY

DISTRICT-SPONSORED INSTRUCTION OPTIONS

The West Plains R-VII School District strives to provide a diverse range of courses to meet student needs and interests. In addition to traditional course options, the district encourages staff to seek nontraditional methods of instruction to assist students toward graduation and vocational preparation. Staff are particularly encouraged to seek nontraditional alternatives to provide a wider range of courses for students. In addition, the district may utilize diverse instruction options for homebound students, students under long-term suspension or other students the district determines to be in need of alternative programming.

Nontraditional instruction may include off-campus instruction, virtual instruction or other instructional experiences outside the regular classroom setting. Before arranging for course credit for nontraditional instruction, staff must verify that such instruction is eligible for state aid and is consistent with the instructional goals of the district.

Unless otherwise required by law, participation in nontraditional instruction programs is a privilege. Students who do not succeed in alternative instructional environments may be transferred to other programs, including the district's standard program. Students are subject to district discipline while participating in nontraditional courses. Unless otherwise required by law or approved by the superintendent or designee, students who fail to complete a course, drop out without district permission or are expelled from a course will not be allowed to take another nontraditional course at district expense.

Virtual Instruction

The district may offer virtual courses to enrolled students through district staff or by contracting through a vendor. In addition, the district may pay for a student to enroll in courses provided by **through the Missouri School Boards' Association (MSBA) Online Learning Consortium, Mizzou K-12 Online**, the Missouri Virtual Instruction Program (MoVIP), ~~the University of Missouri's Center for Distance and Independent Study~~ or other providers approved by the Board.

In order for the district to enroll a student in virtual instruction under this policy, the student must currently be enrolled in the district and remain enrolled in the district throughout the course until credit is earned. A district counselor must approve the course as academically appropriate for the student and must determine that the course will not hinder the student's progress toward **timely** graduation ~~with his or her class~~. All grades and credits earned through district-sponsored virtual instruction will be accepted as if earned within the district. The district will collect state funding to the extent possible for resident students enrolled in virtual instruction.

Dual Enrollment

In addition to offering dual credit courses, the district may enter into an agreement with a Missouri public community college or university to offer students postsecondary courses on the postsecondary school's campus at the district's expense. Students will receive both high school and college credit.

Missouri Senior Cadets Program

~~Eligible high school students may mentor students in grades K-8 and earn one hour of elective class credit toward graduation. The student may also receive college tuition reimbursement, in accordance with law.~~

~~Mentoring activities must be approved by the student's principal and counselor. Credit will be issued once a student has served a minimum of ten hours per week during the school year. An eligible student must:~~

- ~~1. Be a high school senior.~~
- ~~2. Be a Missouri resident.~~
- ~~3. Have a cumulative grade point average of at least 3.0 on a four-point scale or the equivalent.~~
- ~~4. Plan to attend college.~~

School Flex Program

The district may participate in a program that allows a student to be employed or attend an off-campus college or a technical/career program while still being considered a full-time student of the school district. The program is only open to juniors and seniors who have approval from the principal and their parents/guardians. To participate in the program, the student must:

1. Attend the district a minimum of two instructional hours per school day.
2. Pursue a timely graduation.
3. Provide evidence of college or technical/career education enrollment and attendance or proof of employment and labor that is aligned with the student's "career academic plan" developed by **in conjunction with** the district.
4. Refrain from being expelled or suspended while participating in the program.

REFERENCE COPY

FILE: IGCE
Critical

5. Pursue course and credit requirements for a diploma.
6. Maintain a 95 percent attendance rate.

A student will not receive academic credit for his or her off-campus education or employment under this program, but the student will be considered a full-time student of the district.

Other Off-Campus Programs

The district may offer the following off-campus learning experiences to juniors and seniors:

1. Academic Programs – The district may offer academic courses that include an off-campus, applied knowledge component. Students will receive elective credit for the course, and no more than two units of credit may be awarded in any school year. Students may not receive payment for their off-campus experience and must be supervised by an appropriately certificated staff member.
2. Career Exploration Programs – The district may offer programs to assist students in career exploration by exposing them to a variety of occupations practiced at the job site. The program will have a related instructional component at the high school and will be supervised by an appropriately certificated staff member. Students will receive elective credit, and no more than two units of credit may be awarded each school year. Students may not be paid for the work performed in association with the program.
3. Cooperative Career Education Programs – The district may design programs to provide structured, off-campus work experiences in a controlled environment along with related vocational and academic instruction. The program will have a related instructional component at the high school and will be supervised by an appropriately certificated staff member. Students will receive elective credit, and no more than two units of credit may be awarded during any school year. The student must be considered an employee for the work performed and receive payment for services provided.
4. Work Experience for Students with Disabilities – The district may organize or participate in work experience programs for students who have Individualized Education Programs (IEPs) that indicate the need for work experience. These work experiences may occur through a Cooperative Work Experience Program or a Sheltered Workshop Program. Students may be paid for their off-campus work and will receive no more than two elective credits per year.

* * * * *

FILE: IGCE
Critical

REFERENCE COPY

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: 11/20/2007

Revised: 04/20/2010;

Cross Refs: JEA, Compulsory and Part-Time Attendance

Legal Refs: §§ 160.375, .539, 161.670, 162.1250, 167.223, RSMo.
5 C.S.R. ~~50-500.010~~ **20-100.230**

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

REFERENCE COPY

FILE: IKC
Basic

EXPLANATION: CLASS RANKINGS (Enhanced Selection Criteria for Valedictorian/Salutatorian)

With the new high school graduation requirements now in effect, the Department of Elementary and Secondary Education is no longer producing College Prep Certificates for dissemination. The new graduation requirements now closely reflect the credit standards that had been required for the certificate and it is the expectation that all students will be college and career ready.

District either needs to remove this policy or may choose to revise this policy to add district language if they want to offer some kind of district honors certificate.

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

FILE: IKC
Basic

REFERENCE COPY

REFERENCE COPY

FILE: IKC
Basic

CLASS RANKINGS

(Enhanced Selection Criteria for Valedictorian/Salutatorian)

In the interest of encouraging and recognizing outstanding academic achievement, a valedictorian and salutatorian will be selected for each high school graduating class. The valedictorian and salutatorian will be selected according to the following requirements:

▶ College Prep Core Course Requirements:

1. A minimum of four (4) "college prep level" *core courses* (or higher), in each core discipline: four (4) English, four (4) math, four (4) social studies, four (4) science.
2. A minimum total of 16 units of college prep level core courses.
3. A minimum of three (3) college prep level core courses during the senior year.

Core course areas are defined as English, social studies, mathematics and science. The "college prep" course designation will be determined by department chairs and administration and reevaluated on a yearly basis. IMPLEMENTATION: 2001-2002

▶ A minimum of 28 credits is required. IMPLEMENTATION: 2001-2002

▶ Four (4) consecutive semesters of attendance at WPHS are required. IMPLEMENTATION: 2001-2002

▶ In case of a tie for selection as Valedictorian, the Salutatorian would be eliminated for that year. IMPLEMENTATION: 2001-2002

* * * * *

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: 03/21/2000

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

REFERENCE COPY

FILE: IKF
Critical

EXPLANATION: GRADUATION REQUIREMENTS

This policy was revised for clarity and to address new legislation.

House Bill 1577 (2012), § 160.1990, RSMo., requires school districts to make certain exceptions when enrolling, placing and graduating students in foster care. More detailed information about the graduation of foster care students is included in MSBA's new policy IGBE, which is specific to foster care students. However, this policy has been changed to reference that policy.

MSBA also updated the section on advanced-standing credit to eliminate language about the graduating class of 2010.

Finally, MSBA modified the section allowing the district to give core class credit for career/technical courses in accordance with DESE guidance.

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

FILE: IKF
Critical

REFERENCE COPY

REFERENCE COPY

FILE: IKF
Critical

GRADUATION REQUIREMENTS

The Board of Education for the West Plains R-VII School District establishes the following graduation policy and instructs the administration to develop all necessary procedures for proper implementation.

Requirements

A student must meet the following requirements in order to graduate from the West Plains R-VII School District, unless the stated exceptions apply. The student must:

1. Complete a total of 25 credits, including credits required by the State Board of Education.
2. Pass proficiency exams concerning American History, American Institutions, and the Missouri and the U.S. Constitutions.
3. Successfully complete a course of instruction of at least one (1) semester in length on the institutions, branches and functions of the government of the state of Missouri, including local governments, the U.S. government and the electoral process.
4. Have earned credit in the West Plains R-VII School District's educational program between the ninth and twelfth grades.

Exceptions

1. Graduation requirements for a student with a disability receiving special education services pursuant to the Individuals with Disabilities Education Act (IDEA) may be determined according to the student's individualized education program (IEP).
2. Students transferring from another accredited Missouri school as a junior or senior who cannot reasonably complete the district's requirements may be permitted to graduate based on the successful completion of a program of studies that would have met the graduation requirements at the school formerly attended, including the requirements of (2) and (3) above.
3. The district will waive the requirement to pass proficiency exams concerning American History, American Institutions, and the Missouri and U.S. Constitutions for students who transfer from another state if they can document the successful completion of a course of instruction in the institutions, branches and functions of state government, including local governments, the U.S. government and the electoral process. Such instruction must have been completed in grades nine through twelve.

4. Students who transfer from another state or country or an unaccredited private, public or home school and who are placed in the ninth grade will be required to meet all established graduation requirements. If such a student is placed in the tenth grade or higher, the district will work with the student and the parents/guardians to develop a program of studies that will result in graduation if successfully completed.
5. Graduation requirements for foster care students will be modified or waived in accordance with law and Board policy.
6. Eligible students who successfully complete the Missouri Option Program (formerly the GED Option Program) will be awarded a high school diploma.

Earning Credit

1. The superintendent or designee is directed to assign credit values for courses offered by or through the school district and to develop formulas and procedures for awarding credit to transfer students who transfer from a district that uses a different standard for awarding credit.
2. The West Plains R-VII School District recognizes units of credit obtained through accredited schools and school districts, including credits earned through correspondence courses or courses delivered primarily through electronic media, such as satellite video, cable video or computer-driven or online courses. For the purposes of this policy, an "accredited school" is the Missouri Virtual Instruction Program (MoVIP); a private agency where students with disabilities are placed by a public school; or any school or school district accredited by the Missouri Department of Elementary and Secondary Education (DESE), the North Central Association of Colleges and Schools (NCA), the Independent Schools Association of the Central States (ISACS) or the University of Missouri Committee on Accredited Schools Non-Public (CAS). If a school or school district is located in another state or country, that school or school district must be accredited by that state's or country's department of education, NCA, ISACS or the equivalent agencies.
3. The district will may waive one (1) unit of academic credit in communication arts, math, science or social studies, whichever is most appropriate, for students who successfully complete an eligible three-unit career/technical program. Students must request this credit waiver prior to enrolling in the career/technical program for which the waiver is sought.
4. Students may earn advanced-standing credit by successfully completing high-school level courses prior to entering the ninth grade. For students in the graduating class of 2010 and beyond, this a Advanced-standing credit may be counted toward meeting all graduation requirements, including state minimum requirements. Students graduating prior to 2010 may

REFERENCE COPY

FILE: IKF
Critical

~~use advanced-standing credit to meet subject-area requirements and district graduation requirements, but may not count the credit toward meeting the minimum number of credits required by the State Board.~~

5. Students may earn credit for a subject that has been embedded into another subject-area course in accordance with guidelines established by DESE.
6. The district will award credit to students who can demonstrate mastery of competencies for a particular course by successfully completing a district-approved mastery assessment tool.
7. Students may earn credit by other means as approved by the Board and in accordance with law.

Diplomas

Students will be awarded either a diploma or certificate of attendance in accordance with this policy and as permitted by law.

A student in the household of an active duty member of the military, including some veterans who are deceased or injured as defined by law, who transfers to the West Plains R-VII School District from another state at the beginning of or during his or her senior year who will not meet the graduation requirements of the district by the end of the senior year will receive a diploma from the sending school district if the student is able to meet the graduation requirements of the sending district. Representatives from the West Plains R-VII School District and the sending district will work with the student to facilitate this alternative. If the sending district refuses to cooperate, the West Plains R-VII School District will use best efforts to allow the student to graduate by the end of the senior year.

Foster care students will be awarded a diploma in accordance with law and Board policy.

Students who complete the district's graduation requirements while under the jurisdiction of the juvenile court will be awarded a high school diploma even if the student completes the requirements in a different school district.

* * * * *

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.

FILE: IKF
Critical

REFERENCE COPY

Adopted: 02/24/1998

Revised: 11/18/2003; 11/20/2007; 05/21/2008; 01/20/2009; 04/20/2010;

Cross Refs: JECC, Assignment of Students to Grade Levels/Classes

MSIP Refs: 6.3

Legal Refs: §§ 160.1990, 2000, 161.670, 167.019, 170.011, 171.171, RSMo.
5 C.S.R. ~~50-500.010~~20-100.230
5 C.S.R. ~~60-100.020~~20-500.330

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

REFERENCE COPY

FILE: IND
Critical

EXPLANATION: CEREMONIES AND OBSERVANCES

This policy has been revised to reflect the requirements of the Missouri Constitution, as amended by the vote of the people in August. On August 7, 2012, the state held a referendum revising Article 1, § 5, of the Missouri Constitution. Among other changes, the new language requires "that all free public schools receiving state appropriations shall display, in a conspicuous and legible manner, the text of the Bill of Rights of the Constitution of the United States." This policy has been revised to include this requirement.

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.

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

FILE: IND
Critical

REFERENCE COPY

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. However, 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)
 - ▶ Veterans Day (as closely as possible to November 11)
 - ▶ Pearl Harbor Remembrance Day (December 7)
45. 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)

56. 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."

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.

* * * * *

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: IND
Critical

Adopted: 10/16/2001

Revised: 03/16/2004; 12/20/2005; 04/20/2010; 05/15/2012;

Cross Refs: 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: JCB
Critical

EXPLANATION: INTRADISTRICT TRANSFERS

In July the state of Missouri was granted "ESEA Flexibility," otherwise known as a waiver of some of the requirements of the No Child Left Behind Act (NCLB). One of the requirements waived was the obligation to allow students in schools identified for school improvement to transfer to school buildings that were not so identified. However, if a student transferred to and attended a new school building prior to the 2012–13 school year, the student is allowed to continue attending that school until the student has completed the highest grade in the building. While the state and federal governments encourage districts to continue to provide transportation to these students, transportation is no longer required.

If the district does not intend to allow students to continue to attend schools to which they transferred under the school improvement provisions of federal law or intends to continue to provide transportation, this paragraph should be modified accordingly. Call MSBA for assistance.

For more information on the waiver, see <http://dese.mo.gov/qs/esea-waiver.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
	Health Services		Counselor	Special Education
X	Transportation	X	Public Info/Communications	Technology

FILE: JCB
Critical

REFERENCE COPY

REFERENCE COPY

FILE: JCB
Critical

INTRADISTRICT TRANSFERS

All students must transfer between district schools when their residence changes to a different attendance area, unless exempted by the superintendent or designee. Further, the district maintains the ability to transfer students between schools as needed.

1. —Students with disabilities may be assigned to attend a school outside the student's attendance area by the Section 504 team or pursuant to the student's Individualized Education Program (IEP). Administrators participating in these decisions will notify the admissions office as soon as the decision is made to place a student outside his or her attendance area.
2. —The superintendent or designee may direct the intradistrict transfer of students for the health, safety or welfare of the student, to maintain discipline and safety in the schools, to better meet the educational needs of the student or to address overcrowding in school.

Voluntary Transfers to Schools Outside Attendance Areas

Students who have previously transferred to a school outside the student's attendance area due to school improvement measures mandated by federal law will be allowed to continue attending the school they transferred to until they have completed the highest grade offered in that school. The district will not continue to provide transportation to these students.

Students enrolled in a school identified for school improvement or identified as persistently dangerous pursuant to federal and state law may transfer to another public school within the district that has not been so identified. A student who has been a victim of a violent criminal offense on school property as defined by state regulation may, upon request, transfer to another public school in the district. The transfer will be allowed in accordance with law.

Otherwise, students may request to transfer to a different district school subject to available space and eligibility as determined by the district. Once a student has begun attendance at a school, he or she cannot transfer to another school until the next semester begins; unless the student's residence changes to a new attendance area or unless otherwise allowed required by law. The parents or guardians must submit their request to transfer to the district school prior to the beginning of the new semester. Transportation will not be provided to students transferring to schools outside the student's attendance area, unless required by law.

* * * * *

FILE: JCB
Critical

REFERENCE COPY

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: 09/17/2002

Revised: 03/16/2004;

Cross Refs: FC, School Closings, Consolidations and Reorganizations
IGBA, Programs for Students with Disabilities

Legal Refs: § 162.1190, RSMo.
5 C.S.R. ~~50-355.100~~ **20-100.210**
Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 - 1417
The Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794
Americans with Disabilities Act, 42 U.S.C. §§ 12101 - 12213
No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 - 7941
34 C.F.R. Part 104
34 C.F.R. Part 300

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

REFERENCE COPY

FILE: JECC
Critical

EXPLANATION: ASSIGNMENT OF STUDENTS TO GRADE LEVELS/CLASSES

House Bill 1577 (2012), § 160.1990, RSMo., requires school districts to make certain exceptions when enrolling, placing and graduating students in foster care. MSBA has added a reference regarding foster care students, but the details are included in MSBA's new policy IGBE, which is specific to foster care students.

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

FILE: JECC
Critical

REFERENCE COPY

REFERENCE COPY

FILE: JECC
Critical

ASSIGNMENT OF STUDENTS TO GRADE LEVELS/CLASSES

The Board believes that a student should be placed in the grade level and classes that best meet the student's academic needs, after consultation with the student's parent/guardian. A student's social and emotional needs will also be considered, to the extent that they affect academic progress. Although the district will first consider placing students in grade levels or classes with students of similar age, age will not necessarily be the determining factor. Further, any student's placement may be adjusted by the principal or designee as needed, after consultation with the student's parent/guardian. The district's administrative staff will make the final decision regarding assignment of students to grade levels or classes. Students receiving special education services will be placed in accordance with law.

Transfers from Accredited Schools

For the purposes of this policy, an "accredited school" is the Missouri Virtual Instruction Program (MoVIP); a private agency where students with disabilities are placed by a public school; or any school **or school district** accredited by the Missouri Department of Elementary and Secondary Education (DESE), the North Central Association of Colleges and Schools (NCA), the Independent Schools Association of the Central States (ISACS) or the University of Missouri Committee on Accredited Schools Non-Public (CAS). If a school **or school district** is located in another state or country, that school **or school district** must be accredited by that state's or country's department of education, NCA, ISACS or the equivalent agencies.

In general, if a student transfers to the West Plains R-VII School District from an accredited school, this district will accept the units of credit completed in the previous school **or school district** and rely on the grade-level placement in the previous school to the extent that it coincides with the district's program. However, the district may adjust the student's placement as needed to meet his or her educational needs, after consultation with the student's parent/guardian.

All credits must be equated to the Carnegie Unit as defined in Missouri. Only credits that correspond to course offerings accepted by the Missouri State Board of Education or by the West Plains R-VII School District may be accepted to meet graduation requirements.

Transfers from Unaccredited Schools

For the purposes of this policy an "unaccredited school" is any public; **or private or home school or school district or home school** that does not meet the definition of "accredited" above.

In general, if a student transfers to the West Plains R-VII School District from an unaccredited school, the principal or designee will examine a number of criteria to determine grade-level or class placement including age, achievement tests or other performance data, transcripts, course

descriptions, textbooks used and home-schooling logs. If necessary, the district will administer additional tests to aid placement decisions. Once placed, the district may further adjust the student's placement to meet his or her educational needs, after consultation with the student's parent/guardian.

The district will attempt to award credit for classes completed in previous schools if there is sufficient evidence of achievement. All credits must be equated to the Carnegie Unit as defined in Missouri. Only credits that correspond to course offerings accepted by the Missouri State Board of Education or by the West Plains R-VII School District may be accepted to meet graduation requirements.

Transfers of Students of Military Families

If a transfer student is in the household of an active duty member of the military, including some veterans who are deceased or injured as defined by law, the district will initially place the student in the same courses and programs the student was in while attending the previous district, to the extent the district offers such courses and programs. Such placements may include, but are not limited to: honors classes; vocational, technical and career pathway courses; and International Baccalaureate, Advanced Placement, English Language Learner and gifted programs. After placement, the district may perform additional evaluations to ensure that the student has been placed appropriately and may change the student's placement after consultation with the student's parent/guardian.

Transfers of Students in Foster Care

Students in foster care will be placed in courses and programs pursuant to law and the district's policy on foster care students.

* * * * *

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: 11/18/2003; 11/20/2007; 01/20/2009;

Cross Refs: IGBA, Programs for Students with Disabilities
IGBCA, Programs for Homeless Students
IGBE, Students in Foster Care

REFERENCE COPY

FILE: JECC
Critical

IKF, Graduation Requirements
IKFB, Graduation Exercises

Legal Refs: §§ 160.2000, 161.670, 167.031, 171.171, RSMo.
5 C.S.R. ~~50-500.010~~ **20-100.230**

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

REFERENCE COPY

FILE: JG-R1
Critical

EXPLANATION: STUDENT DISCIPLINE (*Grades K-4*)

This policy was modified to:

1. Add a paragraph titled "Impact on Grades" stating that out-of-school suspensions could lead to the student earning a lower grade. Please note that MSBA's standard attendance policy JED and procedures JED-AP1 and JED-AP2 categorize out-of-school suspensions as excused absences. However, the procedures do state that students with even excused absences may not earn the full grade if the student has missed ten or more days of school. For that reason, MSBA has added this language to clarify that students who receive a suspension, as with other excused absences, might earn a lower grade in accordance with district policy.

If your district has adopted a custom attendance policy, please determine whether out-of-school suspensions could lead to students earning a lower grade and alter this section accordingly.

2. Add the offense of assault in the third degree to this model discipline code to assist administrators in determining the level of disciplinary action appropriate based on the seriousness of the assault.
3. Add the offense "Failure to Care for or Return District Property."
4. Alter the definition of "Nuisance Items" to remove personal electronic devices from this violation because their use, proper and improper, is covered elsewhere.
5. Modify "Technology Misconduct" to recognize that students may be able to use mobile phones or other personal electronic devices during the school day in situations where they are encouraged to do so as part of the educational program or as allowed by the principal. Several school districts and school buildings have embraced the concept of "Bring Your Own Device," which encourages students to use mobile phones, laptops, tablets and other Internet-capable devices for educational purposes. MSBA did not want the technology misconduct offense to be a barrier to this practice, when approved by the district. MSBA has a new sample policy on this topic: EHBA, Student Use of Personal Electronic Devices for Instructional Purposes. Please contact the Policy department if you wish to review this policy and related forms.
6. Expand the "Tobacco" offense to address the increasing use of electronic cigarettes as well as medications used in tobacco cessation programs.

NOTICE: Does your district prohibit students from earning credit for course work, limit the amount of credit students may earn, or take credit earned away from students while they are suspended from school?

In addition to simply not allowing students to earn top grades if they have been absent from school, many districts also have policies or practices that prohibit suspended students from earning grades for work completed while on suspension, or even prohibit earning credit in the class. MSBA does not recommend these practices because they discourage academic achievement and frequently result in students who return to school less motivated to behave because the student realizes he or she will fail the class. There are legal reasons to reconsider this practice as well.

In *John S. v. Ozark R-VI School District*, 2012 WL 176226 (January 18, 2012), a student was suspended from school for ten days. In accordance with the district's practice, the student was only allowed to earn a maximum of 50 percent of the grade for any course work completed during the term of the suspension. The parents did not dispute the suspension, but requested a hearing before the Board to address the grade reduction, which was denied.

The federal district court found that the district's policy of grade reduction was unlawful. The court noted that Missouri state law requires districts to have a discipline policy, but the grade reduction was not listed as one of the discipline consequences. The district's practice also conflicted with another district policy that specifically stated that grades would not be used for disciplinary purposes.

If your district's policy or practice is to reduce, limit or remove the grades that may be earned by students who are suspended, including not allowing students to make up work during a suspension, MSBA strongly recommends that you discuss this practice with the district's private attorney. While the court in *John S.* did not explicitly state that a district could never legally reduce a student's grade, the manner in which it was done in that case was illegal. This means that any district with a similar practice needs to be prepared to offer a due process hearing before the Board and should make sure that its policies are consistent.

While MSBA does not endorse this practice, if your district does reduce or deny grades to students who are suspended, please do the following:

1. **Review policy IK, Academic Achievement.** MSBA's standard policy states, "grades are not to be used as a disciplinary measure." If your district does use grades as a disciplinary measure, this sentence needs to be removed.

REFERENCE COPY

FILE: JG-R1
Critical

2. Review policy JED, Student Absences and Excuses, and procedures JED-AP1 and JED-AP2. MSBA’s standard policy states, “No rule or procedure will preclude a student from making up work missed due to any type of absence, including absences due to suspension.” If your district does use grades as a disciplinary measure, this sentence needs to be removed. Similarly, if the district does not allow students to reduce accrued absences by attending make-up sessions, this language must removed from JED-AP1 and JED-AP2.

3. Remove the new "Impact on Grades" section MSBA has added to this policy and replace it with language that accurately reflects the district's practice of including a grade reduction as a disciplinary measure. Please be advised that there are due process implications to this practice, and MSBA encourages the district to discuss this practice with the district's private attorney. The following language is provided as an example of language the district might add. Please revise it as necessary to reflect the district's actual practices.

Academic Consequences

Students who are suspended from school will not be allowed to earn full credit for course work completed during the term of the suspension. Students may earn a maximum of ___ percent for the work completed. The district will provide appropriate due process in accordance with law prior to finalizing the student's grade for a course.

MSBA would be glad to assist your district in appropriately customizing this policy.

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

FILE: JG-R1
Critical

REFERENCE COPY

REFERENCE COPY

FILE: JG-R1
Critical

STUDENT DISCIPLINE (*Grades K-4*)

The Student Code of Conduct is designed to foster student responsibility, respect for others, and to provide for the orderly operation of district schools. No code can be expected to list each and every offense that may result in disciplinary action; however, it is the purpose of this code to list certain offenses which, if committed by a student, will result in the imposition of a certain disciplinary action. Any conduct not included herein, any aggravated circumstance of any offense, or any action involving a combination of offenses may result in disciplinary consequences that extend beyond this code of conduct as determined by the principal, superintendent and/or Board of Education. In extraordinary circumstances where the minimum consequence is judged by the superintendent or designee to be manifestly unfair or not in the interest of the district, the superintendent or designee may reduce the consequences listed in this policy, as allowed by law.

Because there are varying degrees of severity in the following offenses, the administration reserves the right to consider the circumstances surrounding the incident, take the student's previous discipline record into account and determine appropriate action. The administration may, at their discretion, refer any violation of the discipline code to juvenile authorities. This code includes, but is not necessarily limited to, acts of students on district property, including playgrounds, parking lots and district transportation, or at a district activity, whether on or off district property. The district may also discipline students for off-campus conduct that negatively impacts the educational environment, to the extent allowed by law.

Reporting to Law Enforcement

It is the policy of the West Plains R-VII School District to report crimes occurring on district property to law enforcement, including, but not limited to, the crimes the district is required to report in accordance with law. A list of crimes the district is required to report is included in policy JGF.

The principal shall also notify the appropriate law enforcement agency and superintendent if a student is discovered to possess a controlled substance or weapon in violation of the district's policy.

In addition, the superintendent shall notify the appropriate division of the juvenile or family court upon suspension for more than ten (~~10~~) days or expulsion of any student who the district is aware is under the jurisdiction of the court.

Documentation in Student's Discipline Record

The principal, designee or other administrators or school staff will maintain all discipline records as deemed necessary for the orderly operation of the schools and in accordance with law and policy JGF.

Conditions of Suspension, Expulsion and Other Disciplinary Consequences

All students who are suspended or expelled, regardless of the reason, are prohibited from participating in or attending any district-sponsored activity, or being on or near district property or the location of any district activity for any reason, unless permission is granted by the superintendent or designee. In addition, the district may prohibit students from participating in activities or restrict a student's access to district property as a disciplinary consequence even if a student is not suspended or expelled from school, if appropriate.

In accordance with law, any student who is suspended for any offenses listed in § 160.261, RSMo., or any act of violence or drug-related activity defined by policy JGF as a serious violation of school discipline shall not be allowed to be within 1,000 feet of any district property or any activity of the district, regardless of whether the activity takes place on district property, unless one (1) of the following conditions exist:

1. The student is under the direct supervision of the student's parent, legal guardian, custodian or another adult designated in advance, in writing, to the student's principal by the student's parent, legal guardian or custodian, and the superintendent or designee has authorized the student to be on district property.
2. The student is enrolled in and attending an alternative school that is located within 1,000 feet of a public school in the district.
3. The student resides within 1,000 feet of a public school in the district and is on the property of his or her residence.

If a student violates the prohibitions in this section, he or she may be suspended or expelled in accordance with the offense, "Failure to Meet Conditions of Suspension, Expulsion or Other Disciplinary Consequences," listed below.

Impact on Grades

As with any absence, absences due to an out-of-school suspension may result in the student earning a lower grade in accordance with the district's policy on absences.

Prohibited Conduct

The following are descriptions of prohibited conduct as well as potential consequences for violations. Building-level administrators are authorized to more narrowly tailor potential consequences as appropriate for the age level of students in the building. All consequences must be

REFERENCE COPY

FILE: JG-R1
Critical

within the ranges established in this regulation. In addition to the consequences specified here, school officials will notify law enforcement and document violations in the student's discipline file pursuant to law and Board policy.

VIOLATIONS AGAINST PERSONS

Assault - Student

1. ~~Hitting, striking and/or attempting to cause injury to another person; placing a person in reasonable apprehension of imminent physical injury; physically injuring another person.~~ Using physical force, such as hitting, striking or pushing, to cause or attempt to cause physical injury; placing another person in apprehension of immediate physical injury; recklessly engaging in conduct that creates a grave risk of death or serious physical injury; causing physical contact with another person knowing the other person will regard the contact as offensive or provocative; or any other act that constitutes criminal assault in the third degree.

First Offense:	1-5 days in-school suspension and notification of parents.
Second Offense:	3-5 days in-school suspension and parent conference.
Third Offense:	2-5 days suspension and parent conference before readmission.

2. ~~Attempting to kill or cause serious physical injury to another; killing or causing serious physical injury to another.~~ Knowingly causing or attempting to cause serious bodily injury or death to another person, recklessly causing serious bodily injury to another person, or any other act that constitutes assault in the first or second degree.

First Offense:	10-180 days out-of-school suspension or eExpulsion.
Subsequent Offense:	Expulsion.

Bullying and Cyberbullying (see Board policy JFCF) – Intimidation or harassment of a student or multiple students perpetuated by individuals or groups. Bullying includes, but is not limited to: physical actions, including violence, gestures, theft, or damaging property; oral or written taunts,

including name-calling, put-downs, extortion, or threats; threats of retaliation for reporting such acts; sending or posting harmful or cruel text or images using the Internet or other digital communication devices; sending or posting materials that threaten or raise concerns about violence against others, suicide or self-harm. Students will not be disciplined for speech in situations where the speech is protected by law.

First Offense:	1-3 days in-school suspension and notification of parents.
Second Offense:	3-5 days in-school suspension and parent conference.
Third Offense:	2-5 days suspension and parent conference before readmission.

False Accusations Toward Staff – Any intentional slander or libelous statements made by a student towards any school employee that is malicious, untrue and meant to harm that staff member’s reputation or employment will result in immediate suspension.

First Offense:	10 day suspension by building principals or referral to superintendent and/or school Board for review and possible extension of initial 10 days, up to 180 days by the superintendent and one (1) year by the school Board.
Second Offense:	Immediate suspension and referral to superintendent and school Board for expulsion.

Fighting/Instigating a Fight (see also, “Assault”)

1. Mutual combat in which both parties have contributed to the conflict either verbally or by physical action.

First Offense:	1-3 days in-school suspension and notification of parents.
Second Offense:	2-5 days in-school suspension and parent conference.
Third Offense:	2-5 days suspension and parent conference before readmission.

REFERENCE COPY

FILE: JG-R1
Critical

2. Students shall not instigate fights by actively encouraging others to fight, carrying messages which result in fights or take part in any other activity which results in a fight.

First Offense:	1-3 days in-school suspension and notification of parents.
Second Offense:	3-5 days in-school suspension and parent conference.
Third and Subsequent Offense:	2-10 days suspension and parent conference before readmission.

Hazing (see Board policy JFCF) – Any activity that a reasonable person believes would negatively impact the mental or physical health or safety of a student or put the student in a ridiculous, humiliating, stressful or disconcerting position for the purposes of initiation, affiliation, admission, membership or maintenance of membership in any group, class, organization, club or athletic team including, but not limited to, a grade level, student organization or district-sponsored activity. Hazing may occur even when all students involved are willing participants.

First Offense:	1-3 days in-school suspension and notification of parents.
Second Offense:	3-5 days in-school suspension and parent conference.
Third Offense:	2-5 days suspension and parent conference before readmission.

Verbal Abuse to Staff – Verbal, written or symbolic language or gesture directed at a staff member, that is rude, vulgar, disrespectful and defiant or considered inappropriate in public settings.

First Offense:	Conference with student, notification of parent and loss of privileges.
Second Offense:	1-3 days in-school suspension and parent conference.
Third Offense:	2-5 days in-school suspension and parent conference.

Fourth Offense:	3-7 days suspension and parent conference before readmission.
-----------------	---

Verbal Abuse to Staff of a Threatening Nature – Verbal, written or symbolic language or gesture directed at a staff member that is threatening in nature.

First Offense:	2-5 days in-school suspension and notification of parents.
Second Offense:	3-5 days in-school suspension and parent conference.
Third Offense:	1-3 days suspension and parent conference before readmission.

Weapons (see Board policy JFCJ) – The possession or use of a weapon, concealed or otherwise, by any student is prohibited upon or in the vicinity of school grounds, while going to or from school or at any school sponsored event. Examples of such weapons include: knives, guns, chains, metal knuckles, fireworks or explosives. (This would include any item representing a weapon.)

1. Possession or use of any weapon as defined in Board policy, other than those defined in 18 U.S.C. § 921, 18 U.S.C. § 930(g)(2) or § 571.010, RSMo.

First Offense:	1-5 days in-school suspension and/or parent conference.
Second Offense:	5-10 days suspension.
Third Offense:	Expulsion.

2. Possession of a firearm, as defined in 18 U.S.C. § 921 or any instrument or device defined in 571.010 RSMo., or any instrument or device defined as a dangerous weapon in 18 U.S.C. § 930(g)(2).

First Offense:	One (1) calendar year suspension or expulsion, unless modified by the Board upon recommendation by the superintendent.
----------------	---

REFERENCE COPY

FILE: JG-R1
Critical

Subsequent Offense:	Expulsion.
---------------------	------------

3. Possession or use of ammunition or a component of a weapon.

First Offense:	In-school suspension, 1-180 days out-of-school suspension, or expulsion.
Subsequent Offense:	1-180 days out-of-school suspension or expulsion.

VIOLATIONS AGAINST PUBLIC HEALTH AND SAFETY

Possession of Drugs/Alcohol (see Board policies JFCH and JHCD)

1. Possession, sale, purchase or distribution of any over-the-counter drug, herbal preparation or imitation drug or herbal preparation.

First Offense:	In-school suspension or 1-180 days out-of-school suspension.
Subsequent Offense:	1-180 days out-of-school suspension or expulsion.

2. Possession of or attendance while under the influence of or soon after consuming any unauthorized prescription drug, alcohol, narcotic substance, unauthorized inhalants, counterfeit drugs, imitation controlled substances or drug-related paraphernalia, including controlled substances and illegal drugs defined as substances identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substances Act. This includes energy enhancers, dietary supplements and nicotine patches.

First Offense:	1-5 days in-school suspension and parent conference before readmission.
Second Offense:	10-90 days suspension.
Third Offense:	Expulsion.

3. **Sale or Distribution** – Sale, purchase or distribution of any prescription drug, alcohol, narcotic substance, unauthorized inhalants, counterfeit drugs, imitation controlled substances or drug-related paraphernalia, including controlled substances and illegal drugs defined as substances identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substances Act.

First Offense:	5-10 days suspension and parent conference before readmission.
Second Offense:	Expulsion.

Tobacco Use and/or Possession of – Students found to be possessing or using any tobacco product, electronic cigarettes, or other nicotine-delivery products on district property, district transportation or at any district related activities is prohibited. Tobacco products will be confiscated and destroyed. It is against the law of Missouri for minors to buy, use or possess tobacco products. Nicotine patches or other medications used in a tobacco cessation program may only be possessed in accordance with district policy JHCD.

First Offense:	1-3 days in-school suspension and notification of parents.
Second Offense:	3-5 days in-school suspension and parent conference.
Third Offense:	1-3 days suspension and parent conference before readmission.

VIOLATIONS AGAINST PROPERTY

Arson – Starting or attempting to start a fire or causing or attempting to cause an explosion.

First Offense:	1-5 days suspension, parent conference.
Second Offense:	5-10 days suspension.

Bomb Threats – The Safe Schools Act 1996 increases the penalty for making a false bomb report from a Class A misdemeanor to a Class D felony.

REFERENCE COPY

FILE: JG-R1
Critical

First Offense:	10-90 days suspension/possible expulsion.
Second Offense:	Expulsion and/or referral to law enforcement agency.

Extortion – Threatening or intimidating any person for the purpose of, or with the intent of, obtaining money or anything of value from the student.

First Offense:	1-5 days in-school suspension, notification of parents and restitution.
Second Offense:	1-5 days suspension, parent conference and restitution.
Third Offense:	Expulsion.

Failure to Care for or Return District Property – Loss of, failure to return, or damage to district property including, but not limited to, books, computers, calculators, uniforms, and sporting and instructional equipment.

First Offense:	Restitution. Principal/Student conference, detention, or in-school suspension.
Subsequent Offense:	Restitution. Detention or in-school suspension.

False Alarm – Tampering with emergency equipment, setting off false alarms, making false reports; communicating a threat or false report for the purpose of frightening or disturbing people, disrupting the educational environment or causing the evacuation or closure of district property.

First Offense:	2-5 days in-school suspension or 1-5 days out-of-school suspension, referral to juvenile authorities and notification of parents.
Second Offense:	5-10 days suspension, referral to juvenile authorities and parent conference.

Incendiary Devices or Fireworks – Possessing, displaying or using matches, lighters or other devices used to start fires unless required as part of an educational exercise and supervised by district staff; possessing or using fireworks.

First Offense:	Confiscation. Warning, principal/student conference, detention, or in-school suspension.
Subsequent Offense:	Confiscation. Principal/Student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.

Nuisance Items – Possession or use of **items such as** toys, games, ~~MP3 players and other electronic devices (other than mobile phones)~~ **and portable media players** that are not authorized for educational purposes.

First Offense:	Confiscation. Warning, principal/student conference, detention, or in-school suspension.
Subsequent Offense:	Confiscation. Principal/Student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.

Technology Misconduct (see Board policies EHB and KKB and procedure EHB-AP)

1. Attempting, regardless of success, to: gain unauthorized access to a technology system or information; use district technology to connect to other systems in evasion of the physical limitations of the remote system; copy district files without authorization; interfere with the ability of others to utilize district technology; secure a higher level of privilege without authorization; introduce computer viruses, hacking tools, or other disruptive/destructive programs onto or using district technology; or evade or disable a filtering/blocking device.

First Offense:	Restitution. Principal/Student conference, loss of user privileges, detention, or in-school suspension.
Subsequent Offense:	Restitution. Loss of user privileges, 1-180 days out-of-school suspension, or expulsion.

2. Using, displaying or turning on pagers, phones, personal digital assistants, personal laptops or any other **personal** ~~electronic communication~~ devices during the regular school day, including ~~instructional class time, class change time, breakfast or lunch~~ **mealtimes or**

REFERENCE COPY

FILE: JG-R1
Critical

instructional class time, unless the use is part of the instructional program, required by a district-sponsored class or activity, or otherwise permitted by the building principal.

First Offense:	Confiscation, principal/student conference, detention, or in-school suspension.
Subsequent Offense:	Confiscation, principal/student conference, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

3. Violations, other than those listed in (1) or (2) above, of Board policy EHB, and procedure EHB-AP or any policy or procedure regulating student use of personal electronic devices other than those listed in (1) or (2) above.

First Offense:	Restitution. Principal/Student conference, detention, or in-school suspension.
Subsequent Offense:	Restitution. Loss of user privileges, 1-180 days out-of-school suspension, or expulsion.

4. Use of audio or visual recording equipment in violation of Board policy KKB.

First Offense:	Confiscation. Principal/Student conference, detention, or in-school suspension.
Subsequent Offense:	Confiscation. Principal/student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.

Theft – Theft, attempted theft or knowing possession of stolen property:

First Offense:	1-3 days in-school suspension and restitution.
Second Offense:	2-5 days in-school suspension, referral to law enforcement and restitution.
Third Offense:	2-5 days suspension, restitution.

Threatening the Safety and Security of the School – Threatening verbally, or in writing, to bring weapons on or near school property, including school grounds or buses, with the intent to commit harm to people or property.

First Offense:	10 day suspension by building principals or referral to superintendent and/or school Board for review and possible extension of initial 10 days, up to 180 days by the superintendent and one (1)-year by the school Board.
Second Offense:	Immediate suspension and referral to superintendent and school Board for expulsion.

Vandalism (see Board policy ECA) – Willful damage or the attempt to cause damage to any property, real or personal, belonging to the district, staff or students.

First Offense:	1-3 days in-school suspension, notification of parents and restitution.
Second Offense:	3-5 days in-school suspension, parent conference and restitution.
Third Offense:	2-5 days suspension, parent conference and restitution.

VIOLATIONS AGAINST SCHOOL ADMINISTRATION

Disruption and Interference with School – No student shall block the doorway or corridor; prevent others from attending a class or school activity; block normal pedestrian or vehicular traffic; use violence, force/noise, coercion, threats, intimidation, harassment, fear, passive resistance or any other conduct intentionally to cause a disruption of the educational environment. Nor shall they refuse to identify themselves on request or encourage other students to violate any rule or school Board policy.

First Offense:	1-5 days in-school suspension.
Second Offense:	2-5 days suspension.

Failure to Meet Conditions of Suspension, Expulsion or Other Disciplinary Consequences – Violating the conditions of a suspension, expulsion or other disciplinary consequence including, but

REFERENCE COPY

FILE: JG-R1
Critical

not limited to, participating in or attending any district-sponsored activity or being on or near district property or the location where a district activity is held. See the section of this regulation titled, "Conditions of Suspension, Expulsion and Other Disciplinary Consequences."

As required by law, when the district considers suspending a student for an additional period of time or expelling a student for being on or within 1,000 feet of district property during a suspension, consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether the student's presence is disruptive to the educational process or undermines the effectiveness of the district's discipline policy.

First Offense:	Verbal warning, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion. Report to law enforcement for trespassing if expelled.
Subsequent Offense:	Verbal warning, detention, i n-school suspension, 1-180 days out-of-school suspension, or expulsion. Report to law enforcement for trespassing if expelled.

Truancy or Tardiness (see Board policy JED) – Absence from school without the knowledge and consent of parents/guardians and the school administration; excessive non-justifiable absences, even with the consent of parents/guardians; arriving after the expected time class or school begins, as determined by the district.

First Offense:	1-3 days in-school suspension and parent conference.
Second Offense:	2-5 days in-school suspension and parent conference.
Third Offense:	1-3 days suspension, and removal from extracurricular activities.
Fourth Offense:	Expulsion.

VIOLATIONS AGAINST PUBLIC DECENCY AND GOOD ORDER

Academic Dishonesty – Cheating on tests, assignments, projects or similar activities; plagiarism; claiming credit for another person's work; fabrication of facts, sources or other supporting material; unauthorized collaboration; facilitating academic dishonesty; and other misconduct related to academics.

First Offense:	No credit for the work, grade reduction, or replacement assignment.
Subsequent Offense:	No credit for the work, grade reduction, course failure, or removal from extracurricular activities.

Gambling – Betting on an uncertain outcome, regardless of stakes; engaging in any game of chance or activity in which something of real or symbolic value may be won or lost. Gambling includes, but is not limited to, betting on outcomes of activities, assignments, contests and games.

First Offense:	Principal/Student conference, loss of privileges, detention, or in-school suspension.
Subsequent Offense:	Principal/Student conference, loss of privileges, detention, in-school suspension, or 1-10 days out-of-school suspension.

Harassment, including Sexual Harassment (see Board policy AC)

1. Use of material of a sexual nature or unwelcome verbal, written or symbolic language based on gender, race, color, religion, sex, national origin, ancestry, disability or any other characteristic protected by law. Examples of illegal harassment include, but are not limited to, racial jokes or comments; requests for sexual favors and other unwelcome sexual advances; graffiti; name calling; or threatening, intimidating or hostile acts based on a protected characteristic.

First Offense:	Principal/Student conference, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.
Subsequent Offense:	In-school suspension, 1-180 days out-of-school suspension, or expulsion.

2. Unwelcome physical contact of a sexual nature or that is based on gender, race, color, religion, sex, national origin, ancestry, disability or any other characteristic protected by law. Examples include, but are not limited to, touching or fondling of the genital areas, breasts or undergarments, regardless of whether the touching occurred through or under clothing; or pushing or fighting based on protected characteristics.

REFERENCE COPY

FILE: JG-R1
Critical

First Offense:	In-school suspension, 1-180 days out-of-school suspension, or expulsion.
Subsequent Offense:	1-180 days out-of-school suspension or expulsion.

Sexting and/or Possession of Sexually Explicit, Vulgar or Violent Material – Students may not possess or display, electronically or otherwise, sexually explicit, vulgar or violent material including, but not limited to, pornography or depictions of nudity, violence or explicit death or injury. This prohibition does not apply to curricular material that has been approved by district staff for its educational value. Students will not be disciplined for speech in situations where it is protected by law.

First Offense:	Confiscation. Principal/Student conference, detention, or in-school suspension.
Subsequent Offense:	Confiscation. Detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

Sexual Activity – Acts of sex or simulated acts of sex including, but not limited to, intercourse or oral or manual stimulation.

First Offense:	Principal/Student conference, detention, in-school suspension, or 1-180 days out-of-school suspension.
Subsequent Offense:	Detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

Use of Disruptive Speech or Conduct – Conduct or speech, be it verbal, written, pictorial or symbolic that materially and substantially disrupts classroom work, school activities, school functions such as not keeping hands and feet to yourself, lying, talking in class when told not to do so, insubordination and refusal to do work.

First Offense:	Conference with student, loss of privileges and notification of parents.
Second Offense:	1-3 days in-school suspension and parent conference.

Third Offense:	2-5 days in-school suspension.
----------------	--------------------------------

Use of Language or Action that is Disparaging, Demeaning or Threatening – Words or actions, verbal, written, pictorial or symbolic meant to harass or injure other people, such as threats of violence, bullying, name-calling, putdowns, intentionally hurting others’ feelings, spitting, depantzing, defamation of a person’s race, religion, gender or ethnic origin.

First Offense:	1 day after-school detention.
Second Offense:	2 days after-school detention.
Third Offense:	1-5 days in-school suspension and parent conference.
Fourth Offense:	1-5 days suspension and parent conference prior to admission.

Public Display of Affection – Any distracting behavior by a student that is intended to show affection toward another student is inappropriate in the school setting. Such behavior will not be tolerated even if it is meant as a joke. Each situation will be dealt with on an individual basis.

Secret Organizations (see Board policy JFCE) – The Board of Education does not recognize secret organizations. Sororities, fraternities, gangs or secret societies of the community are not school organizations. Conduct by students while in school such as hazing of initiates, special attire (including pins and insignia or other identifying symbols), improper activity on campus or any other influence of sorority, fraternity, gang or secret society that interferes with the normal conduct of the educational program shall not be permitted. Each situation will be dealt with on an individual basis.

Bus or Transportation Misconduct (see Board policy JFCC and procedure JFCC-AP) – Any offense committed by a student on transportation provided by or through the district shall be punished in the same manner as if the offense has been committed at the student’s assigned school. Transportation privileges may be suspended or revoked. All bus disciplinary actions are handled by the transportation department.

Body Piercing (See Board policy JFCA and procedure JFCA-AP) – In order to create an educational environment free of distractions in the classroom and also due to health and safety concerns related to blood-borne diseases, as well as student tendencies to grab and pull other

REFERENCE COPY

FILE: JG-R1
Critical

students when playing or in physical education classes, body piercing (other than pierced ears) is prohibited. Examples of such pierces would include studs, loops or rings in the eyebrows, nose, tongue, belly button or other body areas. Therefore, all students shall refrain from wearing or displaying body piercing attire while at school or at school sponsored activities. Modest pierced-ear attire will be allowed at the discretion of the building principals. Any such pierced-ear attire that is considered a distraction to the educational environment or a health hazard will be prohibited. Jewelry in PE classes will be removed at the discretion of the PE teacher.

Behavior not Covered Above – The school district reserves the right to pursue disciplinary or legal action for behavior that is subversive to good order and discipline in the schools even though such behavior is not specified in the preceding written rules.

* * * * *

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: 07/2003

Revised: 03/15/2005; 05/21/2008; 01/20/2009; 01/18/2011;

MSIP Refs: 6.6

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

REFERENCE COPY

FILE: JG-R2
Critical

EXPLANATION: STUDENT DISCIPLINE

This policy was modified to:

1. Add a paragraph titled "Impact on Grades" stating that out-of-school suspensions could lead to the student earning a lower grade. Please note that MSBA's standard attendance policy JED and procedures JED-AP1 and JED-AP2 categorize out-of-school suspensions as excused absences. However, the procedures do state that students with even excused absences may not earn the full grade if the student has missed ten or more days of school. For that reason, MSBA has added this language to clarify that students who receive a suspension, as with other excused absences, might earn a lower grade in accordance with district policy.

If your district has adopted a custom attendance policy, please determine whether out-of-school suspensions could lead to students earning a lower grade and alter this section accordingly.

2. Add the offense of assault in the third degree to this model discipline code to assist administrators in determining the level of disciplinary action appropriate based on the seriousness of the assault.
3. Add the offense "Failure to Care for or Return District Property."
4. Alter the definition of "Nuisance Items" to remove personal electronic devices from this violation because their use, proper and improper, is covered elsewhere.
5. Modify "Technology Misconduct" to recognize that students may be able to use mobile phones or other personal electronic devices during the school day in situations where they are encouraged to do so as part of the educational program or as allowed by the principal. Several school districts and school buildings have embraced the concept of "Bring Your Own Device," which encourages students to use mobile phones, laptops, tablets and other Internet-capable devices for educational purposes. MSBA did not want the technology misconduct offense to be a barrier to this practice, when approved by the district. MSBA has a new sample policy on this topic: EHBA, Student Use of Personal Electronic Devices for Instructional Purposes. Please contact the Policy department if you wish to review this policy and related forms.
6. Expand the "Tobacco" offense to address the increasing use of electronic cigarettes as well as medications used in tobacco cessation programs.

NOTICE: Does your district prohibit students from earning credit for course work, limit the amount of credit students may earn, or take credit earned away from students while they are suspended from school?

In addition to simply not allowing students to earn top grades if they have been absent from school, many districts also have policies or practices that prohibit suspended students from earning grades for work completed while on suspension, or even prohibit earning credit in the class. MSBA does not recommend these practices because they discourage academic achievement and frequently result in students who return to school less motivated to behave because the student realizes he or she will fail the class. There are legal reasons to reconsider this practice as well.

In *John S. v. Ozark R-VI School District*, 2012 WL 176226 (January 18, 2012), a student was suspended from school for ten days. In accordance with the district's practice, the student was only allowed to earn a maximum of 50 percent of the grade for any course work completed during the term of the suspension. The parents did not dispute the suspension, but requested a hearing before the Board to address the grade reduction, which was denied.

The federal district court found that the district's policy of grade reduction was unlawful. The court noted that Missouri state law requires districts to have a discipline policy, but the grade reduction was not listed as one of the discipline consequences. The district's practice also conflicted with another district policy that specifically stated that grades would not be used for disciplinary purposes.

If your district's policy or practice is to reduce, limit or remove the grades that may be earned by students who are suspended, including not allowing students to make up work during a suspension, MSBA strongly recommends that you discuss this practice with the district's private attorney. While the court in *John S.* did not explicitly state that a district could never legally reduce a student's grade, the manner in which it was done in that case was illegal. This means that any district with a similar practice needs to be prepared to offer a due process hearing before the Board and should make sure that its policies are consistent.

While MSBA does not endorse this practice, if your district does reduce or deny grades to students who are suspended, please do the following:

1. **Review policy IK, Academic Achievement.** MSBA's standard policy states, "grades are not to be used as a disciplinary measure." If your district does use grades as a disciplinary measure, this sentence needs to be removed.

REFERENCE COPY

FILE: JG-R2
Critical

2. Review policy JED, Student Absences and Excuses, and procedures JED-AP1 and JED-AP2. MSBA’s standard policy states, “No rule or procedure will preclude a student from making up work missed due to any type of absence, including absences due to suspension.” If your district does use grades as a disciplinary measure, this sentence needs to be removed. Similarly, if the district does not allow students to reduce accrued absences by attending make-up sessions, this language must removed from JED-AP1 and JED-AP2.

3. Remove the new "Impact on Grades" section MSBA has added to this policy and replace it with language that accurately reflects the district's practice of including a grade reduction as a disciplinary measure. Please be advised that there are due process implications to this practice, and MSBA encourages the district to discuss this practice with the district's private attorney. The following language is provided as an example of language the district might add. Please revise it as necessary to reflect the district's actual practices.

Academic Consequences

Students who are suspended from school will not be allowed to earn full credit for course work completed during the term of the suspension. Students may earn a maximum of ___ percent for the work completed. The district will provide appropriate due process in accordance with law prior to finalizing the student's grade for a course.

MSBA would be glad to assist your district in appropriately customizing this policy.

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

FILE: JG-R2
Critical

REFERENCE COPY

REFERENCE COPY

FILE: JG-R2
Critical

STUDENT DISCIPLINE (*Grades 5-6*)

The Student Code of Conduct is designed to foster student responsibility, respect for others, and to provide for the orderly operation of district schools. No code can be expected to list each and every offense that may result in disciplinary action; however, it is the purpose of this code to list certain offenses which, if committed by a student, will result in the imposition of a certain disciplinary action. Any conduct not included herein, any aggravated circumstance of any offense, or any action involving a combination of offenses may result in disciplinary consequences that extend beyond this code of conduct as determined by the principal, superintendent and/or Board of Education. In extraordinary circumstances where the minimum consequence is judged by the superintendent or designee to be manifestly unfair or not in the interest of the district, the superintendent or designee may reduce the consequences listed in this policy, as allowed by law.

Because there are varying degrees of severity in the following offenses, the administration reserves the right to consider the circumstances surrounding the incident, take the student's previous discipline record into account and determine appropriate action. The administration may, at their discretion, refer any violation of the discipline code to juvenile authorities. This code includes, but is not necessarily limited to, acts of students on district property, including playgrounds, parking lots and district transportation, or at a district activity, whether on or off district property. The district may also discipline students for off-campus conduct that negatively impacts the educational environment, to the extent allowed by law.

Reporting to Law Enforcement

It is the policy of the West Plains R-VII School District to report crimes occurring on district property to law enforcement, including, but not limited to, the crimes the district is required to report in accordance with law. A list of crimes the district is required to report is included in policy JGF.

The principal shall also notify the appropriate law enforcement agency and superintendent if a student is discovered to possess a controlled substance or weapon in violation of the district's policy.

In addition, the superintendent shall notify the appropriate division of the juvenile or family court upon suspension for more than ten (~~10~~) days or expulsion of any student who the district is aware is under the jurisdiction of the court.

Documentation in Student's Discipline Record

The principal, designee or other administrators or school staff will maintain all discipline records as deemed necessary for the orderly operation of the schools and in accordance with law and policy JGF.

Conditions of Suspension, Expulsion and Other Disciplinary Consequences

All students who are suspended or expelled, regardless of the reason, are prohibited from participating in or attending any district-sponsored activity, or being on or near district property or the location of any district activity for any reason, unless permission is granted by the superintendent or designee. In addition, the district may prohibit students from participating in activities or restrict a student's access to district property as a disciplinary consequence even if a student is not suspended or expelled from school, if appropriate.

In accordance with law, any student who is suspended for any offenses listed in § 160.261, RSMo., or any act of violence or drug-related activity defined by policy JGF as a serious violation of school discipline shall not be allowed to be within 1,000 feet of any district property or any activity of the district, regardless of whether the activity takes place on district property, unless one (~~+~~) of the following conditions exist:

1. The student is under the direct supervision of the student's parent, legal guardian, custodian or another adult designated in advance, in writing, to the student's principal by the student's parent, legal guardian or custodian, and the superintendent or designee has authorized the student to be on district property.
2. The student is enrolled in and attending an alternative school that is located within 1,000 feet of a public school in the district.
3. The student resides within 1,000 feet of a public school in the district and is on the property of his or her residence.

If a student violates the prohibitions in this section, he or she may be suspended or expelled in accordance with the offense, "Failure to Meet Conditions of Suspension, Expulsion or Other Disciplinary Consequences," listed below.

Impact on Grades

As with any absence, absences due to an out-of-school suspension may result in the student earning a lower grade in accordance with the district's policy on absences.

Prohibited Conduct

The following are descriptions of prohibited conduct as well as potential consequences for violations. Building-level administrators are authorized to more narrowly tailor potential consequences as appropriate for the age level of students in the building. All consequences must be within the ranges established in this regulation. In addition to the consequences specified here,

REFERENCE COPY

FILE: JG-R2
Critical

school officials will notify law enforcement and document violations in the student's discipline file pursuant to law and Board policy.

VIOLATIONS AGAINST PERSONS

Assault - Student

1. ~~Hitting, striking and/or attempting to cause injury to another person; placing a person in reasonable apprehension of imminent physical injury; physically injuring another person.~~ Using physical force, such as hitting, striking or pushing, to cause or attempt to cause physical injury; placing another person in apprehension of immediate physical injury; recklessly engaging in conduct that creates a grave risk of death or serious physical injury; causing physical contact with another person knowing the other person will regard the contact as offensive or provocative; or any other act that constitutes criminal assault in the third degree.

First Offense:	1-5 days in-school suspension or after-school detention and notification of parents.
Second Offense:	3-5 days out-of-school suspension and parent conference.
Third Offense:	5-10 days suspension and parent conference before readmission.

2. ~~Attempting to kill or cause serious physical injury to another; killing or causing serious physical injury to another.~~ Knowingly causing or attempting to cause serious bodily injury or death to another person, recklessly causing serious bodily injury to another person, or any other act that constitutes assault in the first or second degree.

First Offense:	10-180 days out-of-school suspension or eExpulsion.
Subsequent Offense:	Expulsion.

Bullying and Cyberbullying (see Board policy JFCF) – Intimidation or harassment of a student or multiple students perpetuated by individuals or groups. Bullying includes, but is not limited to: physical actions, including violence, gestures, theft, or damaging property; oral or written taunts, including name-calling, put-downs, extortion, or threats; threats of retaliation for reporting such acts;

sending or posting harmful or cruel text or images using the Internet or other digital communication devices; sending or posting materials that threaten or raise concerns about violence against others, suicide or self-harm. Students will not be disciplined for speech in situations where the speech is protected by law.

First Offense:	1-3 days in-school suspension and notification of parents.
Second Offense:	3-5 days in-school suspension and parent conference.
Third Offense:	2-5 days suspension and parent conference before readmission.

False Accusations Toward Staff – Any intentional slander or libelous statements made by a student towards any school employee that is malicious, untrue and meant to harm that staff member’s reputation or employment will result in immediate suspension.

First Offense:	10 day suspension by building principals or referral to superintendent and/or Board for review and possible extension of initial 10 days, up to 180 days by the superintendent and one (1) year by the Board and referral to juvenile authorities.
Second Offense:	Immediate suspension and referral to superintendent and school Board for expulsion and referral to juvenile authorities.

Fighting (see also, “Assault”) – Mutual combat in which both parties have contributed to the conflict either verbally or by physical action.

First Offense:	1-3 days in-school suspension or after-school detention and notification of parents.
Second Offense:	2-5 days out-of-school suspension and parent conference.
Third Offense:	5-10 days suspension and parent conference before readmission.

REFERENCE COPY

FILE: JG-R2
Critical

Hazing (see Board policy JFCF) – Any activity that a reasonable person believes would negatively impact the mental or physical health or safety of a student or put the student in a ridiculous, humiliating, stressful or disconcerting position for the purposes of initiation, affiliation, admission, membership or maintenance of membership in any group, class, organization, club or athletic team including, but not limited to, a grade level, student organization or district-sponsored activity. Hazing may occur even when all students involved are willing participants.

First Offense:	1-3 days in-school suspension and notification of parents.
Second Offense:	3-5 days in-school suspension and parent conference.
Third Offense:	2-5 days suspension and parent conference before readmission.

Instigating a Fight – Students shall not instigate fights by actively encouraging others to fight, carrying messages which result in fights or take part in any other activity which results in a fight.

First Offense:	1-3 days in-school suspension or after-school detention and notification of parents.
Second Offense:	1-3 days out-of-school suspension and parent conference.
Third Offense:	5-10 days suspension and parent conference before readmission.

Scuffling and Tripping – Pushing or other actions that may cause injury. Injury will result in movement to third step.

First Offense:	1-2 days in-school suspension or after-school detention and notification of parents.
Second Offense:	2-3 days in-school suspension or after-school detention and parent conference.
Third Offense:	3-5 days in-school suspension or after-school detention and parent conference before readmission.

Fourth Offense:	1-3 days out-of-school suspension and parent conference before readmission.
-----------------	---

Verbal Abuse to Staff – Verbal, written or symbolic language or gesture directed at a staff member, that is rude, vulgar, disrespectful and defiant or considered inappropriate in public settings.

First Offense:	1-3 days in-school suspension or after-school detention and notification of parent.
Second Offense:	1-3 days out-of-school suspension and parent conference.
Third Offense:	3-5 days out-of-school suspension and parent conference.
Fourth Offense:	5-10 days suspension and parent conference before readmission.

Verbal Abuse to Staff of a Threatening Nature – Verbal, written or symbolic language or gesture directed at a staff member that is threatening in nature.

First Offense:	2-5 days out-of-school suspension and notification of parents.
Second Offense:	5-10 days out-of-school suspension and parent conference.
Third Offense:	10-90 days suspension and parent conference before readmission or expulsion.

Weapons (see Board policy JFCJ) – The possession or use of a weapon, concealed or otherwise, by any student is prohibited upon or in the vicinity of school grounds, while going to or from school or at any school sponsored event. Examples of such weapons include: knives, guns, chains, metal knuckles or explosives. (This would include any item representing a weapon.)

1. Possession or use of any weapon as defined in Board policy, other than those defined in 18 U.S.C. § 921, 18 U.S.C. § 930(g)(2) or § 571.010, RSMo.

First Offense:	1-5 days in-school or after-school detention and/or parent conference.
----------------	--

REFERENCE COPY

FILE: JG-R2
Critical

Second Offense:	5-10 days suspension.
Third Offense:	Expulsion.

- Possession of a firearm, as defined in 18 U.S.C. § 921 or any instrument or device defined in 571.010 RSMo., or any instrument or device defined as a dangerous weapon in 18 U.S.C. § 930(g)(2).

First Offense:	One (1) calendar year suspension or expulsion unless modified by the Board upon recommendation by the superintendent.
Subsequent Offense:	Expulsion.

- Possession or use of ammunition or a component of a weapon.

First Offense:	In-school suspension, 1-180 days out-of-school suspension, or expulsion.
Subsequent Offense:	1-180 days out-of-school suspension or expulsion.

VIOLATIONS AGAINST PUBLIC HEALTH AND SAETY

Drugs/Alcohol (see Board policies JFCH and JHCD)

- Possession, sale, purchase or distribution of any over-the-counter drug, herbal preparation or imitation drug or herbal preparation.

First Offense:	In-school suspension or 1-180 days out-of-school suspension.
Second Offense:	1-180 days out-of-school suspension or expulsion.

- Possession of or attendance while under the influence of or soon after consuming unauthorized prescription drug, alcohol, narcotic substance, unauthorized inhalants,

counterfeit drugs, imitation controlled substances or drug-related paraphernalia, including controlled substances and illegal drugs defined as substances identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substances Act. This includes energy enhancers, dietary supplements and nicotine patches.

First Offense:	5-10 days out-of-school suspension and parent conference before readmission. May be reduced to five (5) days with drug/alcohol evaluation.
Second Offense:	10-90 days out-of-school suspension.
Third Offense:	Expulsion.

3. **Sale or Distribution** – Sale, purchase or distribution of any prescription drug, alcohol, narcotic substance, unauthorized inhalants, counterfeit drugs, imitation controlled substances or drug-related paraphernalia, including controlled substances and illegal drugs defined as substances identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substances Act.

First Offense:	5-10 days suspension and parent conference before readmission.
Second Offense:	Expulsion.

Tobacco Use and/or Possession of – Students found to be possessing or using any tobacco product, electronic cigarettes, or other nicotine-delivery products on district property, district transportation or at any district related activities is prohibited. Tobacco products will be confiscated and destroyed. It is against the law of Missouri for minors to buy, use or possess tobacco products. Nicotine patches or other medications used in a tobacco cessation program may only be possessed in accordance with district policy JHCD.

First Offense:	1-3 days in-school suspension or after-school detention and notification of parents.
Second Offense:	1-3 days out-of-school suspension and parent conference.

REFERENCE COPY

FILE: JG-R2
Critical

Third Offense:	3-5 days suspension and parent conference before readmission.
----------------	---

VIOLATIONS AGAINST PROPERTY

Arson – Starting or attempting to start a fire or causing or attempting to cause an explosion.

First Offense:	10-90 days out-of-school suspension, parent conference.
Subsequent Offense:	Expulsion.

Bomb Threats – The Safe Schools Act 1996 increases the penalty for making a false bomb report from a Class A misdemeanor to a Class D felony.

First Offense:	10-90 days suspension/possible expulsion.
Second Offense:	Expulsion.

Extortion – Threatening or intimidating any person for the purpose of, or with the intent of, obtaining money or anything of value from the student.

First Offense:	1-5 days in-school suspension or after-school detention, notification of parents and restitution.
Second Offense:	1-5 days out-of-school suspension, parent conference and restitution.
Third Offense:	Expulsion.

Failure to Care for or Return District Property – Loss of, failure to return, or damage to district property including, but not limited to, books, computers, calculators, uniforms, and sporting and instructional equipment.

First Offense:	Restitution. Principal/Student conference, detention, or in-school suspension.
Subsequent Offense:	Restitution. Detention or in-school suspension.

False Alarm – Tampering with emergency equipment, setting off false alarms, making false reports; communicating a threat or false report for the purpose of frightening or disturbing people, disrupting the educational environment or causing the evacuation or closure of district property.

First Offense:	2-5 days in-school suspension or 1-5 days suspension and notification of parents.
Subsequent Offense:	5-10 days suspension and parent conference or referral for expulsion.

Incendiary Devices or Fireworks – Possessing, displaying or using matches, lighters or other devices used to start fires unless required as part of an educational exercise and supervised by district staff; possessing or using fireworks.

First Offense:	Confiscation. Warning, principal/student conference, detention, or in-school suspension.
Subsequent Offense:	Confiscation. Principal/Student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.

Nuisance Items – Possession or use of items such as toys, games, MP3 players and other electronic devices (other than mobile phones) and portable media players that are not authorized for educational purposes.

First Offense:	Confiscation. Warning, principal/student conference, detention, or in-school suspension.
Subsequent Offense:	Confiscation. Principal/Student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.

Technology Misconduct (see Board policies EHB and KKB and procedure EHB-AP)

REFERENCE COPY

FILE: JG-R2
Critical

1. Attempting, regardless of success, to: gain unauthorized access to a technology system or information; use district technology to connect to other systems in evasion of the physical limitations of the remote system; copy district files without authorization; interfere with the ability of others to utilize district technology; secure a higher level of privilege without authorization; introduce computer viruses, hacking tools, or other disruptive/destructive programs onto or using district technology; or evade or disable a filtering/blocking device.

First Offense:	Restitution. Principal/Student conference, loss of user privileges, detention, or in-school suspension.
Subsequent Offense:	Restitution. Loss of user privileges, 1-180 days out-of-school suspension, or expulsion.

2. Using, displaying or turning on pagers, phones, personal digital assistants, personal laptops or any other **personal** electronic ~~communication~~ devices during the regular school day, including **instructional class time, class change time, breakfast or lunch mealtimes or instructional class time, unless the use is part of the instructional program, required by a district-sponsored class or activity, or otherwise permitted by the building principal.**

First Offense:	Confiscation, principal/student conference, detention, or in-school suspension.
Subsequent Offense:	Confiscation, principal/student conference, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

3. Violations, **other than those listed in (1) or (2) above,** of Board policy EHB, ~~and~~ procedure EHB-AP **or any policy or procedure regulating student use of personal electronic devices other than those listed in (1) or (2) above.**

First Offense:	Restitution. Principal/Student conference, detention, or in-school suspension.
Subsequent Offense:	Restitution. Loss of user privileges, 1-180 days out-of-school suspension, or expulsion.

4. Use of audio or visual recording equipment in violation of Board policy KKB.

First Offense:	Confiscation. Principal/Student conference, detention, or in-school suspension.
Subsequent Offense:	Confiscation. Principal/Student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.

Theft – Theft, attempted theft or knowing possession of stolen property.

First Offense:	1-3 days in-school suspension or after-school detention and restitution, notification of parents.
Second Offense:	2-5 days out-of-school suspension, referral to law enforcement, restitution and parent conference.
Third Offense:	5-10 days suspension, restitution.

Threatening the Safety and Security of the School – Threatening verbally, or in writing, to bring weapons on or near school property, including school grounds or buses, with the intent to commit harm to people or property.

First Offense:	10 days suspension by building principals or referral to superintendent and/or school Board for review and possible extension of initial 10 days, up to 180 days by the superintendent and one (1) year by the school Board.
Second Offense:	Immediate suspension and referral to superintendent and Board for expulsion.

Vandalism (see Board policy ECA) – Willful damage or the attempt to cause damage to any property, real or personal, belonging to the district, staff or students.

First Offense:	1-3 days in-school suspension or after-school detention, notification of parents and restitution.
Second Offense:	1-3 days out-of-school suspension, parent conference and restitution.

REFERENCE COPY

FILE: JG-R2
Critical

Third Offense:	5-10 days suspension, parent conference and restitution.
----------------	--

VIOLATIONS AGAINST SCHOOL ADMINISTRATION

Disruption and Interference with School – No student shall block the doorway or corridor; prevent others from attending a class or school activity; block normal pedestrian or vehicular traffic; use violence, force/noise, coercion, threats, intimidation, harassment, fear, passive resistance or any other conduct intentionally to cause a disruption of the educational environment. Nor shall they refuse to identify themselves on request or encourage other students to violate any rule or school Board policy.

First Offense:	1-5 days in-school suspension or after-school detention, and notification of parents.
Second Offense:	2-5 days suspension.

Failure to Meet Conditions of Suspension, Expulsion or Other Disciplinary Consequences – Violating the conditions of a suspension, expulsion or other disciplinary consequence including, but not limited to, participating in or attending any district-sponsored activity or being on or near district property or the location where a district activity is held. See the section of this regulation titled, "Conditions of Suspension, Expulsion and Other Disciplinary Consequences."

As required by law, when the district considers suspending a student for an additional period of time or expelling a student for being on or within 1,000 feet of district property during a suspension, consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether the student's presence is disruptive to the educational process or undermines the effectiveness of the district's discipline policy.

First Offense:	Verbal warning, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion. Report to law enforcement for trespassing if expelled.
Subsequent Offense:	Verbal warning, detention, in-school suspension, in-school suspension, 1-180 days out-of-school suspension, or expulsion. Report to law enforcement for trespassing if expelled.

Insubordination – Defiance, willful refusal to perform requested action and disrespectfulness in word and action. Refusal to comply with a teacher's request in a timely or appropriate manner.

First Offense:	1-3 days in-school suspension or after-school detention and notification of parents.
Second Offense:	1-3 days out-of-school suspension and parent conference.
Third Offense:	3-6 days out-of-school suspension and parent conference.

Truancy or Tardiness (see Board policy JED) – Absence from school without the knowledge and consent of parents/guardians and the school administration; excessive non-justifiable absences, even with the consent of parents/guardians; arriving after the expected time class or school begins, as determined by the district.

First Offense:	1 day after-school detention for each hour missed and parent conference.
Second Offense:	2-5 days in-school suspension and parent conference.
Third Offense:	1-3 days suspension.
Fourth Offense:	Expulsion.

VIOLATIONS AGAINST PUBLIC DECENCY AND GOOD ORDER

Academic Dishonesty – Cheating on tests, assignments, projects or similar activities; plagiarism; claiming credit for another person's work; fabrication of facts, sources or other supporting material; unauthorized collaboration; facilitating academic dishonesty; and other misconduct related to academics.

First Offense:	No credit for the work, grade reduction, or replacement assignment.
Subsequent Offense:	No credit for the work, grade reduction, course failure, or removal from extracurricular activities.

REFERENCE COPY

FILE: JG-R2
Critical

Gambling – Betting on an uncertain outcome, regardless of stakes; engaging in any game of chance or activity in which something of real or symbolic value may be won or lost. Gambling includes, but is not limited to, betting on outcomes of activities, assignments, contests and games.

First Offense:	Principal/Student conference, loss of privileges, detention, or in-school suspension.
Subsequent Offense:	Principal/Student conference, loss of privileges, detention, in-school suspension, or 1-10 days out-of-school suspension.

Harassment, including Sexual Harassment (see Board policy AC)

1. Use of material of a sexual nature or unwelcome verbal, written or symbolic language based on gender, race, color, religion, sex, national origin, ancestry, disability or any other characteristic protected by law. Examples of illegal harassment include, but are not limited to, racial jokes or comments; requests for sexual favors and other unwelcome sexual advances; graffiti; name calling; or threatening, intimidating or hostile acts based on a protected characteristic.

First Offense:	Principal/Student conference, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.
Subsequent Offense:	In-school suspension, 1-180 days out-of-school suspension, or expulsion.

2. Unwelcome physical contact of a sexual nature or that is based on gender, race, color, religion, sex, national origin, ancestry, disability or any other characteristic protected by law. Examples include, but are not limited to, touching or fondling of the genital areas, breasts or undergarments, regardless of whether the touching occurred through or under clothing; or pushing or fighting based on protected characteristics.

First Offense:	In-school suspension, 1-180 days out-of-school suspension, or expulsion.
Subsequent Offense:	1-180 days out-of-school suspension or expulsion.

Sexting and/or Possession of Sexually Explicit, Vulgar or Violent Material – Students may not possess or display, electronically or otherwise, sexually explicit, vulgar or violent material including, but not limited to, pornography or depictions of nudity, violence or explicit death or injury. This prohibition does not apply to curricular material that has been approved by district staff for its educational value. Students will not be disciplined for speech in situations where it is protected by law.

First Offense:	Confiscation. Principal/Student conference, detention, or in-school suspension.
Subsequent Offense:	Confiscation. Detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

Sexual Activity – Acts of sex or simulated acts of sex including, but not limited to, intercourse or oral or manual stimulation.

First Offense:	Principal/Student conference, detention, in-school suspension, or 1-180 days out-of-school suspension.
Subsequent Offense:	Detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

Use of Disruptive Speech or Conduct – Conduct or speech, be it verbal, written, pictorial or symbolic that materially and substantially disrupts classroom work, school activities, school functions such as not keeping hands and feet to yourself, lying, talking in class when told not to do so, insubordination and refusal to do work.

First Offense:	1-3 days in-school suspension or after-school detention and notification of parents.
Second Offense:	2-5 days in-school suspension or after-school detention and parent conference.
Third Offense:	3-6 days in-school suspension or after-school detention and parent conference.
Fourth Offense:	1-3 days out-of-school suspension and parent conference before readmission.

REFERENCE COPY

FILE: JG-R2
Critical

Use of Language or Action that is Disparaging, Demeaning or Threatening – Words or actions, verbal, written, pictorial or symbolic meant to harass or injure other people, such as threats of violence, bullying, name-calling, putdowns, intentionally hurting others’ feelings, spitting, depantzing, defamation of a person’s race, religion, gender or ethnic origin.

First Offense:	1 day after-school detention.
Second Offense:	1-5 days in-school suspension and conference with parents.
Third Offense:	1-5 days suspension and parent conference prior to readmission.

Public Display of Affection – Any distracting behavior by a student that is intended to show affection toward another student is inappropriate in the school setting. Such behavior will not be tolerated even if it is meant as a joke. Each situation will be dealt with on an individual basis.

Secret Organizations (see Board policy JFCE) – The Board of Education does not recognize secret organizations. Sororities, fraternities, gangs or secret societies of the community are not school organizations. Conduct by students while in school such as hazing of initiates, special attire (including pins and insignia or other identifying symbols), improper activity on campus or any other influence of sorority, fraternity, gang or secret society that interferes with the normal conduct of the educational program shall not be permitted. Each situation will be dealt with on an individual basis.

Bus or Transportation Misconduct (see Board policy JFCC and procedure JFCC-AP) – Any offense committed by a student on transportation provided by or through the district shall be punished in the same manner as if the offense has been committed at the student’s assigned school. Transportation privileges may be suspended or revoked. All bus disciplinary actions are handled by the transportation department.

Body Piercing (See Board policy JFCA and procedure JFCA-AP) – In order to create an educational environment free of distractions in the classroom and also due to health and safety concerns related to blood-borne diseases, as well as student tendencies to grab and pull other students when playing or in physical education classes, body piercing (other than pierced ears) is prohibited. Examples of such piercing would include studs, loops or rings in the eyebrows, nose, tongue, belly button or other body areas. Therefore, all students shall refrain from wearing or displaying body piercing attire while at school or at school sponsored activities. Modest pierced-ear attire will be allowed at the discretion of the building principals. Any such pierced-ear attire that is considered a distraction to the educational environment or a health hazard will be prohibited. Jewelry in PE classes will be removed at the discretion of the PE teacher.

FILE: JG-R2
Critical

REFERENCE COPY

Behavior not Covered Above – The school district reserves the right to pursue disciplinary or legal action for behavior that is subversive to good order and discipline in the schools even though such behavior is not specified in the preceding written rules.

* * * * *

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: 07/2003

Revised: 03/15/2005; 05/21/2008; 01/20/2009; 01/18/2011;

MSIP Refs: 6.6

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

REFERENCE COPY

FILE: JG-R3
Critical

EXPLANATION: STUDENT DISCIPLINE (*Middle School*)

This policy was modified to:

1. Add a paragraph titled "Impact on Grades" stating that out-of-school suspensions could lead to the student earning a lower grade. Please note that MSBA's standard attendance policy JED and procedures JED-AP1 and JED-AP2 categorize out-of-school suspensions as excused absences. However, the procedures do state that students with even excused absences may not earn the full grade if the student has missed ten or more days of school. For that reason, MSBA has added this language to clarify that students who receive a suspension, as with other excused absences, might earn a lower grade in accordance with district policy.

If your district has adopted a custom attendance policy, please determine whether out-of-school suspensions could lead to students earning a lower grade and alter this section accordingly.

2. Add the offense of assault in the third degree to this model discipline code to assist administrators in determining the level of disciplinary action appropriate based on the seriousness of the assault.
3. Add the offense "Failure to Care for or Return District Property."
4. Alter the definition of "Nuisance Items" to remove personal electronic devices from this violation because their use, proper and improper, is covered elsewhere.
5. Modify "Technology Misconduct" to recognize that students may be able to use mobile phones or other personal electronic devices during the school day in situations where they are encouraged to do so as part of the educational program or as allowed by the principal. Several school districts and school buildings have embraced the concept of "Bring Your Own Device," which encourages students to use mobile phones, laptops, tablets and other Internet-capable devices for educational purposes. MSBA did not want the technology misconduct offense to be a barrier to this practice, when approved by the district. MSBA has a new sample policy on this topic: EHBA, Student Use of Personal Electronic Devices for Instructional Purposes. Please contact the Policy department if you wish to review this policy and related forms.
6. Expand the "Tobacco" offense to address the increasing use of electronic cigarettes as well as medications used in tobacco cessation programs.

NOTICE: Does your district prohibit students from earning credit for course work, limit the amount of credit students may earn, or take credit earned away from students while they are suspended from school?

In addition to simply not allowing students to earn top grades if they have been absent from school, many districts also have policies or practices that prohibit suspended students from earning grades for work completed while on suspension, or even prohibit earning credit in the class. MSBA does not recommend these practices because they discourage academic achievement and frequently result in students who return to school less motivated to behave because the student realizes he or she will fail the class. There are legal reasons to reconsider this practice as well.

In *John S. v. Ozark R-VI School District*, 2012 WL 176226 (January 18, 2012), a student was suspended from school for ten days. In accordance with the district's practice, the student was only allowed to earn a maximum of 50 percent of the grade for any course work completed during the term of the suspension. The parents did not dispute the suspension, but requested a hearing before the Board to address the grade reduction, which was denied.

The federal district court found that the district's policy of grade reduction was unlawful. The court noted that Missouri state law requires districts to have a discipline policy, but the grade reduction was not listed as one of the discipline consequences. The district's practice also conflicted with another district policy that specifically stated that grades would not be used for disciplinary purposes.

If your district's policy or practice is to reduce, limit or remove the grades that may be earned by students who are suspended, including not allowing students to make up work during a suspension, MSBA strongly recommends that you discuss this practice with the district's private attorney. While the court in *John S.* did not explicitly state that a district could never legally reduce a student's grade, the manner in which it was done in that case was illegal. This means that any district with a similar practice needs to be prepared to offer a due process hearing before the Board and should make sure that its policies are consistent.

While MSBA does not endorse this practice, if your district does reduce or deny grades to students who are suspended, please do the following:

1. **Review policy IK, Academic Achievement.** MSBA's standard policy states, "grades are not to be used as a disciplinary measure." If your district does use grades as a disciplinary measure, this sentence needs to be removed.

REFERENCE COPY

FILE: JG-R3
Critical

2. Review policy JED, Student Absences and Excuses, and procedures JED-AP1 and JED-AP2. MSBA’s standard policy states, “No rule or procedure will preclude a student from making up work missed due to any type of absence, including absences due to suspension.” If your district does use grades as a disciplinary measure, this sentence needs to be removed. Similarly, if the district does not allow students to reduce accrued absences by attending make-up sessions, this language must removed from JED-AP1 and JED-AP2.

3. Remove the new "Impact on Grades" section MSBA has added to this policy and replace it with language that accurately reflects the district's practice of including a grade reduction as a disciplinary measure. Please be advised that there are due process implications to this practice, and MSBA encourages the district to discuss this practice with the district's private attorney. The following language is provided as an example of language the district might add. Please revise it as necessary to reflect the district's actual practices.

Academic Consequences

Students who are suspended from school will not be allowed to earn full credit for course work completed during the term of the suspension. Students may earn a maximum of ___ percent for the work completed. The district will provide appropriate due process in accordance with law prior to finalizing the student's grade for a course.

MSBA would be glad to assist your district in appropriately customizing this policy.

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

FILE: JG-R3
Critical

REFERENCE COPY

REFERENCE COPY

FILE: JG-R3
Critical

STUDENT DISCIPLINE (*Middle School*)

The Student Code of Conduct is designed to foster student responsibility, respect for others, and to provide for the orderly operation of district schools. No code can be expected to list each and every offense that may result in disciplinary action; however, it is the purpose of this code to list certain offenses which, if committed by a student, will result in the imposition of a certain disciplinary action. Any conduct not included herein, any aggravated circumstance of any offense, or any action involving a combination of offenses may result in disciplinary consequences that extend beyond this code of conduct as determined by the principal, superintendent and/or Board of Education. In extraordinary circumstances where the minimum consequence is judged by the superintendent or designee to be manifestly unfair or not in the interest of the district, the superintendent or designee may reduce the consequences listed in this policy, as allowed by law.

Because there are varying degrees of severity in the following offenses, the administration reserves the right to consider the circumstances surrounding the incident, take the student's previous discipline record into account and determine appropriate action. The administration may, at their discretion, refer any violation of the discipline code to juvenile authorities. This code includes, but is not necessarily limited to, acts of students on district property, including playgrounds, parking lots and district transportation, or at a district activity, whether on or off district property. The district may also discipline students for off-campus conduct that negatively impacts the educational environment, to the extent allowed by law.

Reporting to Law Enforcement

It is the policy of the West Plains R-VII School District to report crimes occurring on district property to law enforcement, including, but not limited to, the crimes the district is required to report in accordance with law. A list of the crimes the district is required to report is included in policy JGF.

The principal shall also notify the appropriate law enforcement agency and superintendent if a student is discovered to possess a controlled substance or weapon in violation of the district's policy.

In addition, the superintendent shall notify the appropriate division of the juvenile or family court upon suspension for more than ten (~~10~~) days or expulsion of any student who the district is aware is under the jurisdiction of the court.

Documentation in Student's Discipline Record

The principal, designee or other administrators or school staff will maintain all discipline records as deemed necessary for the orderly operation of the schools and in accordance with law and policy JGF.

Conditions of Suspension, Expulsion and Other Disciplinary Consequences

All students who are suspended or expelled, regardless of the reason, are prohibited from participating in or attending any district-sponsored activity, or being on or near district property or the location of any district activity for any reason, unless permission is granted by the superintendent or designee. In addition, the district may prohibit students from participating in activities or restrict a student's access to district property as a disciplinary consequence even if a student is not suspended or expelled from school, if appropriate.

In accordance with law, any student who is suspended for any offenses listed in § 160.261, RSMo., or any act of violence or drug-related activity defined by policy JGF as a serious violation of school discipline shall not be allowed to be within 1,000 feet of any district property or any activity of the district, regardless of whether the activity takes place on district property, unless one (~~†~~) of the following conditions exist:

1. The student is under the direct supervision of the student's parent, legal guardian, custodian or another adult designated in advance, in writing, to the student's principal by the student's parent, legal guardian or custodian, and the superintendent or designee has authorized the student to be on district property.
2. The student is enrolled in and attending an alternative school that is located within 1,000 feet of a public school in the district.
3. The student resides within 1,000 feet of a public school in the district and is on the property of his or her residence.

If a student violates the prohibitions in this section, he or she may be suspended or expelled in accordance with the offense, "Failure to Meet Conditions of Suspension, Expulsion or Other Disciplinary Consequences," listed below.

Impact on Grades

As with any absence, absences due to an out-of-school suspension may result in the student earning a lower grade in accordance with the district's policy on absences.

REFERENCE COPY

FILE: JG-R3
Critical

Prohibited Conduct

The following are descriptions of prohibited conduct as well as potential consequences for violations. Building-level administrators are authorized to more narrowly tailor potential consequences as appropriate for the age level of students in the building. All consequences must be within the ranges established in this regulation. In addition to the consequences specified here, school officials will notify law enforcement and document violations in the student's discipline file pursuant to law and Board policy.

DEFINITIONS OF VIOLATIONS

Academic Dishonesty: Cheating on tests, assignments, projects or similar activities; plagiarism; claiming credit for another person's work; fabrication of facts, sources or other supporting material; unauthorized collaboration; facilitating academic dishonesty; and other misconduct related to academics.

Arson: Starting or attempting to start a fire or causing or attempting to cause an explosion.

Assault: ~~Hitting, striking and/or attempting to cause injury to another person; placing a person in reasonable apprehension of imminent physical injury; physically injuring another person. Attempting to kill or cause serious physical injury to another; killing or causing serious physical injury to another.~~ Using physical force, such as hitting, striking or pushing, to cause or attempt to cause physical injury; placing another person in apprehension of immediate physical injury; recklessly engaging in conduct that creates a grave risk of death or serious physical injury; causing physical contact with another person knowing the other person will regard the contact as offensive or provocative; or any other act that constitutes criminal assault in the third degree. Knowingly causing or attempting to cause serious bodily injury or death to another person, recklessly causing serious bodily injury to another person, or any other act that constitutes assault in the first or second degree.

Bomb Threats: The Safe Schools Act 1996 increases the penalty for making a false bomb report from a Class A misdemeanor to a Class D felony.

Bullying and Cyberbullying (see Board policy JFCF): Intimidation or harassment of a student or multiple students perpetuated by individuals or groups. Bullying includes, but is not limited to: physical actions, including violence, gestures, theft, or damaging property; oral or written taunts, including name-calling, put-downs, extortion, or threats; threats of retaliation for reporting such acts; sending or posting harmful or cruel text or images using the Internet or other digital communication devices; sending or posting materials that threaten or raise concerns about violence against others,

suicide or self-harm. Students will not be disciplined for speech in situations where the speech is protected by law.

Bus or Transportation Misconduct (see Board policy JFCC): Any offense committed by a student on transportation provided by or through the district shall be punished in the same manner as if the offense had been committed at the student's assigned school. In addition, transportation privileges may be suspended or revoked.

Dishonesty: Any act of lying, whether verbal or written, including forgery.

Disruptive/Harmful Items: Because they have the potential to cause serious harm, students are not permitted to have the following items on school property or during school activities: snowballs, pocket knives, chains, laser lights or jewelry with large spikes. Additionally, any item normally found on school property but used in a disruptive or harmful manner is prohibited as well. Examples include: rocks, pens and pencils, rubber bands, and paper in the form of airplanes, spitballs, etc.

Disruption and Interference with School: No student shall block the doorway or corridor; prevent others from attending a class or school activity; block normal pedestrian or vehicular traffic; use violence, force/noise, coercion, threats, intimidation, harassment, fear, passive resistance or any other conduct intentionally to cause a disruption of the educational environment. Nor shall they refuse to identify themselves on request or encourage other students to violate any rule or school Board policy.

Dress Code/Body Piercing (See Board policy JFCA and procedure JFCA-AP): In order to create an educational environment free of distractions in the classroom and also due to health and safety concerns related to blood-borne diseases, as well as student tendencies to grab and pull other students when playing or in physical education classes, body piercing (other than pierced ears) is prohibited. Examples of such pierces would include studs, loops or rings in the eyebrows, nose, tongue, belly button or other body areas. Therefore, all students shall refrain from wearing or displaying body piercing attire while at school or at school sponsored activities. Modest pierced-ear attire will be allowed at the discretion of the building principals. Any such pierced-ear attire that is considered a distraction to the educational environment or a health hazard will be prohibited. Jewelry in PE classes will be removed at the discretion of the PE teacher.

Drugs/Alcohol (see Board policies JFCH and JHCD): Possession of, use or attendance while under the influence of or soon after consuming unauthorized prescription drug, alcohol, narcotic substance, unauthorized inhalants, counterfeit drugs, imitation controlled substances, or drug-related paraphernalia, including controlled substances and illegal drugs defined as substances identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substances Act.. This includes energy enhancers, dietary supplements and nicotine patches. Such incidents will be reported to law enforcement. Sale, purchase or distribution of any prescription drug, alcohol, narcotic substance,

REFERENCE COPY

FILE: JG-R3
Critical

unauthorized inhalants, counterfeit drugs, imitation controlled substances or drug-related paraphernalia, including controlled substances and illegal drugs defined as substances identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substances Act, while on school premises or at school related functions, is prohibited. Possession, sale, purchase or distribution of any over-the-counter drug, herbal preparation or imitation drug or herbal preparation.

Extortion: Threatening or intimidating any person for the purpose of, or with the intent of, obtaining money or anything of value from the student.

Failure to Care for or Return District Property: Loss of, failure to return, or damage to district property including, but not limited to, books, computers, calculators, uniforms, and sporting and instructional equipment.

Failure to Meet Conditions of Suspension, Expulsion or Other Disciplinary Consequences: Violating the conditions of a suspension, expulsion or other disciplinary consequence including, but not limited to, participating in or attending any district-sponsored activity or being on or near district property or the location where a district activity is held. See the section of this regulation titled, "Conditions of Suspension, Expulsion and Other Disciplinary Consequences."

As required by law, when the district considers suspending a student for an additional period of time or expelling a student for being on or within 1,000 feet of district property during a suspension, consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether the student's presence is disruptive to the educational process or undermines the effectiveness of the district's discipline policy.

False Accusations Toward Staff: Any intentional slander or libelous statements made by a student towards any school employee that is malicious, untrue and meant to harm that staff member's reputation or employment will result in immediate suspension.

False Alarm: Tampering with emergency equipment, setting off false alarms, making false reports; communicating a threat or false report for the purpose of frightening or disturbing people, disrupting the educational environment or causing the evacuation or closure of district property.

Fighting/Instigation of a Fight (see also, "Assault"): Mutual combat in which both parties have contributed to the conflict either verbally or by physical action. Students shall not instigate fights by actively encouraging others to fight, carrying messages which result in fights or take part in any other activity which results in a fight.

Gambling: Betting on an uncertain outcome, regardless of stakes; engaging in any game of chance or activity in which something of real or symbolic value may be won or lost. Gambling includes, but is not limited to, betting on outcomes of activities, assignments, contests and games.

Harassment, including Sexual Harassment (see Board policy AC): (1) Use of material of a sexual nature or unwelcome verbal, written or symbolic language based on gender, race, color, religion, sex, national origin, ancestry, disability or any other characteristic protected by law. Examples of illegal harassment include, but are not limited to, racial jokes or comments; requests for sexual favors and other unwelcome sexual advances; graffiti; name calling; or threatening, intimidating or hostile acts based on a protected characteristic. (2) Unwelcome physical contact of a sexual nature or that is based on gender, race, color, religion, sex, national origin, ancestry, disability or any other characteristic protected by law. Examples include, but are not limited to, touching or fondling of the genital areas, breasts or undergarments, regardless of whether the touching occurred through or under clothing; or pushing or fighting based on protected characteristics.

Hazing (see Board policy JFCF): Any activity that a reasonable person believes would negatively impact the mental or physical health or safety of a student or put the student in a ridiculous, humiliating, stressful or disconcerting position for the purposes of initiation, affiliation, admission, membership or maintenance of membership in any group, class, organization, club or athletic team including, but not limited to, a grade level, student organization or district-sponsored activity. Hazing may occur even when all students involved are willing participants.

Inappropriate language: Profanity, degrading, offensive language or gestures.

Incendiary Devices or Fireworks: Possessing, displaying or using matches, lighters or other devices used to start fires unless required as part of an educational exercise and supervised by district staff; possessing or using fireworks.

Insubordination/Defiance: The immediate, willful refusal to perform a teacher's or staff member's request and disrespectfulness in word or action. Refusal to comply with a teacher's request in a timely or appropriate manner. Failure to give correct name when asked by a staff member is considered insubordination.

Nuisance Items: Possession or use of **items such as** toys, games, ~~MP3 players and other electronic devices (other than mobile phones)~~ **and portable media players** that are not authorized for educational purposes.

Public Display of Affection: Any distracting behavior by a student that is intended to show affection toward another student, including hand holding, hugging or kissing, is inappropriate in the school setting and will be defined as excessive display of affection.

REFERENCE COPY

FILE: JG-R3
Critical

Scuffling and Tripping: Pushing or other actions that may cause injury.

Secret Organizations (see Board policy JFCE): The Board of Education does not recognize secret organizations. Sororities, fraternities, gangs or secret societies of the community are not school organizations. Conduct by students while in school such as hazing of initiates, special attire (including pins and insignia or other identifying symbols), improper activity on campus or any other influence of sorority, fraternity, gang or secret society that interferes with the normal conduct of the educational program shall not be permitted. Each situation will be dealt with on an individual basis.

Sexting and/or Possession of Sexually Explicit, Vulgar or Violent Material: Students may not possess or display, electronically or otherwise, sexually explicit, vulgar or violent material including, but not limited to, pornography or depictions of nudity, violence or explicit death or injury. This prohibition does not apply to curricular material that has been approved by district staff for its educational value. Students will not be disciplined for speech in situations where it is protected by law.

Sexual Activity: Acts of sex or simulated acts of sex including, but not limited to, intercourse or oral or manual stimulation.

Technology Misconduct (see Board policies EHB and KKB and procedure EHB-AP): Attempting, regardless of success, to: gain unauthorized access to a technology system or information; use district technology to connect to other systems in evasion of the physical limitations of the remote system; copy district files without authorization; interfere with the ability of others to utilize district technology; secure a higher level of privilege without authorization; introduce computer viruses, hacking tools, or other disruptive/destructive programs onto or using district technology; or evade or disable a filtering/blocking device.

Using, displaying or turning on pagers, phones, personal digital assistants, personal laptops or any other **personal** electronic ~~communication~~ devices during the regular school day, including ~~instructional class time, class change time, breakfast or lunch mealtimes or instructional class time,~~ **unless the use is part of the instructional program, required by a district-sponsored class or activity, or otherwise permitted by the building principal.** Violations of Board policy EHB, ~~and procedure EHB-AP~~ **or any policy or procedure regulating student use of personal electronic devices other than those listed above.** Use of audio or visual recording equipment in violation of Board policy.

Theft: Theft, attempted theft or knowing possession of stolen property.

Threatening Bodily Harm: Telling staff or students you will kill, hurt or injure him or her.

Threatening the Safety and Security of the School: Threatening verbally, or in writing, to bring weapons on or near district property, including school grounds or buses, with the intent to commit harm to people or property.

Tobacco Use and/or Possession of: Students found to be possessing or using any tobacco product, electronic cigarettes, or other nicotine-delivery products on district property, district transportation or at any district related activities is prohibited. Tobacco products will be confiscated and destroyed. It is against the law of Missouri for minors to buy, use or possess tobacco products. Nicotine patches or other medications used in a tobacco cessation program may only be possessed in accordance with district policy JHCD.

Truancy or Tardiness (see Board policy JED): Absence from school without the knowledge and consent of parents/guardians and the school administration; excessive non-justifiable absences, even with the consent of parents/guardians; arriving after the expected time class or school begins, as determined by the district.

Unauthorized Entry: Entering or assisting any other person to enter a district facility, office, locker, or other area that is locked or not open to the general public; entering or assisting any other person to enter a district facility through an unauthorized entrance; assisting unauthorized persons to enter a district facility through any entrance.

Use of Disruptive Speech or Conduct: Conduct or speech, be it verbal, written, pictorial or symbolic that materially and substantially disrupts classroom work, school activities, school functions such as not keeping hands and feet to yourself, lying, cheating, talking in class when told not to do so, insubordination and refusal to do work.

Vandalism (see Board policy ECA): Willful damage or the attempt to cause damage to real or personal property belonging to the district, staff or students.

Weapons (see Board policy JFCJ): The possession or use of a weapon as defined in Board policy, concealed or otherwise, by any student is prohibited upon or in the vicinity of school grounds, while going to or from school or at any school sponsored event. Examples of such weapons include: knives, guns, chains, metal knuckles or explosives. Possession or use of ammunition or a component of a weapon. (This would include any item representing a weapon.)

DEFINITIONS OF CONSEQUENCES

After School Detention (ASD): May be assigned as a consequence for inappropriate behavior. Students not staying for detention on the day(s) assigned may be suspended from school. Parents

REFERENCE COPY

FILE: JG-R3
Critical

are responsible for providing transportation for students assigned to detention. After school detention will be held from 3:30 until 5:00 pm.

In-School Suspension (ISS): May be assigned for inappropriate behavior. Students assigned to ISS will be isolated during the day in the ISS area under the supervision of the ISS monitor. While in ISS students will be given work from regular classroom teachers to complete during the day. Inappropriate behavior during ISS will result in out of school suspension or additional days of ISS.

Juvenile Office (JO): Referral to the Juvenile Office.

Long Term Suspension: The superintendent may suspend a student for more than ten (~~10~~) days for serious misbehavior or violations of the conduct code or the recurrence of misbehavior.

Loss of Privileges: May include denial of hall passes, attendance at assemblies, school activities, participation in athletics, going outside during lunch or before school and may also include being restricted to an assigned seat at lunch or in class.

Lunchtime Detention (LD): Lunchtime detention may be assigned for inappropriate behavior. Students are assigned to a classroom during lunchtime and a sack lunch will be available from the cafeteria.

Out-of-School Suspension (OSS): The most drastic action that can be taken by the principal. During suspension the student is not to be on school grounds or at school sponsored activities. Work assigned during suspension may be made up, but must be turned in no later than the day following the return to school. All suspension of eight (~~8~~) or more days require a meeting with the superintendent prior to re-entry.

Chart of Consequences

	Step 1	Step 2	Step 3	Step 4
Academic Dishonesty	No credit for the work, grade reduction, or replacement assignment.	No credit for the work, grade reduction, course failure, or removal from extracurricular activities.		
Arson	10-180 days OSS, referral for expulsion			

REFERENCE COPY

	Step 1	Step 2	Step 3	Step 4
Assault (Injury will move to Step 3)	1-3 days OSS	3-5 days OSS	5 - 10 days OSS	10-90 days OSS, referral expulsion
Bomb Threat	10-180 days OSS, referral for expulsion			
Bullying and Cyberbullying	1-3 days ISS or OSS	5-10 days OSS, report to police	10-90 days OSS	10-180 days OSS
Bus or Transportation Misconduct	Transportation privileges may be suspended or revoked. All bus disciplinary actions are handled by the transportation department.			
Dishonesty	1-3 days ASD	1-3 days ISS or OSS	2-3 days OSS	5-10 days OSS
Disruptive/Harmful Items – Possession	Confiscation and 1-3 days ASD	Confiscation and 3-5 days ASD or ISS	Confiscation and 1-3 days OSS	Confiscation and 3-5 days OSS
Disruptive/Harmful Device or Item – Use of (injury will result in movement to step 2 & report to police. Item used as a weapon will be dealt with under weapons.)	3-5 days ISS or OSS	5-10 days OSS	10-90 days OSS	10-180 days OSS and possible expulsion
Disruptive Misconduct	2-3 days ASD	2-5 days ASD or 1-2 days ISS	3-6 days ASD or 2-3 days ISS, parent conf.	3-5 days ISS or OSS
Dress Code Violations	Warning and correction	Parent contact, correction	1-3 days ASD or 1 day ISS	3-5 days ASD or 2 days ISS
Drugs or Alcohol – Possession, Use or Attendance under the Influence of	10 days OSS, may be reduced to 5 days with drug/alcohol evaluation	10-90 days OSS	10-180 days OSS, referral for expulsion	

REFERENCE COPY

FILE: JG-R3
Critical

	Step 1	Step 2	Step 3	Step 4
Drugs or Alcohol – Sale or distribution of	10-90 days OSS	10-180 days OSS, referral for expulsion		
Extortion	1-5 days OSS	5-10 days OSS, report to police	10 days OSS	10-90 days OSS
Failure to bring necessary materials to class or complete assignments	1 day ASD	2 days ASD or 1 day ISS	3 days ASD or 2 days ISS and parent conference	4 days ASD or 2-4 days ISS
Failure to Care for or Return District Property	Restitution. Principal/Student conference, detention, or in-school suspension.	Restitution. Detention or in-school suspension.		
Failure to Meet Conditions of Suspension, Expulsion or Other Disciplinary Consequences	Verbal warning, ASD, ISS, 1-180 days OSS or expulsion Report to law enforcement for trespassing if expelled.	Verbal warning, ASD, ISS, 1-180 days OSS or expulsion Report to law enforcement for trespassing if expelled.		
Failure to Stay for ASD	2 days ASD	2 days ASD or 1 day ISS	1-3 days ISS	1-3 days OSS
False Accusations towards staff	10-90 days OSS	10-180 days OSS, referral for expulsion		
False Alarm or Report, such as 911 calls, fire alarms. Telling others that there will be violence at school.	5-10 days OSS	10 days OSS, referral for expulsion		

REFERENCE COPY

	Step 1	Step 2	Step 3	Step 4
Fighting	Suspension for remainder of day and 1-3 days ASD or ISS	2-5 days OSS	5-10 days OSS	10-90 days OSS
Fight – Contributing to	1-2 days ASD	2-3 days ASD	3-4 days ASD or 1 day ISS	2-3 days ISS or OSS
Gambling	1-3 days ASD	1-3 days ISS or OSS	3-5 days OSS	5-10 days OSS
Harassment, including Sexual Harassment (with no physical contact or exposure)	1-3 days ISS	2-5 days ISS or OSS	5-10 days OSS	10 days OSS
Harassment, including Sexual Harassment (with physical contact or exposure)	2-5 days ISS or OSS	5-10 days OSS	10-90 days OSS	10-180 days OSS, referral for expulsion
Hazing	1-3 days ISS or OSS	5-10 days OSS, report to police	10-90 days OSS	10-180 days OSS
Inappropriate Language	Warning or 1-3 days ASD	3-5 days ASD or 1-2 days ISS	2-5 days ISS parent conf.	3-5 days OSS
Inappropriate Language towards a staff member	2-5 days ISS	3-5 days OSS	5-10 days OSS	10-90 days OSS
Incendiary Devices or Fireworks	Confiscation. Warning, principal/student conference, detention, or ISS.	Confiscation. Principal/Student conference, detention, ISS, or 1-10 days OSS.		
Insubordination/Defiance	1-3 days OSS	2-5 days OSS	3-6 days OSS	5-10 days OSS
Lewd or Obscene literature, writing, objects or materials	1-3 days ASD	1-3 days ISS	2-5 days ISS	5-10 days OSS

REFERENCE COPY

FILE: JG-R3
Critical

	Step 1	Step 2	Step 3	Step 4
Nuisance Items	Confiscation. Warning, principal/student conference, detention or ISS	Confiscation. Principal/Student conference, detention, ISS, or 1-10 days OSS.		
Possession of a Weapon (other than a firearm)	10-90 days OSS	10-180 days OSS, referral for expulsion		
Possession of a Firearm	Referral to the superintendent for suspension up to one calendar year or expulsion			
Possession or use of ammunition or a component of a weapon	ISS, 1-180 days OSS, or expulsion	1-180 days OSS or expulsion.		
Public Display of Affection	Warning and notice home	1-2 days ASD	3-5 days ASD or 1 day ISS	1-3 days ISS or OSS
Scuffling, Tripping, Pushing. (Injury will result in movement to third step and will be reported to police.)	1-2 days ASD	2-3 days ASD or 1 day ISS	3-5 days ASD or 2 days ISS	3 days ISS or OSS
Sexting and/or Possession of Sexually Explicit, Vulgar or Violent Material	Confiscation. Principal/Student conference, detention, or ISS.	Confiscation. Detention, ISS, 1- 180 days OSS or expulsion.		
Sexual Activity	Principal/Student c o n f e r e n c e , detention, in- school suspension, or 1-180 days out- o f - s c h o o l suspension.	Detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.		
Striking, Slapping, Kicking at staff (contact will result in movement to Step 2)	5-10 days OSS	10-90 days OSS, referral for expulsion		

REFERENCE COPY

	Step 1	Step 2	Step 3	Step 4
Tardies	1 day LD	2 days LD	1 day ASD	2 days ASD or 1 day ISS
Technology Misconduct	Warning and notification of parents	One (1) year suspension of all Internet use privileges.		
Technology Misconduct—Using, displaying or turning on pagers, phones, personal digital assistants, personal laptops or any other personal electronic communication device during the regular school day, including instructional class time, class change time, breakfast or lunch meal times or instructional class time, unless the use is part of the instructional program, required by a district-sponsored class or activity, or otherwise permitted by the building principal	Confiscation, principal/student conference, ASD or ISS	Confiscation, principal/student conference, ASD or ISS, 1-180 days OSS, or expulsion		
Theft or Vandalism	Restitution, 1-3 days ASD or ISS	Restitution, 3-5 days OSS	Restitution, 5-10 days OSS	Restitution, 10-90 days OSS
Threatening Bodily Harm	Administration will investigate each reported incident and determine level of consequences warranted.			
Threatening the Safety & Security of the School	10-180 days OSS, referral for expulsion			

REFERENCE COPY

FILE: JG-R3
Critical

	Step 1	Step 2	Step 3	Step 4
Tobacco Possession electronic cigarettes, or other nicotine-delivery products	Confiscation, 1-3 days ASD	Confiscation, 1-3 days ISS or OSS	Confiscation, 3-5 days ISS or OSS	Confiscation, 5-10 days OSS
Tobacco Use, electronic cigarettes, or other nicotine-delivery products or Distribution	Confiscation, 1-3 days ISS or OSS	Confiscation, 3-5 days ISS or OSS	Confiscation, 5-10 days OSS	Confiscation, 10-90 days OSS
Truancy	1-3 days ISS	3-5 days ISS, referral to J.O.	1-3 days OSS, referral to J.O.	3-5 days OSS, referral to J.O.
Unauthorized Entry	Principal/Student conference, ASD, ISS, or 1-180 days OSS	1-180 days OSS or expulsion		
Uncooperative Behavior	1-3 days ASD	2-5 days ASD or 1- 2 days ISS	3-6 days ASD or 2-3 days ISS, parent conf.	3-5 days ISS or OSS
Verbally Threatening Bodily Harm towards Staff	3-5 days OSS	5-10 days OSS	10-90 days OSS, referral for expulsion	
Violation of Lunchroom or playground rules	Loss of privileges	1-3 days LD	2-5 days LD	1-3 days ISS
Behaviors not Covered Above	Consequences will be based on the seriousness of the incident and its impact on the safe and orderly operation of the educational environment and/or its impact on the safety and well being of students.			

* * * * *

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: 07/2003

FILE: JG-R3
Critical

REFERENCE COPY

Revised: 03/15/2005; 05/21/2008; 01/20/2009; 01/18/2011;

MSIP Refs: 6.6

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

REFERENCE COPY

FILE: JG-R4
Critical

EXPLANATION: STUDENT DISCIPLINE (*High School and Career Center*)

This policy was modified to:

1. Add a paragraph titled "Impact on Grades" stating that out-of-school suspensions could lead to the student earning a lower grade. Please note that MSBA's standard attendance policy JED and procedures JED-AP1 and JED-AP2 categorize out-of-school suspensions as excused absences. However, the procedures do state that students with even excused absences may not earn the full grade if the student has missed ten or more days of school. For that reason, MSBA has added this language to clarify that students who receive a suspension, as with other excused absences, might earn a lower grade in accordance with district policy.

If your district has adopted a custom attendance policy, please determine whether out-of-school suspensions could lead to students earning a lower grade and alter this section accordingly.

2. Add the offense of assault in the third degree to this model discipline code to assist administrators in determining the level of disciplinary action appropriate based on the seriousness of the assault.
3. Add the offense "Failure to Care for or Return District Property."
4. Modify "Technology Misconduct" to recognize that students may be able to use mobile phones or other personal electronic devices during the school day in situations where they are encouraged to do so as part of the educational program or as allowed by the principal. Several school districts and school buildings have embraced the concept of "Bring Your Own Device," which encourages students to use mobile phones, laptops, tablets and other Internet-capable devices for educational purposes. MSBA did not want the technology misconduct offense to be a barrier to this practice, when approved by the district. MSBA has a new sample policy on this topic: EHBA, Student Use of Personal Electronic Devices for Instructional Purposes. Please contact the Policy department if you wish to review this policy and related forms.
5. Expand the "Tobacco" offense to address the increasing use of electronic cigarettes as well as medications used in tobacco cessation programs.

NOTICE: Does your district prohibit students from earning credit for course work, limit the amount of credit students may earn, or take

credit earned away from students while they are suspended from school?

In addition to simply not allowing students to earn top grades if they have been absent from school, many districts also have policies or practices that prohibit suspended students from earning grades for work completed while on suspension, or even prohibit earning credit in the class. MSBA does not recommend these practices because they discourage academic achievement and frequently result in students who return to school less motivated to behave because the student realizes he or she will fail the class. There are legal reasons to reconsider this practice as well.

In *John S. v. Ozark R-VI School District*, 2012 WL 176226 (January 18, 2012), a student was suspended from school for ten days. In accordance with the district's practice, the student was only allowed to earn a maximum of 50 percent of the grade for any course work completed during the term of the suspension. The parents did not dispute the suspension, but requested a hearing before the Board to address the grade reduction, which was denied.

The federal district court found that the district's policy of grade reduction was unlawful. The court noted that Missouri state law requires districts to have a discipline policy, but the grade reduction was not listed as one of the discipline consequences. The district's practice also conflicted with another district policy that specifically stated that grades would not be used for disciplinary purposes.

If your district's policy or practice is to reduce, limit or remove the grades that may be earned by students who are suspended, including not allowing students to make up work during a suspension, MSBA strongly recommends that you discuss this practice with the district's private attorney. While the court in *John S.* did not explicitly state that a district could never legally reduce a student's grade, the manner in which it was done in that case was illegal. This means that any district with a similar practice needs to be prepared to offer a due process hearing before the Board and should make sure that its policies are consistent.

While MSBA does not endorse this practice, if your district does reduce or deny grades to students who are suspended, please do the following:

1. Review policy IK, Academic Achievement. MSBA's standard policy states, "grades are not to be used as a disciplinary measure." If your district does use grades as a disciplinary measure, this sentence needs to be removed.
2. Review policy JED, Student Absences and Excuses, and procedures JED-AP1 and JED-AP2. MSBA's standard policy states, "No rule or procedure will preclude a student

REFERENCE COPY

FILE: JG-R4
Critical

from making up work missed due to any type of absence, including absences due to suspension.” If your district does use grades as a disciplinary measure, this sentence needs to be removed. Similarly, if the district does not allow students to reduce accrued absences by attending make-up sessions, this language must be removed from JED-API and JED-AP2.

3. Remove the new "Impact on Grades" section MSBA has added to this policy and replace it with language that accurately reflects the district's practice of including a grade reduction as a disciplinary measure. Please be advised that there are due process implications to this practice, and MSBA encourages the district to discuss this practice with the district's private attorney. The following language is provided as an example of language the district might add. Please revise it as necessary to reflect the district's actual practices.

Academic Consequences

Students who are suspended from school will not be allowed to earn full credit for course work completed during the term of the suspension. Students may earn a maximum of ___ percent for the work completed. The district will provide appropriate due process in accordance with law prior to finalizing the student's grade for a course.

MSBA would be glad to assist your district in appropriately customizing this policy.

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
	Transportation		Public Info/Communications		Technology

FILE: JG-R4
Critical

REFERENCE COPY

REFERENCE COPY

FILE: JG-R4
Critical

STUDENT DISCIPLINE *(High School and Career Center)*

The Student Code of Conduct is designed to foster student responsibility, respect for others, and to provide for the orderly operation of district schools. No code can be expected to list each and every offense that may result in disciplinary action; however, it is the purpose of this code to list certain offenses which, if committed by a student, will result in the imposition of a certain disciplinary action. Any conduct not included herein, any aggravated circumstance of any offense, or any action involving a combination of offenses may result in disciplinary consequences that extend beyond this code of conduct as determined by the principal, superintendent and/or Board of Education. In extraordinary circumstances where the minimum consequence is judged by the superintendent or designee to be manifestly unfair or not in the interest of the district, the superintendent or designee may reduce the consequences listed in this policy, as allowed by law.

Because there are varying degrees of severity in the following offenses, the administration reserves the right to consider the circumstances surrounding the incident, take the student's previous discipline record into account and determine appropriate action. The administration may, at their discretion, refer any violation of the discipline code to juvenile authorities. This code includes, but is not necessarily limited to, acts of students on district property, including playgrounds, parking lots and district transportation, or at a district activity, whether on or off district property. The district may also discipline students for off-campus conduct that negatively impacts the educational environment, to the extent allowed by law.

Reporting to Law Enforcement

It is the policy of the West Plains R-VII School District to report crimes occurring on district property to law enforcement, including, but not limited to, the crimes the district is required to report in accordance with law. A list of crimes the district is required to report is included in policy JGF.

The principal shall also notify the appropriate law enforcement agency and superintendent if a student is discovered to possess a controlled substance or weapon in violation of the district's policy.

In addition, the superintendent shall notify the appropriate division of the juvenile or family court upon suspension for more than ten (~~10~~) days or expulsion of any student who the district is aware is under the jurisdiction of the court.

Documentation in Student's Discipline Record

The principal, designee or other administrators or school staff will maintain all discipline records as deemed necessary for the orderly operation of the schools and in accordance with law and policy JGF.

Conditions of Suspension, Expulsion and Other Disciplinary Consequences

All students who are suspended or expelled, regardless of the reason, are prohibited from participating in or attending any district-sponsored activity, or being on or near district property or the location of any district activity for any reason, unless permission is granted by the superintendent or designee. In addition, the district may prohibit students from participating in activities or restrict a student's access to district property as a disciplinary consequence even if a student is not suspended or expelled from school, if appropriate.

In accordance with law, any student who is suspended for any offenses listed in § 160.261, RSMo., or any act of violence or drug-related activity defined by policy JGF as a serious violation of school discipline shall not be allowed to be within 1,000 feet of any district property or any activity of the district, regardless of whether the activity takes place on district property, unless one (1) of the following conditions exist:

1. The student is under the direct supervision of the student's parent, legal guardian, custodian or another adult designated in advance, in writing, to the student's principal by the student's parent, legal guardian or custodian, and the superintendent or designee has authorized the student to be on district property.
2. The student is enrolled in and attending an alternative school that is located within 1,000 feet of a public school in the district.
4. The student resides within 1,000 feet of a public school in the district and is on the property of his or her residence.

If a student violates the prohibitions in this section, he or she may be suspended or expelled in accordance with the offense, "Failure to Meet Conditions of Suspension, Expulsion or Other Disciplinary Consequences," listed below.

Impact on Grades

As with any absence, absences due to an out-of-school suspension may result in the student earning a lower grade in accordance with the district's policy on absences.

Prohibited Conduct

The following are descriptions of prohibited conduct as well as potential consequences for violations. Building-level administrators are authorized to more narrowly tailor potential consequences as appropriate for the age level of students in the building. All consequences must be

REFERENCE COPY

FILE: JG-R4
Critical

within the ranges established in this regulation. In addition to the consequences specified here, school officials will notify law enforcement and document violations in the student's discipline file pursuant to law and Board policy.

VIOLATIONS AGAINST PERSONS

Assault - Student

1. ~~Hitting, striking and/or attempting to cause injury to another person; placing a person in reasonable apprehension of imminent physical injury; physically injuring another person.~~ Using physical force, such as hitting, striking or pushing, to cause or attempt to cause physical injury; placing another person in apprehension of immediate physical injury; recklessly engaging in conduct that creates a grave risk of death or serious physical injury; causing physical contact with another person knowing the other person will regard the contact as offensive or provocative; or any other act that constitutes criminal assault in the third degree.

First Offense:	5-10 days suspension and parent conference with principal.
Second Offense:	11-180 days suspension; possible expulsion.

2. ~~Attempting to kill or cause serious physical injury to another; killing or causing serious physical injury to another.~~ Knowingly causing or attempting to cause serious bodily injury or death to another person, recklessly causing serious bodily injury to another person, or any other act that constitutes assault in the first or second degree.

First Offense:	10-180 days out-of-school suspension or eExpulsion.
Subsequent Offense:	Expulsion.

Bullying and Cyberbullying (see Board policy JFCF) – Intimidation or harassment of a student or multiple students perpetuated by individuals or groups. Bullying includes, but is not limited to: physical actions, including violence, gestures, theft, or damaging property; oral or written taunts, including name-calling, put-downs, extortion, or threats; threats of retaliation for reporting such acts; sending or posting harmful or cruel text or images using the Internet or other digital communication devices; sending or posting materials that threaten or raise concerns about violence against others,

suicide or self-harm. Students will not be disciplined for speech in situations where the speech is protected by law.

First Offense:	5 days suspension; parent conference with principal.
Second Offense:	10 days suspension; parent conference with superintendent.
Third Offense:	11-180 days suspension; possible expulsion.

Fighting (see also, “Assault”) – Mutual combat in which both parties have contributed to the conflict either verbally or by physical action.

First Offense:	5-10 days suspension; parent conference with principal.
Second Offense:	10 days suspension; parent conference with superintendent.
Third Offense:	11-180 days suspension; possible expulsion.

Hazing (see Board policy JFCF) – Any activity that a reasonable person believes would negatively impact the mental or physical health or safety of a student or put the student in a ridiculous, humiliating, stressful or disconcerting position for the purposes of initiation, affiliation, admission, membership or maintenance of membership in any group, class, organization, club or athletic team including, but not limited to, a grade level, student organization or district-sponsored activity. Hazing may occur even when all students involved are willing participants.

First Offense:	5 days suspension; parent conference with principal.
Second Offense:	10 days suspension; parent conference with superintendent.
Third Offense:	11-180 days suspension; possible expulsion.

Harassment, including Sexual Harassment (see Board policy AC)

REFERENCE COPY

FILE: JG-R4
Critical

1. Use of material of a sexual nature or unwelcome verbal, written or symbolic language based on gender, race, color, religion, sex, national origin, ancestry, disability or any other characteristic protected by law. Examples of illegal harassment include, but are not limited to, racial jokes or comments; requests for sexual favors and other unwelcome sexual advances; graffiti; name calling; or threatening, intimidating or hostile acts based on a protected characteristic.

First Offense:	Principal/Student conference, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.
Subsequent Offense:	In-school suspension, 1-180 days out-of-school suspension, or expulsion.

2. Unwelcome physical contact of a sexual nature or that is based on gender, race, color, religion, sex, national origin, ancestry, disability or any other characteristic protected by law. Examples include, but are not limited to, touching or fondling of the genital areas, breasts or undergarments, regardless of whether the touching occurred through or under clothing; or pushing or fighting based on protected characteristics.

First Offense:	In-school suspension, 1-180 days out-of-school suspension, or expulsion.
Subsequent Offense:	1-180 days out-of-school suspension or expulsion.

Incendiary Devices or Fireworks – Possessing, displaying or using matches, lighters or other devices used to start fires unless required as part of an educational exercise and supervised by district staff; possessing or using fireworks.

First Offense:	2-10 days suspension.
Second Offense:	5-10 days suspension; referral to superintendent.

Instigating a Fight – Students shall not instigate fights by actively encouraging others to fight, carrying messages which result in fights or take part in any other activity which results in a fight.

First Offense:	1-3 days suspension; parent conference.
Second Offense:	3-5 days suspension; conference required for readmission.
Third Offense:	10 day suspension; referral to principal before readmission.

Knives – The possession or use of any type of knife, including pocket knives, is prohibited.

First Offense:	1-3 days in-school suspension and/or after school detention; parent conference.
Second Offense:	3-5 days suspension; referral to principal.
Third Offense:	5-10 days suspension; referral to superintendent for readmission.

Sexting and/or Possession of Sexually Explicit, Vulgar or Violent Material – Students may not possess or display, electronically or otherwise, sexually explicit, vulgar or violent material including, but not limited to, pornography or depictions of nudity, violence or explicit death or injury. This prohibition does not apply to curricular material that has been approved by district staff for its educational value. Students will not be disciplined for speech in situations where it is protected by law.

First Offense:	Confiscation. Principal/Student conference, detention, or in-school suspension.
Subsequent Offense:	Confiscation. Detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

Sexual Activity – Acts of sex or simulated acts of sex including, but not limited to, intercourse or oral or manual stimulation.

First Offense:	Principal/Student conference, detention, in-school suspension, or 1-180 days out-of-school suspension.
----------------	--

REFERENCE COPY

FILE: JG-R4
Critical

Subsequent Offense:	Detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.
---------------------	---

Verbal Abuse to Staff – Verbal, written or symbolic language or gesture directed at a staff member, that is rude, vulgar, disrespectful and defiant or considered inappropriate in public settings.

First Offense:	1-3 days after-school detention and/or in-school suspension.
Second Offense:	2-5 days suspension.
Third Offense:	5-10 days suspension.
Fourth Offense:	Expulsion.

Verbal Abuse to Staff of a Threatening Nature – Verbal, written or symbolic language or gesture directed at a staff member that is threatening in nature.

First Offense:	5-10 days suspension.
Second Offense:	10 days suspension.
Third Offense:	Expulsion.

Weapons (see Board policy JFCJ) – The possession or use of a weapon, concealed or otherwise, by any student is prohibited upon or in the vicinity of school grounds, while going to or from school or at any school sponsored event. Examples include, but are not limited to: knives, guns, chains, metal knuckles, fireworks or explosives. (This would include any item representing a weapon.)

1. Possession or use of any weapon as defined in Board policy, other than those defined in 18 U.S.C. § 921, 18 U.S.C. § 930(g)(2) or § 571.010, RSMo.

First Offense:	10-180 days suspension, possible expulsion.
----------------	---

Second Offense:	180 days suspension, possible expulsion.
-----------------	--

2. Possession of a firearm, as defined in 18 U.S.C. § 921 or any instrument or device defined in 571.010 RSMo., or any instrument or device defined as a dangerous weapon in 18 U.S.C. § 930(g)(2).

First Offense:	One (1) -calendar year suspension or expulsion, unless modified by the Board upon recommendation by the superintendent.
Subsequent Offense:	Expulsion.

3. Possession or use of ammunition or a component of a weapon.

First Offense:	In-school suspension, 1-180 days out-of-school suspension, or expulsion.
Subsequent Offense:	1-180 days out-of-school suspension or expulsion.

VIOLATIONS AGAINST PUBLIC HEALTH AND SAFETY

Drugs/Alcohol (see Board policies JFCH and JHCD)

1. Possession, sale, purchase or distribution of any over-the-counter drug, herbal preparation or imitation drug or herbal preparation.

First Offense:	In-school suspension or 1-180 days out-of-school suspension.
Subsequent Offense:	1-180 days out-of-school suspension or expulsion.

2. Possession of or attendance while under the influence of or soon after consuming unauthorized prescription drug, alcohol, narcotic substance, unauthorized inhalants, counterfeit drugs, imitation controlled substances or drug-related paraphernalia, including controlled substances and illegal drugs defined as substances identified under schedules I,

REFERENCE COPY

FILE: JG-R4
Critical

II, III, IV or V in section 202(c) of the Controlled Substances Act. This includes energy enhancers, dietary supplements and nicotine patches.

First Offense:	10 day suspension. If a student agrees to a chemical dependency evaluation at an approved facility, suspension will be reduced to 5 days.
Second Offense:	11-180 day suspension; pending expulsion, unless the student agrees to a chemical dependency evaluation and complies with the recommended treatment plan.
Third Offense:	Expulsion.

3. Sale, purchase or distribution of any prescription drug, alcohol, narcotic substance, unauthorized inhalants, counterfeit drugs, imitation controlled substances or drug-related paraphernalia, including controlled substances and illegal drugs defined as substances identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substances Act

First Offense:	Expulsion.
----------------	------------

Laser Lights – Laser pointers/lights may cause eye damage and therefore are prohibited at school and all school activities:

First Offense:	1-10 days suspension; parent conference.
Second Offense:	3-5 days suspension; referral to principal.
Third Offense:	10 days suspension; referral to superintendent for readmission.

Secret Organizations (see Board policy JFCE) – The Board of Education does not recognize secret organizations. Sororities, fraternities, gangs or secret societies of the community are not school organizations. Conduct by students while in school such as hazing of initiates, special attire (including pins and insignia or other identifying symbols), improper activity on campus or any other influence of sorority, fraternity, gang or secret society that interferes with the normal conduct of the educational program shall not be permitted.

First Offense:	10-180 days suspension.
Second Offense:	90-180 days suspension.

Tobacco Use and/or Possession of – Students found to be possessing or using any tobacco product, electronic cigarettes, or other nicotine-delivery products on district premises, or areas adjacent to school, district transportation or at any district related activities is prohibited. Tobacco products will be confiscated and destroyed. It is against the law of Missouri for minors to buy, use or possess tobacco products. Nicotine patches or other medications used in a tobacco cessation program may only be possessed in accordance with district policy JHCD.

First Offense:	2-5 days after-school detention and/or in-school suspension.
Second Offense:	5-10 days after-school detention and/or in-school suspension.
Third Offense:	5-10 days suspension.

VIOLATIONS AGAINST PROPERTY

Arson – Starting or attempting to start a fire or causing or attempting to cause an explosion.

First Offense:	10-90 days suspension with possible expulsion.
Second Offense:	11-180 days suspension with possible expulsion.

REFERENCE COPY

FILE: JG-R4
Critical

Third Offense:	Expulsion.
----------------	------------

Bomb Threats – The Safe Schools Act 1996 increases the penalty for making a false bomb report from a Class A misdemeanor to a Class D felony.

First Offense:	10-90 days suspension/possible expulsion.
----------------	---

Extortion – Threatening or intimidating any person for the purpose of, or with the intent of, obtaining money or anything of value from the student:

First Offense:	5-10 days suspension.
Second Offense:	Expulsion.

Failure to Care for or Return District Property – Loss of, failure to return, or damage to district property including, but not limited to, books, computers, calculators, uniforms, and sporting and instructional equipment.

First Offense:	Restitution. Principal/Student conference, detention, or in-school suspension.
Subsequent Offense:	Restitution. Detention or in-school suspension.

False Alarm – Tampering with emergency equipment, setting off false alarms, making false reports; communicating a threat or false report for the purpose of frightening or disturbing people, disrupting the educational environment or causing the evacuation or closure of district property.

First Offense:	10 days suspension, parent conference.
Subsequent Offense:	Expulsion.

Technology Misconduct (see Board policies EHB and KKB and procedure EHB-AP)

1. Attempting, regardless of success, to: gain unauthorized access to a technology system or information; use district technology to connect to other systems in evasion of the physical limitations of the remote system; copy district files without authorization; interfere with the ability of others to utilize district technology; secure a higher level of privilege without authorization; introduce computer viruses, hacking" tools, or other disruptive/destructive programs onto or using district technology; or evade or disable a filtering/blocking device.

First Offense:	Restitution. Principal/Student conference, loss of user privileges, detention, or in-school suspension.
Subsequent Offense:	Restitution. Loss of user privileges, 1-180 days out-of-school suspension, or expulsion.

2. Using, displaying or turning on pagers, phones, personal digital assistants, personal laptops or any other **personal** electronic ~~communication~~ devices during the regular school day, including ~~instructional class time, class change time, breakfast or lunch mealtimes or instructional class time, unless the use is part of the instructional program, required by a district-sponsored class or activity, or otherwise permitted by the building principal.~~

First Offense:	Confiscation, principal/student conference, detention, or in-school suspension.
Subsequent Offense:	Confiscation, principal/student conference, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

3. Violations, **other than those listed in (1) or (2) above,** of Board policy EHB, ~~and procedure EHB-AP~~ **or any policy or procedure regulating student use of personal electronic devices other than those listed in (1) or (2) above.**

First Offense:	Restitution. Principal/Student conference, detention, or in-school suspension.
Subsequent Offense:	Restitution. Loss of user privileges, 1-180 days out-of-school suspension, or expulsion.

4. Use of audio or visual recording equipment in violation of Board policy KKB.

REFERENCE COPY

FILE: JG-R4
Critical

First Offense:	Confiscation. Principal/Student conference, detention, or in-school suspension.
Subsequent Offense:	Confiscation. Principal/student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.

Theft – Theft, attempted theft or knowing possession of stolen property.

First Offense:	1-3 days suspension and restitution; parent conference.
Second Offense:	5-10 days in-school suspension and restitution; parent conference.
Third Offense:	11-180 days suspension and restitution; referral to superintendent before readmission.

Vandalism (see Board policy ECA) – Willful damage or the attempt to cause damage to any property, real or personal, belonging to the district, staff or students.

First Offense:	Restitution and suspension.
Second Offense:	Restitution and expulsion.

VIOLATIONS AGAINST SCHOOL ADMINISTRATORS

Careless Driving Violations – This covers students who drive carelessly or without due caution on or adjacent to West Plains High School campus, so as to endanger persons on the property. Career Center students are not permitted to drive to the other vocational locations without advanced or special approval from the director.

First Offense:	1 day in-school suspension or after-school detention.
Second Offense:	2-5 days in-school suspension or after-school detention; driving privileges revoked for 2 weeks; parent conference.

Third Offense:	5 days suspension; conference with principal.
----------------	---

Dishonesty – Any act of lying, whether verbal or written, including forgery.

First Offense:	Zero grade and parent conference.
Second Offense:	Zero grade and after-school detention and/or in-school suspension assigned; parent conference.

Dismissal from ISS/ASD – Any student who is disruptive in in-school suspension or after-school detention will be referred to the principal’s office.

First Dismissal:	2 days suspension; parent notification.
Second Dismissal:	3 days suspension; parent conference.
Third Dismissal:	5 days suspension; conference with principal for readmission.
Fourth Dismissal:	10 days suspension; conference with superintendent for readmission.
Fifth Dismissal:	90 days suspension.

Failure to Attend In-School Suspension/After-School Detention – Students who are assigned ASD or ISS are expected to report on time and on the day assigned.

First Offense:	ASD/ISS assignment doubled.
Second Offense:	3 days suspension.
Third Offense:	10-90 days suspension.

REFERENCE COPY

FILE: JG-R4
Critical

Failure to Meet Conditions of Suspension, Expulsion or Other Disciplinary Consequences – Violating the conditions of a suspension, expulsion or other disciplinary consequence including, but not limited to, participating in or attending any district-sponsored activity or being on or near district property or the location where a district activity is held. See the section of this regulation titled, "Conditions of Suspension, Expulsion and Other Disciplinary Consequences."

As required by law, when the district considers suspending a student for an additional period of time or expelling a student for being on or within 1,000 feet of district property during a suspension, consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether the student's presence is disruptive to the educational process or undermines the effectiveness of the district's discipline policy.

First Offense:	Verbal warning, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion. Report to law enforcement for trespassing if expelled.
Subsequent Offense:	Verbal warning, detention, i n-school suspension, 1-180 days out-of-school suspension, or expulsion. Report to law enforcement for trespassing if expelled.

Leaving Campus – Students are not to go to the West Plains Middle School campus during the school day without permission from the principal. This includes before school and at lunchtime:

Penalty:	SEE TRUANCY
----------	-------------

Out-of-School Suspension and Alternative Learning Center Attendance

Students who violate the conduct code while attending the Alternative Learning Center will have the suspension lengthened.

First Offense:	3-10 days suspension.
Second Offense:	11-180 days suspension.

Parking Violations – Student drivers who park so as to impede normal traffic flow. Students should only park in designated areas; failure to do so will result in the following penalties:

First Offense:	1 day after-school detention or in-school suspension.
Second Offense:	2-5 days after-school detention or in-school suspension; driving privileges revoked for 2 weeks; parent conference.
Third Offense:	Suspension.

Tardiness – Students who are not in their seats prepared for work when the tardy bell rings are considered tardy. Tardies are not tabulated throughout the semester in each class:

Second Tardy:	1 day after-school detention.
Third Tardy:	2 days after-school detention.
Fourth Tardy:	1 day in-school suspension.
Fifth Tardy:	2 days in-school suspension.
Additional Tardies:	3-5 days suspension until parent conference.

Truancy (see Board policy JED) – Absence from school without the knowledge and consent of parents/guardians and the school administration; excessive non-justifiable absences, even with the consent of parents/guardians.

First Offense:	1-3 days in-school suspension.
Second Offense:	3-5 days in-school suspension.
Third Offense:	5 days out-of-school suspension; referral to principal.
Fourth Offense:	10 days out-of-school suspension; referral to superintendent.

REFERENCE COPY

FILE: JG-R4
Critical

Fifth Offense:	Recommended suspension of 90 days.
----------------	------------------------------------

VIOLATIONS AGAINST PUBLIC DECENCY AND GOOD ORDER

Academic Dishonesty – Cheating on tests, assignments, projects or similar activities; plagiarism; claiming credit for another person's work; fabrication of facts, sources or other supporting material; unauthorized collaboration; facilitating academic dishonesty; and other misconduct related to academics.

First Offense:	No credit for the work, grade reduction, or replacement assignment.
Subsequent Offense:	No credit for the work, grade reduction, course failure, or removal from extracurricular activities.

Bus or Transportation Misconduct (see Board policy JFCC and procedure JFCC-AP) – Any offense committed by a student on transportation provided by or through the district shall be punished in the same manner as if the offense has been committed at the student's assigned school. Transportation misconduct will be punished pursuant to policy and may include suspension of bus riding privileges.

Dismissal from Class – In the event a student has disrupted class and the classroom teacher has attempted to remedy the problem using other methods, the student shall be dismissed from class and referred to the assistant principal's/director's office. The classroom teacher will submit a written report on the nature of the problem to the assistant principal/director. A copy of this report will be mailed to the parent/guardian. Dismissals are tabulated throughout the school year and may be from any class.

First Offense:	Conference and warning.
Second Offense:	1 day after-school detention or in-school suspension; parent conference.
Third Offense:	3 days after-school detention or in-school suspension; parent conference.
Fourth Offense:	5 days suspension; conference with principal required for readmission.

Fifth Offense:	10 days suspension; conference with superintendent required for readmission.
Sixth Offense:	90 days suspension.

Disruption and Interference with School – No student shall block the doorway or corridor; prevent others from attending a class or district activity; block normal pedestrian or vehicular traffic; threaten (verbally or in writing) the safety and security of the school, use violence, force/noise coercion, threats, intimidation, racial or ethnic intimidation, harassment, fear, passive resistance or any other conduct intentionally to cause a disruption of the educational environment. Nor shall they refuse to identify themselves on request or encourage other students to violate any rule or school Board policy.

First Offense:	1-5 days suspension; parent conference.
Second Offense:	10 days suspension; referral to superintendent for reinstatement.

Dress Code Violations (see policy JFCA and procedure JFCA-AP)

First Offense:	1-3 days after-school detention or in-school suspension; student required to change clothes.
Second Offense:	2-5 days suspension.
Third Offense:	10 days suspension; parent conference with superintendent for readmission.

Food and Open Container Violations

First Offense:	Warning.
Second Offense:	1-3 days after-school detention or in-school suspension and parent notification.
Third Offense:	3-5 days in-school suspension and parent notification.

REFERENCE COPY

FILE: JG-R4
Critical

Gambling – Betting on an uncertain outcome, regardless of stakes; engaging in any game of chance or activity in which something of real or symbolic value may be won or lost. Gambling includes, but is not limited to, betting on outcomes of activities, assignments, contests and games.

First Offense:	Principal/Student conference, loss of privileges, detention, or in-school suspension.
Subsequent Offense:	Principal/Student conference, loss of privileges, detention, in-school suspension, or 1-10 days out-of-school suspension.

Hall Passes – Any student out of a regularly scheduled class, during a scheduled class period, is required to have in their possession a hall pass that has been authorized by the assigned teacher. Failure to meet this requirement will automatically result in.

Each Offense:	1 day after-school detention.
---------------	-------------------------------

Insubordination and Refusal to do Work – Defiance, willful refusal to perform requested action and disrespectfulness in word and action. Refusal to comply with a teacher’s request in a timely or appropriate manner:

First Offense:	1-3 days in-school suspension; parent conference.
Second Offense:	3-10 days suspension.
Third Offense:	Semester suspension.

Nuisance Items – The use of personal radios and CD portable media players is prohibited at school. Such use of these items is considered a disruption of the educational process.

First Offense:	Assistant principal holds to day’s end.
Second Offense:	Assistant principal holds until parent picks up.

Third Offense:	1-3 days suspension, parent conference.
Fourth Offense:	3-10 days suspension, parent conference with principal.

Public Display of Affection – The public display of affection is not appropriate behavior at school. Failure to comply with the reasonable expectations of the school staff will result in disciplinary action.

First Offense:	Conference and/or warning and/or after-school detention.
Second Offense:	1-3 days after-school detention or in-school suspension; parent conference.
Third Offense:	2-5 days after-school detention or in-school suspension; parent conference.

Skateboards – Skateboards are not allowed on campus.

First Offense:	Held by assistant principal until day's end.
Second Offense:	Held by assistant principal until parent picks up.

Use of Disruptive Speech or Conduct – Conduct or speech, be it verbal, written, pictorial or symbolic that materially and substantially disrupts classroom work, school activities, school functions such as not keeping hands and feet to yourself, talking in class when told not to do so, insubordination and refusal to do work.

First Offense:	Conference with student and notification of parents.
Second Offense:	1-3 days after-school detention or in-school suspension and parent conference.
Third Offense:	3-10 days suspension.

REFERENCE COPY

FILE: JG-R4
Critical

Fourth Offense:	Semester suspension.
--------------------	----------------------

Use of Language or Action that is Disparaging, Demeaning or Threatening – Words or actions, verbal, written, pictorial or symbolic meant to harass or injure other people, such as threats of violence, name-calling, putdowns, intentionally hurting others’ feelings, spitting, depantzing, defamation of a person’s race, religion, gender or ethnic origin. All threats of violence will be reported to law enforcement.

First Offense:	1-3 days in-school suspension or after-school detention; parent notification.
Second Offense:	3-10 days suspension; referral to the principal or superintendent for readmission.
Third Offense:	10-90 days suspension; possible expulsion.

Use of Lewd or Obscene Literature – The writing or drawing of lewd or obscene literature, gang/satanic writing and drug related items. These are offensive to school standards and do not have a serious literary, artistic, political or scientific value.

First Offense:	1-2 days after-school detention.
Second Offense:	3-5 days in-school suspension.
Third Offense:	3 days out-of-school suspension; conference with principal.

Behavior not Covered Above

The school district reserves the right to pursue disciplinary or legal action for behavior that is subversive to good order and discipline in the schools even though such behavior is not specified in the preceding written rules.

* * * * *

FILE: JG-R4
Critical

REFERENCE COPY

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: 07/2003

Revised: 03/15/2005; 05/21/2008; 01/20/2009; 01/18/2011;

MSIP Refs: 6.6

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

REFERENCE COPY

FILE: JHCD
Critical

EXPLANATION: ADMINISTRATION OF MEDICATIONS TO STUDENTS

House Bill 1188 (2012), § 167.635, RSMo., authorizes districts to maintain a supply of asthma-related rescue medications that can be administered to any student by a school nurse or other employee trained and supervised by the school nurse when the student is having a life-threatening asthma episode.

The statute specifies that:

2. To obtain asthma rescue medications for a school district, a prescription written by a licensed physician, a physician's assistant, or nurse practitioner is required. For such prescriptions, the school district shall be designated as the patient, the nurse's name shall be required, and the prescription shall be filled at a licensed pharmacy.

According to the statute, qualified employees will be held harmless and immune from civil liability for administering asthma-related rescue medications in good faith and according to standard medical practice.

Districts that do not intend to maintain emergency asthma medications should remove this language from the "Emergency Medications" section of this policy.

MSBA has also modified the possession and self-administration of medications language for clarity and simplicity.

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

FILE: JHCD
Critical

REFERENCE COPY

REFERENCE COPY

FILE: JHCD
Critical

ADMINISTRATION OF MEDICATIONS TO STUDENTS

Definitions

Medications – For the purposes of this policy, medications include prescription drugs and over-the-counter drugs, including herbal preparations and vitamins. Medications also include substances that claim or purport to be medicinal or performance enhancing.

Authorized Prescriber – Includes a health-care provider licensed or otherwise authorized by state law to prescribe medication.

General

The West Plains R-VII School District is not legally obligated to administer medication to students unless specifically included in a Section 504 plan or an Individualized Education Program (IEP). However, the Board recognizes that some students may require medication for chronic or short-term illnesses to enable them to remain in school and participate in the district's educational services. Further, the district prohibits students from possessing or self-administering medications while on district grounds, on district transportation or during district activities unless explicitly authorized in accordance with this policy. Therefore, the superintendent, in collaboration with the district nursing staff, will establish administrative procedures for storing and administering medications in compliance with this policy and pursuant to state and federal law. Medications will only be administered at school when it is not possible or not effective for the student to receive the medication at home.

The administration of medications is a nursing activity that must be performed by or under the supervision of a registered professional nurse. A registered professional nurse may delegate the administration of medication to a licensed practical nurse or unlicensed personnel who are trained by the nurse to administer medications. The registered professional nurse is responsible for developing written procedures for training unlicensed personnel in the administration of medications and for supervising the administration of medication by others. In accordance with law, any trained or qualified employee will be held harmless and immune from civil liability for administering medication in good faith and according to standard medical practices. A qualified employee is one who has been trained to administer medication according to standard medical practices.

The nurse or designee must maintain thorough documentation of all medications administered to students.

Nurses must use reasonable and prudent judgment to determine whether to administer particular medications to students while also working in collaboration with parents/guardians and the school administration. In carrying out their legal duty to protect the health, welfare and safety of students,

nurses will, when necessary, clarify authorized prescriber orders and respond in accordance with such clarifications.

The district shall not knowingly administer medications in an amount exceeding the recommended daily dosage listed in the *Physician's Desk Reference (PDR)* or other recognized medical or pharmaceutical text. Except for the emergency use of a prefilled epinephrine auto syringe or asthma-related rescue medication, the district will not administer the first dose of any medication. Parents/Guardians are encouraged to arrange to administer prescription medications themselves when possible.

Over-the-Counter Medications

The district may administer over-the-counter medication to a student upon receipt of a written request and permission to do so by a the parent/guardian. All over-the-counter medications must be delivered to the school principal or designee in the manufacturer's original packaging and will only be administered in accordance with the manufacturer's label.

Prescription Medications

The parent/guardian must provide the district with written permission to administer the medication before the district will administer the prescription medication to the student. The prescription label will be considered the equivalent of a prescriber's written direction, and a separate document is not needed.

Possession and Self-Administration of Medications

The district will permit a student to possess and self-administer medications in accordance with an IEP or Section 504 plan or in accordance with state law allowing students to possess and self-administer medications for a chronic health condition. However, permission to possess and self-administer medications may be revisited if there is evidence that the student is not handling or administering the medication appropriately or that the student's actions may be harming his or her own health or the health and safety of other persons.

Students with IEPs or Section 504 Plans

Students may possess and self-administer medications in accordance with the student's IEP or Section 504 plan.

REFERENCE COPY

FILE: JHCD
Critical

~~Self-Administered Medications~~ **Students with Chronic Health Conditions**

~~An authorized prescriber or a student's IEP or Section 504 team may recommend that an individual student with a chronic health condition assume responsibility for his or her own medication as part of learning self-care. The district will allow students to self-administer medication for the treatment of a chronic health condition including, but not limited to,~~ **Students may possess and self-administer medications for the treatment of asthma, and anaphylaxis, and other chronic health conditions** in accordance with this policy and law. ~~The district will permit the self-administration of other medications as required by the student's Section 504 plan or IEP. The district will not allow any~~ **permit** students to **possess and** self-administer medications unless:

1. The medication was prescribed or ordered by the student's physician.
2. The physician has provided a written treatment plan for the condition for which the medication was prescribed or authorized that includes a certification that the student is capable of and has been instructed in the correct and responsible use of the medication and has demonstrated to the physician or the physician's designee the skill level necessary to use the medication.
3. The student has demonstrated proper self-administration technique to the school nurse.
4. The student's parents/**guardian** **have** **has** signed a statement authorizing self-administration and acknowledging that the district and its employees or agents will incur no liability as a result of any injury arising from the self-administration of such medication unless such injury is a result of negligence on the part of the district or its employees or agents.

Possession of Self-Administered Medications

~~An authorized prescriber may recommend that an individual student with a chronic health condition be allowed to be in possession of his or her medication on district property for the purposes of self-administration. The district will permit possession of medication for the treatment of a chronic health condition including, but not limited to, asthma or anaphylaxis, on district property, at district-sponsored activities and in transit to and from school or activities in accordance with law. The district will also permit the possession of other medications for the purposes of self-administration as required by the student's Section 504 plan or IEP. The district may otherwise permit the possession of medications for self-administration in accordance with law. No student will be permitted to possess any medication unless the parent/guardian has submitted all required authorizations and releases in accordance with this policy.~~

Emergency Medications

All student-occupied buildings in this district are equipped with prefilled epinephrine auto syringes that can be administered by the ~~and asthma-related rescue medications. The~~ school nurse or ~~an~~ other school employee trained and supervised by the ~~school nurse~~ ~~may administer these medications~~ when they ~~nurse or trained employee~~ believes, based on his or her training, that a student is having a life-threatening anaphylactic reaction ~~or life-threatening asthma episode~~. ~~In accordance with law, qualified employees will be held harmless and immune from civil liability for administering epinephrine in good faith and according to standard medical practice.~~

Epinephrine ~~and asthma-related rescue medications~~ will only be administered in accordance with written protocols provided by an authorized prescriber. The Board will purchase an adequate number of prefilled epinephrine auto syringes ~~and asthma-related rescue medications~~ based on the recommendation of the school nurse, who will be responsible for maintaining ~~an~~ adequate ~~supply~~ ~~supplies~~.

The school principal ~~or designee~~ will maintain a list of students who cannot, according to their parents/guardians, receive epinephrine ~~or asthma-related rescue medications~~. A current copy of the list will be kept with the devices at all times.

Consequences

Students who possess or consume medications in violation of this policy while on district grounds, on district transportation or during a district activity may be disciplined up to and including suspension or expulsion. Employees who violate this policy may be disciplined up to and including termination. District administrators will notify law enforcement when they believe a crime has occurred.

* * * * *

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: 12/21/1999

Revised: 04/18/2006; 12/19/2006; 01/18/2011;

REFERENCE COPY

FILE: JHCD
Critical

Cross Refs: EBB, Communicable Diseases
EBBA, Illness and Injury Response and Prevention

Legal Refs: §§ 167.621 - .6305, 335.016, .066, 338.059, 577.625, .628, RSMo.
Davis v. Francis Howell Sch. Dist., 138 F.3d 754 (8th Cir. 1998)
DeBord v. Board of Educ. of Ferguson-Florissant Sch. Dist., 126 F.3d 1102 (8th Cir.
1997)

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

REFERENCE COPY

FILE: JHCF
Critical

EXPLANATION: STUDENT ALLERGY PREVENTION AND RESPONSE

House Bill 1188 (2012), § 167.635, RSMo., allows school districts to maintain a supply of asthma-related rescue medications that can be administered by the school nurse or another employee trained and supervised by the nurse when the nurse or trained employee believes, based on training in recognizing acute asthma episodes, that a student is having a life-threatening asthma episode.

The statute specifies that:

2. To obtain asthma rescue medications for a school district, a prescription written by a licensed physician, a physician's assistant, or nurse practitioner is required. For such prescriptions, the school district shall be designated as the patient, the nurse's name shall be required, and the prescription shall be filled at a licensed pharmacy.

According to the statute, qualified employees will be held harmless and immune from civil liability for administering asthma-related rescue medications in good faith and according to standard medical practice.

MSBA has added the appropriate language to this policy. Districts that do not maintain asthma-related rescue inhalers or prefilled epinephrine auto syringes should remove the relevant language.

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

FILE: JHCF
Critical

REFERENCE COPY

REFERENCE COPY

FILE: JHCF
Critical

STUDENT ALLERGY PREVENTION AND RESPONSE

The purpose of this policy is to create an organized system for preventing and responding to allergic reactions. This policy is not a guarantee of an allergen-free environment; instead, it is designed to increase awareness, provide education and training, reduce the chance of exposure and outline responses to allergic reactions. The best form of prevention for life-threatening allergies is avoidance of the allergen.

Research shows that allergies can negatively impact student achievement by affecting concentration, auditory processing and attendance. Further, healthy students are better learners. In addition to posing health risks, allergies can be potentially deadly for some individuals.

This policy applies to district facilities to which students have access and includes transportation provided by the district. The Board instructs the superintendent or designee to develop procedures to implement this policy.

Identification

Each school will attempt to identify students with life-threatening allergies, including food allergies. An allergic reaction is an immune system response to a substance that itself is not harmful but that the body interprets as being harmful. Allergic reactions can range from mild to severe and can even be life threatening. At enrollment, the person enrolling the student will be asked to provide information on any allergies the student may have.

Prevention **Students with Known Allergies**

Students with allergies that rise to the level of a disability as defined by law will be accommodated in accordance with district policies and procedures pertaining to the identification and accommodation of students with disabilities. An individualized health plan (IHP), including an emergency action plan (EAP), may be developed for students with allergies that do not rise to the level of a disability.

All staff members are required to follow any Section 504 plan or IHP/EAP developed for a student by the district. Staff members who do not follow an existing Section 504 plan or IHP/EAP will be disciplined, and such discipline may include termination.

Prevention

Staff members shall not use air fresheners, oils, candles or other such items intended to add fragrance in any district facilities. This provision will not be construed to prohibit the use of personal care

items that contain added fragrance, but the principal may require staff members to refrain from the use of personal care items with added fragrance under particular circumstances.

Staff members are prohibited from using cleaning materials, disinfectants, pesticides or other chemicals except those provided by the district.

The district will not serve any processed foods, including foods sold in vending machines, that are not labeled with a complete list of ingredients. Vended items must include a list of ingredients on the individual package. The food service director will create an ingredient list for all foods provided by the district as part of the district's nutrition program, including food provided during the school day and in before- and after-school programs. This list will be available upon request.

Prepackaged items used in concessions, fundraisers and classroom activities must include a list of ingredients on the package. If the package does not contain a list of ingredients, the list of ingredients must be available at the location where the package is sold or provided.

Education and Training

All staff members will be regularly trained on the causes and symptoms of and responses to allergic reactions. Training will include instruction on the use of **prefilled epinephrine premeasured auto-injection devices syringes and the administration of asthma-related rescue medications.**

In accordance with law, qualified employees will be held harmless and immune from civil liability for administering epinephrine **or asthma-related rescue medications** in good faith and according to standard medical practices. A qualified employee is one who has been trained to administer medication, including epinephrine, in accordance with standard medical practice.

Age-appropriate education on allergies and allergic reactions will be provided to students as such education aligns with state Grade-Level Expectations (GLEs) for health education. Education will include potential causes, signs and symptoms of allergic reactions; information on avoiding allergens; and simple steps students can take to keep classmates safe.

Confidentiality

Information about individual students with allergies will be provided to all staff members and others who need to know the information to provide a safe learning environment for the student. Information about individual students with allergies will not be shared with students and others who do not have a legitimate educational interest in the information unless authorized by the parent/guardian or as otherwise permitted by law, including the Family Educational Rights and Privacy Act (FERPA).

REFERENCE COPY

FILE: JHCF
Critical

Response

Response to an allergic reaction shall be in accordance with established procedures, including application of the student's Section 504 plan or IHP/EAP. Information about known allergies will be shared in accordance with FERPA. Each building will maintain an adequate supply of **prefilled epinephrine premeasured auto-injection devices syringes and asthma-related rescue medications** to be administered in accordance with Board policy.

* * * * *

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: 01/18/2011

Revised:

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
ADF, District Wellness Program
EBBA, Illness and Injury Response and Prevention
ECG, Animals on District Property
EF, Food Services Management
EFB, Free and Reduced-Cost Food Services
IGBA, Programs for Students with Disabilities
IGD, District-Sponsored Extracurricular Activities and **Organizations Groups**
IICA, Field Trips and Excursions

Legal Refs: §§ 167.208, **.635**, RSMo.
Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 - 1417
34 C.F.R. Part 300
The Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794
34 C.F.R. Part 104
Americans with Disabilities Act, 42 U.S.C. §§ 12101 - 12213
National School Lunch Act, 42 U.S.C. §§ 1751 - 1769
Child Nutrition Act of 1966, 42 U.S.C. §§ 1771 - 1785
7 C.F.R. Parts 210, 220, 227

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

REFERENCE COPY

FILE: JHG
Critical

EXPLANATION: REPORTING AND INVESTIGATING CHILD ABUSE/NEGLECT

MSBA has revised this policy to reflect the language in Senate Bill 599 (2012), § 160.261, RSMo., which requires the district to work with law enforcement, rather than the juvenile officer, when investigating allegations of child abuse relating to a spanking or use of physical force against a student by a district employee.

MSBA removed the language requiring the district to suspend the employee during the investigation of an allegation of sexual misconduct to give districts more flexibility. In some situations, suspension would be called for, but in others, it may not be necessary. The district might temporarily transfer the employee or simply prevent contact with the accusing student.

Additional changes were made for clarity.

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

FILE: JHG
Critical

REFERENCE COPY

REFERENCE COPY

FILE: JHG
Critical

REPORTING AND INVESTIGATING CHILD ABUSE/NEGLECT

The West Plains R-VII School District and its employees will take action to protect students and other children from harm including, but not limited to, abuse and neglect, and will respond immediately when discovering evidence of harm to a child. Employees must cooperate fully with investigations of child abuse and neglect. The district prohibits discrimination, negative job action or retaliation against any district employee who in good faith reports alleged child abuse or neglect, including alleged misconduct by another district employee.

Employees failing to follow the directives of this policy or state or federal law will be subject to discipline including, but not limited to, termination, and may be subject to criminal prosecution.

Public School District Liaison

The superintendent shall designate a specific person or persons to serve as the public school district liaison(s) and forward that information to the local division office of the Children's Division (CD) of the Department of Social Services. The liaison(s) shall develop protocols in conjunction with the chief investigator of the local division office to ensure information regarding the status of a child abuse or neglect investigation is shared with appropriate school personnel.

The liaison(s) will also serve on multidisciplinary teams used in providing protective or preventive social services along with law enforcement, the juvenile officer, the juvenile court and other agencies, both public and private.

It will be the responsibility of the liaison(s) to arrange for training and information necessary to assist staff members in identifying possible instances of child abuse and neglect, including annual updates regarding any changes in the law. Additionally, the liaison is charged with implementing a planned program of personal safety and awareness education, including methods for preventing sexual abuse, that shall be provided to teachers, students and parents/guardians.

Reporting Child Abuse/Neglect

The Board of Education requires its staff members to comply with the state child abuse and neglect laws and the mandatory reporting of suspected neglect and/or abuse. Any school official or employee acting in his or her official capacity who knows or has reasonable cause to suspect that a child has been subjected to abuse or neglect, or who observes the child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, will immediately make a report to the school principal or designee, including any report of excessive absences that may indicate educational neglect. The school principal or designee will then become responsible for making a report via the Child Abuse and Neglect Hotline to the CD, as required by law. This policy does not

FILE: JHG
Critical

REFERENCE COPY

preclude any employee from directly reporting abuse or neglect to the CD; however, the school official or employee must notify the school principal or designee immediately after making a report.

~~In accordance with law, if a student reports alleged sexual misconduct on the part of a school district employee to an employee of this district, the employee who receives the report and the superintendent shall forward the allegation to the CD within 24 hours of receiving the information.~~

The school principal or designee will inform the superintendent or designee and the liaison(s) that a report has been made and will keep them aware of the status of the case. The school principal or designee may also notify law enforcement or the juvenile office when appropriate. If the school principal or designee has reason to believe that a victim of such abuse or neglect is a resident of another state or was injured as a result of an act that occurred in another state, then, in addition to notifying the Missouri CD pursuant to this policy, he or she may also make a report to the child protection agency with the authority to receive such reports, pursuant to law, in the other state.

In accordance with law, if a student reports alleged sexual misconduct on the part of a school district employee to an employee of this district, the employee who receives the report and the superintendent shall forward the allegation to the CD within 24 hours of receiving the information. For the purposes of this policy, the term "sexual misconduct" is defined as engaging in any conduct with a student, on or off district property, that constitutes the crime of sexual misconduct; illegal sexual harassment as defined in policy AC, as determined by the district; or child abuse involving sexual behavior, as determined by the CD.

Investigating Child Abuse/Neglect

Except in situations involving sexual misconduct, when the CD receives a child abuse report alleging that an employee of the district has abused a student, the report shall be immediately referred to the superintendent (or the president of the School Board in situations concerning the superintendent), who will conduct an initial investigation. If the initial investigation determines that the report relates to a spanking by a certificated district employee or the use of reasonable physical force against a student for the protection of persons or property by any district personnel administered pursuant to district policy, or if it is determined that the sole purpose of the report is to harass a district employee, the report will be investigated as detailed below in accordance with law. All other reports of any nature will be immediately returned to the CD for investigation, ~~and the superintendent (or Board president, if applicable) will take no further action.~~

Harassment, Spanking or Protection of Persons or Property

If ~~the~~ report ~~to the CD~~ relates to a spanking by a certificated district employee or the use of reasonable physical force against a student for the protection of persons or property by any district personnel administered pursuant to district policy, or if it is determined that the sole purpose of the

REFERENCE COPY

FILE: JHG
Critical

report is to harass a district employee, the superintendent, Board president or a designee of either will notify the juvenile officer **law enforcement** of the county in which the alleged incident occurred. The district will jointly investigate the matter with the juvenile officer or a law enforcement officer designated by the juvenile officer. The superintendent, Board president and their designees are authorized to contact and utilize the district's attorney to assist in the investigation.

Once the investigation is concluded, the juvenile officer or law enforcement officer and the investigating district personnel will issue separate reports of their findings, no later than seven days after the district receives notice of the allegation from the CD. The reports must contain a statement of conclusion as to whether the preponderance of evidence supports a finding that the alleged incident of child abuse is substantiated or unsubstantiated. The Board will consider the separate reports and will issue its findings and conclusions, if any, within seven days after receiving the last of the two reports. The findings and conclusions will be made as required by state law and will be sent to the CD.

Sexual Misconduct Involving an Employee

The district takes all allegations of sexual misconduct seriously, regardless of the source. When an allegation is made, district employees will immediately take appropriate action to protect students and other children, which will include reporting to the CD in accordance with Board policy and notifying the superintendent. The superintendent or designee will contact law enforcement, suspend the employee pending an investigation, and begin an investigation.

In accordance with law, if a student reports alleged sexual misconduct on the part of a teacher or other employee of a school district to a district employee, the employee who receives the report shall notify the superintendent immediately and forward the allegation to the CD within 24 hours of receiving the information. The superintendent will also forward the allegation to the CD within 24 hours of receiving the report. The CD will investigate all allegations of sexual misconduct involving district employees.

Referral to the Office of Child Advocate for Children's Protection and Services

If the CD determines that a report of child abuse or neglect is unsubstantiated, the district or a district employee may request that the report be referred to the Office of Child Advocate for Children's Protection and Services for additional review.

Information from the Children's Division

In accordance with law, as mandated reporters district employees reporting child abuse and neglect are entitled upon request to information on the general disposition of a report of child abuse or neglect and may receive findings and information concerning the case at the discretion of the CD.

FILE: JHG
Critical

REFERENCE COPY

The CD will also notify the district when a student is under judicial custody or when a case is active regarding a student.

Any information received from the CD will be kept strictly confidential in accordance with law and will only be shared with district employees who need to know the information to appropriately supervise the student or for intervention and counseling purposes. All written information received by any public school district liaison or the district shall be subject to the provisions of the Family Educational Rights and Privacy Act (FERPA). Information received from the CD will not be included in the student's permanent record.

Immunity

In accordance with law, any person who in good faith reports child abuse or neglect; cooperates with the CD or any law enforcement agency, juvenile office, court, or child-protective service agency of this or any other state in reporting or investigating child abuse or neglect; or participates in any judicial proceeding resulting from the report will be immune from civil or criminal liability.

Any person who is not an employee of the district and who in good faith reports to a district employee a case of alleged child abuse by any district employee will be immune from civil or criminal liability for making such a report or for participating in any judicial proceedings resulting from the report.

* * * * *

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: 09/21/2004; 04/18/2006; 01/18/2011; 05/15/2012;

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
GBH, Staff/Student Relations
GBLB, References
GCPD, Suspension of Professional Staff Members
GCPE, Termination of Professional Staff Members
GCPF, Nonrenewal of Professional Staff Members
GDPD, Nonrenewal, Suspension and Termination of Support Staff Members

REFERENCE COPY

FILE: JHG
Critical

Legal Refs: §§ 160.261, 167.122 - .123, 210.110 - .165, .865, RSMo.
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g

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

REFERENCE COPY

FILE: JO
Critical

EXPLANATION: STUDENT RECORDS

This policy was revised for clarity and to incorporate changes made to the regulations to the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g. The confidentiality of student records is regulated by state and federal laws, and it is impossible for this policy and associated procedure to completely outline all of the law. However, MSBA hopes that these documents will give school districts and their employees some guidance on legal issues associated with student records.

There are two particular issues that the district should consider carefully when reviewing this policy:

1. *How does your district want to define directory information?* The FERPA regulations were recently revised to allow districts to limit the release of directory information to specific persons or for particular purposes. Previously, if a type of information, such as a student's grade level or address, was included in directory information, the information was available to anyone in the public. The U.S. Department of Education has recognized that while districts may be willing to provide information to some groups, such as booster clubs or the Parent Teacher Association (PTA), most districts would feel uncomfortable releasing the same information upon request to an unknown member of the public. The new FERPA regulations allow districts to designate disclosure to specific groups.

The story does not end with FERPA, though. Missouri courts have recognized that if information is included in "directory information," that information is available to the public under the Missouri Sunshine Law. *Oregon County R-VI School District v. LeMon*, 739 S.W.2d 553 (Mo.Ct.App. 1987). This has required districts to think long and hard about what information is included in directory information. It is unclear how Missouri courts will interpret the Sunshine Law now that the FERPA regulations have changed. Will the courts only require disclosure to the groups designated by the district in this policy, or will the courts consider the information completely open once any person or group outside the school system has access to the information? MSBA simply does not have an answer to this question.

MSBA would argue that FERPA already allows disclosure to some entities (DESE, the Office for Civil Rights), and those exceptions do not automatically open the information to the public at large. For this reason, MSBA has taken a chance and redefined directory information in this policy to allow for limited disclosure, but MSBA encourages the district to discuss this issue with a private attorney. MSBA also recommends that your district review the definition of directory information in this

policy closely with administrative staff and perhaps parents to ensure that it aligns with the district's current practices and that it accurately reflects the expectations of the community.

Districts that wish to keep the previous definition of directory information certainly may do so; however, MSBA encourages districts to review the new definition in this policy since it contains information that the district may want to consider including in its definition of directory information, even if the previous format is retained.

If the district does change its definition of "directory information" or limits who may access this information, the district needs to also change the annual notification it gives parents and students. Most districts include this notice in a student handbook, but some districts will include it in newsletters or other information sent home with students or mailed to parents.

2. *Does the district want to recognize a law enforcement unit within the district?* FERPA allows the district to designate a "law enforcement unit" in the school district. Once designated, records created and maintained by the law enforcement unit for a law enforcement purpose are not protected educational records under FERPA and may be disclosed to other persons, such as the police, prosecutors or others, without first obtaining parental consent or qualifying for other exceptions under FERPA. While records such as discipline reports or grade cards cannot be designated as law enforcement unit records because they are created for school purposes rather than law enforcement purposes, records such as security camera recordings could fall under this exception.

Please note that a "law enforcement unit" does not have to actually include a school resource officer or other member of law enforcement. This term is defined in FERPA to include "any individual, office, department, division or other component" of the district that is officially authorized or designated by the district to enforce law or refer information to the appropriate authorities for enforcement of the law. A law enforcement unit does not lose its designation if the person or department also performs other functions for the district. For example, if a district does not have a school resource officer or a security director, the district could still designate an assistant superintendent, principal or both to be the law enforcement unit for the district.

By designating a law enforcement unit, the district could improve communication with local law enforcement. For example, if the law enforcement unit is directed to operate, maintain and review the district's security cameras, then information obtained from those cameras is not considered a student education record even if it shows identifiable

REFERENCE COPY

FILE: JO
Critical

students. The law enforcement unit may release this information directly to law enforcement without first requiring a subpoena.

The downside to this designation is that it may open up these images or other records maintained by the law enforcement unit to the public. It is currently unclear if a court would consider these records closed or open under the Sunshine Law. It is also unclear how confidential individual police and sheriff offices would consider a recording once they receive it. Obviously, districts do not want to see bus security recordings replayed on the local news. For this reason, MSBA recommends that the district discuss this issue with its private attorney before designating a law enforcement unit. The district should also discuss the issue with local law enforcement.

If the district is interested in designating a law enforcement unit in this policy, MSBA recommends that the district add the following language after the "Law Enforcement Access" section:

Law Enforcement Unit Exception

The Board designates the *[school resource officer, high school principal, security director, assistant superintendent of student services, etc.]* as a law enforcement unit under the Family Educational Rights and Privacy Act (FERPA). Records created and maintained by the law enforcement unit for a law enforcement purpose may be disclosed to local, state and federal juvenile justice, law enforcement and social services agencies without parental consent or a subpoena.

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

FILE: JO
Critical

REFERENCE COPY

REFERENCE COPY

FILE: JO
Critical

STUDENT RECORDS

In order to provide students with appropriate instruction and educational services, it is necessary for the district to maintain extensive and sometimes personal information about students and families. These records must be kept confidential in accordance with law, but must also be readily available to district personnel who need the records to effectively serve district students.

The superintendent or designee will provide for the proper administration of student records in accordance with law, will develop appropriate procedures for maintaining student records and will standardize procedures for the collection and transmittal of necessary information about individual students throughout the district. The superintendent and building principals shall assist the superintendent in developing the will develop a student records system; that includes protocols for releasing student education records. Principals are responsible for maintaining and protecting the student education records in his or her building and developing protocols for releasing student education records each school. The superintendent or designee will make arrangements so that all district employees are trained annually on the confidentiality of student education records, as applicable for each employee classification.

Definitions

Eligible Student – A student or former student who has reached age 18 or is attending a postsecondary school.

Parent – A biological or adoptive parent of a student, a guardian of a student, or an individual acting as a parent or guardian in the absence of the student's parent or guardian.

Student – Any person who attends or has attended a school in the school district and for whom the district maintains education records.

Health Information

Student health information is a type of student record that is particularly sensitive and protected by numerous state and federal laws. Student health information shall be protected from unauthorized, illegal or inappropriate disclosure by adherence to the principles of confidentiality and privacy. The information shall be protected regardless of whether the information is received orally, in writing or electronically and regardless of the type of record or method of storage.

Parent and Eligible Student Access

All parents may inspect and review their student's education records, seek amendments, consent to disclosures and file complaints regarding the records as allowed by law. These rights transfer from

the parent to the student once the student becomes an eligible student; however, under the Missouri Sunshine Law, parents maintain some rights to inspect student records even after a student turns 18. The district will extend the same access to records to either parent, regardless of divorce, custody or visitation rights, unless the district is provided with evidence that the parent's rights to inspect records have been legally modified.

If a parent or eligible student believes an education record related to the student contains information that is inaccurate, misleading or in violation of the student's privacy, the parent or eligible student may use the appeals procedures created by the superintendent or designee to request that the district amend the record.

The district will annually notify parents and eligible students of their rights in accordance with law.

Directory Information

Directory information is information contained in an education record of a student that generally would not be considered harmful or an invasion of privacy if disclosed without the consent of a parent or eligible student. The district will designate the types of information included in directory information and release this information without first obtaining consent from a parent or eligible student unless a parent or eligible student notifies the district in writing as directed. Parents and eligible students will be notified annually of the information the district has designated as directory information and the process for notifying the district if they do not want the information released.

Even if parents or eligible students notify the district in writing that they do not want directory information disclosed, the district may still disclose the information if required or allowed to do so by law. For example, the district may require students to disclose their names, identifiers or district e-mail addresses in classes in which they are enrolled, or students may be required to wear, publicly display or disclose a student identification card or badge that exhibits information that is designated as directory information.

The school district designates the following items as directory information:

General Directory Information – The following information the district maintains about a personally identifiable student may be disclosed by the district to the school community through, for example, district publications, or to any person without first obtaining written consent from a parent or eligible student:

Student's name; date and place of birth; parents' names; grade level; enrollment status (e.g., full-time or part-time); student identification number; user identification or other unique personal identifier used by the student for the purposes of accessing or communicating in electronic systems as long as that information alone cannot be used to access protected

REFERENCE COPY

FILE: JO
Critical

educational records; participation in district-sponsored or district-recognized activities and sports; weight and height of members of athletic teams; dates of attendance; degrees, honors and awards received; artwork or course work displayed by the district; schools or school districts previously attended; and photographs, videotapes, digital images and recorded sound unless such records would be considered harmful or an invasion of privacy.

Limited Directory Information – In addition to general directory information, the following information the district maintains about a personally identifiable student may be disclosed to: school officials with a legitimate educational interest; parent groups or booster clubs that are recognized by the Board and are created solely to work with the district, its staff, students and parents and to raise funds for district activities; parents of other students enrolled in the same school as the student whose information is released; students enrolled in the same school as the student whose information is released; governmental entities including, but not limited to, law enforcement, the juvenile office and the Children's Division (CD) of the Department of Social Services:

The student's address, telephone number and e-mail address and the parents' addresses, telephone numbers and e-mail addresses.

- ▶ ~~**Students in kindergarten through eighth grade** – Student's name; parent's name; date and place of birth; grade level; bus assignment; enrollment status (e.g., full-time or part-time); participation in school-based activities and sports; weight and height of members of athletic teams; dates of attendance; honors and awards received; artwork or coursework displayed by the district; most recent previous school attended; and photographs, videotapes, digital images and recorded sound unless such photographs, videotapes, digital images and recorded sound would be considered harmful or an invasion of privacy.~~

- ▶ ~~**High school and vocational school students** – Student's name; parent's name; address; telephone number; date and place of birth; grade level; bus assignment; enrollment status (e.g., full-time or part-time); participation in school-based activities and sports; weight and height of members of athletic teams; dates of attendance; degrees, honors and awards received; artwork or coursework displayed by the district; most recent previous school attended; and photographs, videotapes, digital images and recorded sound unless such photographs, videotapes, digital images and recorded sound would be considered harmful or an invasion of privacy.~~

Parent and Eligible Student Access

~~All parents will have the right to inspect their child's education records as allowed by law. As used in this policy, a "parent" includes a biological or adoptive parent, a guardian or an individual acting as a parent in the absence of a natural parent or guardian. The district will extend the same rights to either parent, regardless of divorce, custody or visitation rights, unless the district is provided with~~

FILE: JO
Critical

REFERENCE COPY

~~evidence that the parent's rights to inspect records have been legally revoked. The rights of the parent transfer to the student once the student turns 18, or attends an institution of postsecondary education, in accordance with law.~~

~~If a parent or eligible student believes the education records related to the student contain information that is inaccurate, misleading or in violation of the student's privacy, he or she may ask the district to amend the record by following the appeals procedures created by the superintendent or designee.~~

~~The district will annually notify parents and eligible students of their rights in accordance with law.~~

Law Enforcement Access

The district may report or disclose education records to law enforcement and juvenile justice authorities if the disclosure concerns law enforcement's or juvenile justice authorities' 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 20 U.S.C. § 1232g (b)(1)(E) **federal law**.

If the district reports a crime committed by a student with a disability as defined in the Individuals with Disabilities Education Act (IDEA), the district will transmit copies of the special education and disciplinary records to the authorities to whom the district reported the crime **as allowed by law**.

Law enforcement officials also have access to directory information and may obtain access to student education records in emergency situations as allowed by law. Otherwise, law enforcement officials must obtain a subpoena or consent from the parent or eligible student before a student's education records will be disclosed.

Children's Division Access

The district may disclose education records to representatives of the ~~Children's Division (CD) of the Department of Social Services~~ when reporting child abuse and neglect in accordance with law. Once the CD obtains custody of a student, CD representatives may also have access to education records in accordance with law. CD representatives may also have access to directory information and may obtain access to student education records in emergency situations, as allowed by law.

Military and Higher Education Access

The district will disclose the names, addresses and telephone numbers of secondary school students to military recruiters or institutions of higher education as required by law unless the parent or student notifies the district in writing not to disclose the information to those entities.

REFERENCE COPY

FILE: JO
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: 12/19/2000

Revised: 09/21/2004; 07/19/2005;

Cross Refs: BBFA, Board Member Conflict of Interest and Financial Disclosure
EFB, Free and Reduced-Cost Food Services
EHB, Technology Usage
EHBC, Privacy Protection
GBCB, Staff Conduct
IGBA, Programs for Students with Disabilities
IGBE, Students in Foster Care
IGDB, Student Publications
IIAC, Instructional Media Centers/School Libraries
IL, Assessment Program
KB, Public Information Program
KBA, Public's Right to Know
KDA, Custodial and Noncustodial Parents
KI, Public Solicitations/Advertising in District Facilities
KKB, Audio and Visual Recording
KNAJ, Relations with Law Enforcement Authorities

Legal Refs: §§ 167.020, .022, .115, .122, **.123**, 210.115, .865, 452.375, **.376**, 610.010 - .028,
RSMo.
Americans with Disabilities Act, 42 U.S.C. §§ 12101 - 12213
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g
Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h
Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 - 1417
No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 - 7941
The Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794
34 C.F.R. Part 99
Oregon County R-VI School District v. LeMon, 739 S.W.2d 533 (Mo.Ct.App. 1987)

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