

**Pemiscot County**

**Career & Technology Center**



**Faculty/Staff Handbook**

**Training Tomorrow's Workforce Today!**

**Approved by  
Pemiscot County Special School District  
Board of Education  
Approved August 11, 2016**

## Welcome to the Pemiscot Co. Career & Technology Center

As a staff member of the Pemiscot County Career & Technology Center, you are a part of a unique group of people paid by the taxpayers of Pemiscot County and the state of Missouri to educate children and adults in a technical skills area. With the diverse student population we have at the career center, each staff person must be creative, patient, hardworking, and energetic, while processing a love for what they do. Each staff member is respected and appreciated for the talents they bring to the Pemiscot County Career & Technology Center.

### 2016-2017 Faculty & Staff Directory

Brock Crowley	Director	bcrowley@pcssd.k12.mo.us
Charity Hogue	Admin Asst./Intake Coordinator	chogue@pcssd.k12.mo.us
Bobby McGraw	Industrial Electronics	bmcgraw@pcssd.k12.mo.us
Charles Davis	Maintenance	
Don Franklin	Culinary Arts	dfranklin@pcssd.k12.mo.us
Billy Hopkins	Automotive Technology	bhopkins@pcssd.k12.mo.us
Michael McWilliams	Custodian	
Dana Langdon	Vocational Resource Education	dlangdon@pcssd.k12.mo.us
Brandon McKuin	Welding	bmckuin@pcssd.k12.mo.us
Gina Osmer	Basic Skills	gosmer@pcssd.k12.mo.us
James Palmer	Building Structures & Construction Trades	jpalmer@pcssd.k12.mo.us
Linda Phillips	Health Occupations	lphillips@pcssd.k12.mo.us

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## **Notice of Nondiscrimination**

Applicants for admission and employment, students, parents of elementary and secondary school students, employees, sources of referral of applicants for admissions and employment, and all unions or professional agreements with Pemiscot County Career and Technology Center are hereby notified that this institution does not discriminate on the basis of race, color, national origin, sex, age or handicap in admission or access to or treatment of employment in its programs and activities. Any person having inquiries concerning Pemiscot County Career and Technology Center compliance with the regulations implementing Title VI, Title IX, or Section 594 is directed to contact the Superintendent of Pemiscot County Special School District, 1317 West State Highway 84, Hayti, MO (573) 359-0021. The Vocational Resource Education for Pemiscot County Special School District has been designated by the Pemiscot County Special School District to coordinate the institution's effort to comply with the regulations implementing Title VI, Title IX, and Section 504. Any person may also contact the Assistant Secretary of Civil Rights, U.S. Department of Education, regarding the institution's compliance with the regulations Title VI, Title IX, or section 504.

### **Accommodations for students with Special Needs**

Notification and Assessment Requirements:

Employees requesting accommodations for special needs must notify the district of their needs. In order for the district to make appropriate accommodations, employees must provide current (less than one year old) assessments identifying their needs. The assessment is to be accompanied with recommendations for accommodations that are made by the agency performing the assessment. Such assessments are at the employees expense.

### **Americans with Disabilities Act of 1990**

If you have special needs as addressed by ADA, please discuss this with your Director once you are accepted to your position. Reasonable efforts will be made to accommodate your special needs. Questions concerning special services available to students may be directed to the Superintendent's office located at 1317 West State Highway 84, Hayti, MO 63851. Telephone 573-359-0021.

## Staff Directory

Brock Crowley Director of Career & Tech Center  
 HC1 Box 77M  
 Grandin, MO 63943  
 (Cell) 573-718-5789

Bobby McGraw—Industrial Electronics/Cisco  
 902 N. Walnut  
 Steele, MO 63877  
 (Cell) 573-979-7261

Brandon McKuin—Welding Instructor  
 P.O. Box 453/ 601 W. Drew  
 Monette, AR 72447  
 (Cell)573- 344-7113

Don Franklin—Culinary Arts Instructor  
 1109 Locust Street  
 Kennett, MO 63857  
 (Home) 573-270-3887 (Cell) 573-717-3114

Dana Langdon - Vocational Resource Educator  
 3074 Cnty Hwy 407  
 Steele, MO 63877  
 (Cell) 870-740-7680

James Palmer—Building Structures/Const Trade  
 2958 State Hwy A  
 Wardell, MO 63879  
 (Home) 573-628-3264 (Cell) 573-724-7022

Charity Hogue, Admin Asst./Intake Coordinator  
 1269 Pennell Lane  
 Dyersburg, TN 38024  
 (Cell) 573-724-2433

Michael McWilliams  
 Caruthersville, MO 63830  
  
 (Cell) 573-479-8138

Charles Davis—Maintenance  
 PO Box 23  
 Braggadocio, MO 63826  
 (Cell) 573-359-4667

Billy Hopkins—Automotive Technology  
 264 County Hwy 351  
 Caruthersville, MO 63830  
 (Home) 573-333-5764 (Cell) 573-922-0311

Gina Osmer— Basic Skills  
 2058 County Road 434  
 Kennett, MO63857  
 (Home) 573-888-3704 (Cell) 573-888-7130

Linda Phillips—Health Occupations  
 203 County Hwy 266  
 Hayti, MO 63851  
 (Home) 573-359-1024

## Schedule

7:45 am	Staff Arrive
7:45-8:40 am	Prep Time
8:40 am	Students to classrooms
8:40 am	Class begins
9:40-9:50 am	First Break
9:55-10:05 am	Second Break
10:10-10:20 am	Third Break
11:20 am	Morning Session Ends
12:05 pm	Afternoon session begins
1:10-1:20 pm	First Break
1:25-1:35 pm	Second Break
1:40-1:50 pm	Third Break
2:40 pm	Afternoon Session Ends
2:40-3:15 pm	Prep Time
3:15 pm	Staff Leaves

## PCCTC Break Schedule

### Morning Session

9:40-9:50 Culinary Arts Welding	9:55-10:05 Building Structures Health Occupations	10:10-10:20 Automotive Industrial Electronics
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### Afternoon Session

1:10-1:20 Welding Industrial Electronics	1:25-1:35 Building Structures Health Occupations	1:40-1:50 Culinary Arts Automotive
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It is imperative that you adhere to the break schedule to ensure there is organization.

## Bus Schedule

8:30 am	All schools arrive for classes
11:10 am	Hayti leave
11:20 am	All remaining schools leave
12:05 pm	All schools arrive for pm classes
2:15 pm	SP leave
2:20 pm	Cooter leave
2:30 p.m.	Delta leave
2:45 pm	All remaining schools leave

## Career & Technology Center

2016-2017

7:45	Teachers arrive/Teacher prep
8:40	Students go to classroom
11:20-11:40	Lunch I
11:40-12:00	Lunch II

	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
Lunch I	Gina	Dana	Brock	Brandon	Don
Lunch II	Linda	Jamie	Brock	Billy	Bobby

12:00	All teachers on duty
12:05	Students go to class
2:05-2:45	Students go home
2:45-3:15	Teacher Prep

## Pemiscot County Public Schools

Caruthersville 1711 Ward Avenue Caruthersville, MO 63830	J.J. Bullington, Superintendent Clair Jackson, Principal Stacey Bradshaw, Asst. Principal Brittini St. Mary, Counselor Gail Baker (HS Secretary)	333-6100/333-6108 Fax 333-6110/333-6117 Fax 333-6110/333-6117 Fax
Cooter PO Box 218 Cooter, MO 63839	Clay Snider, Superintendent Josh Teeter, Principal Ashley Gallant, Counselor Rose (HS Secretary)	695-3312/695-3073 Fax 695-4972 695-3806
Delta PO Box 297 Deering, MO 63840	Kenny Copley, Superintendent Nathan Baker, Principal Tammy Cannon, Counselor Sheila (HS Secretary)	757-6648/757-6648 757-9691
Hayti PO Box 469 Hayti, MO 63851	Jackie Johnson, Superintendent Melanie Tipton, Principal Dominique Bailey, Counselor Carolyn (HS Secretary)	359-6500/359-6502 Fax 359-6503/359-6504 Fax 359-6506/359-6507 Fax 359-6500 Ext. 7
North Pemiscot PO Box 38 Wardell, MO 63879	Terry Hamilton, Superintendent Bill Hoffman, Principal Angela Hamilton, Counselor Melissa (HS Secretary)	628-3471/628-3472 628-3465 628-3417
South Pemiscot 611 Beasley Road Steele, MO 63877	Chris Moore, Superintendent Glen Carter, Principal Jason Williams, Asst. Principal Jeanne Dent, Counselor Mallory (HS Secretary)	695-4426/695-7469 Fax 695-4704/695-4427 Fax 695-4704 695-4426 Ext. 5



## Curriculum

The curriculum used in each of the six program areas will be the IML modules curriculum consisting of eight modules for the complete course. One module will be taught each quarter with module schedule as follows:

1st quarter	modules one and five
2nd quarter	modules two and six
3rd quarter	modules three and seven
4th quarter	modules four and eight

This is a competency-based curriculum with students having to master 80% of the competencies to pass the course. Other curriculum to be used in each program area is the SKILLS USA professional development and additional supplemental material as needed. Each teacher may use additional resource curriculum depending on relevancy to course of instruction.

### **Finances**

All budget procedures (e.g. purchase requisitions, and purchase orders) must come through the Director's office at PCCTC. Follow your chain of command as usual.

The faculty members will provide the Director with input on the budget by submitting a yearly budget plan. The administrative staff meets and reviews the budgeting requests from the present year and the year before and then projects the budget for the coming year. After the decision, the Superintendent presents the budget to the Board of Education for approval

## **Classroom Supervision**

Classroom rules will be posted in each classroom to be readily seen and read by students. The instructor should explain these rules on the first day of class. Each teacher will maintain rules of order in the classroom.

Each teacher will write detailed lesson plans. A copy of these plans will be on the secretary's desk each Friday afternoon by 2:00 pm for the upcoming week. This activity is to let the director know what is going on in the classroom. Also it eliminates problems if a substitute must be called in.

Teachers must not leave students unattended in a classroom or lab at any time. This is for your protection as well as the students. If a student is injured, it is difficult to prove reasonable care if there was not a teacher present. Always have another staff member to watch your class if you need to attend to some other matter.

There will be 1 or 1 1/2 hours of classroom instruction in each class each day. The remainder of the student's time in class will be in a constructive and relevant lab activity. The teacher is responsible for keeping enough lab activities for each student.

Shops will be straightened and tools put away at the end of each class period. Shops will be cleaned daily to maintain a good working environment.

## **Staff/Student Relations-Board Policy GBH**

Staff members are expected to maintain courteous and professional relationships with students. All staff members have a responsibility to provide an atmosphere conducive to learning through consistently and fairly applied discipline and the maintenance of physical and emotional boundaries with students. These boundaries must be maintained regardless of the student's age, the location of the activity, whether the student allegedly consents to the relationship or whether the staff member directly supervises the student. Maintaining these boundaries is an essential requirement for employment in the district.

Although this policy applies to the relationships between staff members and district students, staff members who inappropriately interact with any child may be disciplined or terminated when the district determines such action is necessary to protect students.

### **Absolute Prohibitions**

There are some interactions between staff members and students that are never acceptable and are absolutely prohibited including, but not limited to:

1. Touching, caressing, fondling or kissing students in a sexual or sexually intimate manner.
2. Dating a student or discussing or planning a future romantic or sexual relationship with a student.
3. Making sexual advances toward a student or engaging in a sexual relationship with a student.
4. Engaging in any conduct that constitutes illegal harassment or discrimination as defined in policy AC or that could constitute a violation of that policy if pervasive.
5. Engaging in any conduct that violates Board policies, regulations or procedures or constitutes criminal behavior.

### **Exceptions to This Policy**

The goal of this policy is to protect students from harm and staff members from allegations of misconduct by requiring staff members to maintain professional boundaries with students. The district does not intend to interfere with or impede appropriate interactions between staff members and students.

An emergency situation or an educational purpose might justify deviation from some of the professional boundaries set out in this policy. Likewise, staff members might be related to students or have contact with students outside the school environment through friends, neighborhood or community activities, or participation in civic, religious or other organizations. These contacts might justify deviation from some of the standards set in this policy, but under no circumstance will an educational or other purpose justify deviating from the "Absolute Prohibitions" section of this policy.

The staff member must be prepared to articulate the reason for any deviation from the requirements of this policy and must demonstrate that he or she has maintained an appropriate relationship with the student. To avoid confusion, the district encourages staff members to consult with their supervisors prior to engaging in behaviors or activities that might violate professional boundaries as defined in this policy.

### **Failure to Maintain Boundaries**

Unless an educational purpose exists or an exception as defined in this policy applies, examples of situations where professional physical and emotional boundaries are violated include, but are not limited to:

1. Being alone with a student in a room with a closed or locked door or with the lights off. Counselors or others who need to work with students confidentially must discuss with their supervisors the appropriate manner of meeting with students.
2. Meeting students in non work settings without the parent/guardian being present, even if the parent/guardian grants permission. Likewise, staff members might be related to students or have contact with students outside the school environment through friends, neighborhood or community activities, or participation in civic, religious or other organizations. These contacts might justify deviation from some of the standards set in this policy, but under no circumstance will an educational or other purpose justify deviating from the "Absolute Prohibitions" section of this policy.
3. Associating with students in any setting where students are provided, are consuming or are encouraged to use or consume alcohol, tobacco, drugs or any other product or service prohibited to minors.
4. Communicating with students about sexual topics verbally or by any form of written, pictorial or electronic communication.
5. Discussing the staff member's personal problems with or in the presence of students.
6. Sponsoring parties for students outside of school unless as part of an extracurricular activity that is appropriately supervised by additional staff members.
7. Inviting students to the staff member's home.
8. Being present when students are fully or partially nude.
9. Sending students on personal errands.
10. Allowing a student to drive the staff member's vehicle.
11. Providing a student (other than the staff member's children, stepchildren or other children living in the staff member's home) transportation in the staff member's personal vehicle without a supervisor's approval, unless another staff member or the student's parent/guardian is also present in the vehicle.
12. Allowing any student to engage in behavior that would not be tolerated if done by other similarly situated students.
13. Giving gifts to individual students.
14. Frequently pulling a student from another class or activity to be with the staff member.

Adopted: April 6, 2006

Revised: February 11, 2010 December 13, 2011 February 9, 2012

Cross Refs: AC, Prohibition Against Illegal Discrimination and Harassment

JG, Student Discipline

JHG, Reporting and Investigating Child Abuse/Neglect

Legal Refs: ' ' 162.069, 168.114, 210.115, RSMo.

*Ross v. Robb*, 662 S.W.2d 257 (1983)

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

*Davis v. Monroe County Bd. of Educ.*, 526 U.S. 629 (1999)

*Gebser v. Lago Vista Ind. Sch. Dist.*, 524 U.S. 274 (1998)

Pemiscot Co. Spec. School Dist., Hayti, Missouri

## **Electronic Communication – Board Policy EHB**

Staff members are encouraged to communicate with students and parents/guardians for educational purposes using a variety of effective methods, including electronic communication. As with other forms of communication, staff members must maintain professional boundaries with students while using electronic communication regardless of whether the communication methods are provided by the district or the staff member uses his or her own personal electronic communication devices, accounts, webpages or other forms of electronic communication. The district's policies, regulations, procedures and expectations regarding in-person communications at school and during the school day also apply to electronic communications for educational purposes, regardless of when those communications occur. Staff communications must be professional, and student communications must be appropriate.

1. When communicating electronically with students for educational purposes, staff members must use district-provided devices, accounts and forms of communication (such as computers, phones, telephone numbers, e-mail addresses and district-sponsored webpages or social networking sites), when available. If district-provided devices, accounts and forms of communication are unavailable, staff members communicating electronically with students must do so in accordance with number two below. Staff members may communicate with students using district-provided forms of communication without first obtaining supervisor approval. These communications may be monitored. With district permission, staff members may establish websites or other accounts on behalf of the district that enable communications between staff members and students or parents/guardians. Any such website or account is considered district sponsored and must be professional and conform to all district policies, regulations and procedures.
2. A staff member's supervisor may authorize a staff member to communicate with students using the staff member's personal telephone numbers, addresses, webpages or accounts (including, but not limited to, accounts used for texting) to organize or facilitate a district-sponsored class or activity if the communication is determined necessary or beneficial, if a district-sponsored form of communication is not available, and if the communication is related to the class or activity. The district will provide notification to the parents/guardians of students participating in classes or activities for which personal electronic communications have been approved. Staff members may be required to send the communications simultaneously to the supervisor if directed to do so. Staff members are required to provide their supervisors with all education-related communications with district students upon request.
3. Staff use of any electronic communication is subject to the district's policies, regulations and procedures including, but not limited to, policies, regulations, procedures and legal requirements governing the confidentiality and release of information about identifiable students. Employees who obtain pictures or other information about identifiable students through their connections with the district are prohibited from posting such pictures or information on personal websites or personal social networking websites without permission from a supervisor.

4. The district discourages staff members from communicating with students electronically for reasons other than educational purposes. When an electronic communication is not for educational purposes, the section of this policy titled "Exceptions to This Policy" applies, and if concerns are raised, the staff member must be prepared to demonstrate that the communications are appropriate. This policy does not limit staff members from communicating with their children, stepchildren or other persons living within the staff member's home who happen to be students of the district.

### **Consequences**

Staff members who violate this policy will be disciplined, up to and including termination of employment.

Depending on the circumstances, the district may report staff members to law enforcement and the Children's Division (CD) of the Department of Social Services for further investigation, and the district may seek revocation of a staff member's license(s) with the Department of Elementary and Secondary Education (DESE).

### **Reporting**

Any person, including a student, who has concerns about or is uncomfortable with a relationship or activities between a staff member and a student should bring this concern immediately to the attention of the principal, counselor or staff member's supervisor. If illegal discrimination or harassment is suspected, the process in policy AC will be followed.

Any staff member who possesses knowledge or evidence of possible violations of this policy must immediately make a report to the district's administration. All staff members who know or have reasonable cause to suspect child abuse shall immediately report the suspected abuse in accordance with Board policy. Staff members must also immediately report a violation or perceived violation of the district's discrimination and harassment policy (AC) to the district's nondiscrimination compliance officer. Staff members may be disciplined for failing to make such reports.

The district will not discipline, terminate or otherwise discriminate or retaliate against a staff member for reporting in good faith any action that may be a violation of this policy.

## **Training**

The district will provide training to district staff that includes current and reliable information on identifying signs of sexual abuse in children and potentially abusive relationships between children and adults. The training will emphasize legal reporting requirements and cover how to establish an atmosphere where students feel comfortable discussing matters related to abuse.

Adopted: April 6, 2006

Revised: February 11, 2010 December 13, 2011 February 9, 2012

Cross Refs: AC, Prohibition Against Illegal Discrimination and Harassment

JG, Student Discipline

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Pemiscot Co. Spec. School Dist., Hayti, Missouri

## **SECLUSION, ISOLATION AND RESTRAINT - Board Policy JGGA**

### **Purpose**

Through the adoption of this policy, the Board of Education expects to:

1. Promote safety and prevent harm to students, school personnel and visitors in the school district.
2. Foster a climate of dignity and respect in the use of discipline and behavior-management techniques.
3. Provide school personnel with clear guidelines about the use of seclusion, isolation and restraint in response to emergency situations.
4. Provide parents/guardians information about state guidelines and district policies related to the use of discipline, behavior management, behavior interventions and responses to emergency situations.
5. Promote the use of nonaversive behavioral interventions, including positive behavioral support techniques.

### **Policy Applicability**

This policy applies to all district personnel as defined in the policy. District personnel assigned to facilities not located on district premises (hospitals, detention centers, juvenile facilities and mental health facilities) will follow the policy as specified in the written agreement between the district and the facility. If no policy is specified in a written agreement, employees will follow the facilities= policies unless such policies conflict with the district=s policy. If there is a conflict, the employee will notify his or her supervisor and follow district policy until otherwise directed by the Board of Education.

## Definitions

### ***Assistive Technology Device*** B

Any item, piece of equipment or product system that is used to increase, maintain or improve the functional capacities of a student with a disability.

### ***Aversive Behavioral Intervention or Aversive Intervention*** B

An intervention that is intended to inflict pain or discomfort upon a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as: contingent application of noxious, painful or intrusive stimuli or activities; any form of noxious, painful or intrusive spray, inhalant or tastes; or other similar interventions. The term does not include such interventions as voice control limited to loud, firm commands; time-limited ignoring of a specific behavior; token fines as part of a token economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student; or other similar interventions. Corporal punishment administered in accordance with state law is not an aversive intervention for the purpose of this policy.

***Behavioral Intervention*** B An individualized instructional and environmental support that teaches students appropriate behaviors to replace problem behaviors. Behavioral interventions are guided by a functional behavioral assessment that identifies the communicative intent of problem behavior and takes into consideration any known medical, developmental or psychological limitation(s) of the student.

***Behavior Intervention Plan (BIP)*** B A plan that sets forth specific behavior interventions for a specific student who displays chronic patterns of problem behavior.

***Behavior Management*** B Comprehensive, schoolwide procedures applied in a proactive manner that constitute a continuum of strategies and methods to support and/or alter behavior in all students.

***Chemical Restraint*** B Administration of a drug or medication to manage a student=s behavior that is not a standard treatment and dosage for the student=s medical condition.

***Confinement*** B The act of preventing a student from leaving an enclosed space.

***Discipline*** B Consequences for violating the district=s student code of conduct.

***Emergency Situation*** B A situation in which a student=s behavior poses a serious, probable threat of imminent physical harm to self or others or destruction of property.

***Functional Behavior Assessment*** B A formal assessment to identify the function or purpose the behavior serves for the student so that classroom interventions and behavior support plans can be developed to improve behavior. The assessment could include observations and charting of the behavior and interviews with family, teachers and the student to determine the frequency, antecedent and response of the targeted behavior.



***Individualized Education Program (IEP)*** B A student=s Individualized Education Program as defined by the Individuals with Disabilities Education Act (IDEA).

***Isolation*** B The confinement of a student alone in an enclosed space without locking hardware. Isolation does not include supervised in-school suspension, detention or time-out used as disciplinary consequences in accordance with the district=s student discipline code.

***Law Enforcement Officer*** B Any public servant having both the power and duty to make arrests for violations of the laws of this state.

***Locking Hardware*** B Mechanical, electrical or other material devices used to lock a door or to prevent egress from a confined area.

***Mechanical Restraint*** B A device or physical object that the student cannot easily remove that restricts a student=s freedom of movement or normal access to a portion of his or her body. This includes, but is not limited to: straps, duct tape, cords or garments. The term does not include assistive technology devices.

***Physical Escort*** B The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out or eloping to walk to a safe location.

***Physical Restraint*** B The use of person-to-person physical contact to restrict the free movement of all or a portion of a student=s body. It does not include briefly holding a student without undue force for instructional or other purposes, briefly holding a student to calm the student, taking a student=s hand to transport him or her for safety purposes, physical escort, or intervening in a fight.

***Positive Behavior Supports*** B A range of instructional and environmental supports to teach students pro-social alternatives to problem behavior and allow them multiple opportunities to practice pro-social skills and receive high rates of positive feedback.

***Restraint*** B See the definitions for *chemical restraint*, *mechanical restraint* and *physical restraint*.

***School or District Employee or Personnel*** B Any person employed by the district, volunteering for the district or performing services on behalf of the district or at the direction of the district. "School or District Employee or Personnel" may include persons working with students as independent contractors or on behalf of an independent contractor, or persons employed by another agency who are providing educational or related services to students.

***Seclusion*** B The confinement of a student alone in an enclosed space from which the student is physically prevented from leaving by locking hardware.

***Section 504 Plan*** B A student=s individualized plan as defined by Section 504 of the Rehabilitation Act of 1973.

***Time-Out*** B Brief removal from sources of positive reinforcement that does not meet the definition of seclusion or isolation. The purpose of time-out is to separate the student from the attention of staff and other students.

### **Use of Time-Out**

Nothing in this policy is intended to prohibit the use of time-out as defined in this policy.

### **Use of Aversive Interventions**

Aversive interventions will only be used in accordance with this policy. District personnel shall never use aversive interventions that compromise health and safety.

### **Use of Seclusion, Isolation and Restraint**

#### ***Seclusion***

Seclusion as defined in this policy is prohibited except in an emergency situation while awaiting the arrival of law enforcement officers as provided for in state law.

#### ***Isolation***

Isolation shall only be used:

1. In an emergency situation, or
2. When less restrictive measures have not effectively de-escalated the situation and the school has a plan for how to respond in such situations, or
3. With parental approval as specified in a student=s IEP, Section 504 plan or other agreed-upon plan to address a student=s behavior.

Isolation shall never be used as a form of punishment or for the convenience of district personnel. A student in isolation must be monitored by district personnel who are in close proximity and able to see and hear the student at all times. Monitoring shall be face to face unless personal safety is significantly compromised, in which case technology-supported monitoring may be utilized. The total time in isolation is to be reasonably calculated based on the age of the student and the circumstances and is not to exceed 40 minutes without a reassessment of the situation and consultation with parents/guardians or administrative staff, unless otherwise specified in an IEP, Section 504 plan or other parentally agreed-upon plan to address a student=s behavior.

The space in which the student is isolated should be a normal-sized meeting room or classroom commonly found in a school setting with standard lighting, ventilation, heating, cooling and ceiling height and that is free of objects that could cause harm to the student.

#### ***Physical Restraint***

Physical restraint shall only be used:

1. In an emergency situation, or
2. When less restrictive measures have not effectively de-escalated the situation and the school has a plan for how to respond in such situations, or

3. With parental approval as specified in a student=s IEP, Section 504 plan or other agreed-upon plan to address a student=s behavior.

Physical restraint will:

1. Only be used for as long as necessary to resolve the actual risk of danger or harm that warranted the use of physical restraint.
2. Be no greater than the degree of force necessary to protect the student or other persons from imminent bodily injury or to protect property.
3. Not place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck or throat that restricts breathing.
4. Only be done by district personnel trained in the proper use of physical restraint.

District personnel who use physical restraint shall only use restraint methods in which they have received district-approved training. Further, district personnel who use physical restraint may only do so in the presence of at least one (1) additional adult who is in the line of sight unless no other adult is immediately available due to an unforeseeable emergency situation.

Physical restraints should never be used as a form of punishment or for the convenience of district personnel.

#### ***Mechanical Restraint***

Mechanical restraint shall only be used as specified in a student=s IEP or Section 504 plan with two (2) exceptions:

1. Vehicle safety restraints shall be used according to state and federal regulations.
2. Mechanical restraints employed by law enforcement officers in school settings should be used in accordance with appropriate professional standards and applicable policies.

#### ***Chemical Restraint***

Chemical restraints shall never be used by district personnel.

#### ***Emergency Situation Follow-ups***

Following any emergency situation involving the use of seclusion, isolation or restraint, a meeting shall occur as soon as possible but no later than two (2) school days after the emergency situation. The meeting shall include, at a minimum, a discussion of the events that led to the emergency and why the de-escalation efforts were not effective; any traumatic reactions on the part of the student, other students or school personnel; what, if anything, could have been done differently; and an evaluation of the process. All staff members directly involved with the emergency situation will be included in the meeting, which will be scheduled and led by the building principal or designee.

#### **Positive Behavior Supports**

The superintendent or designee is responsible for implementing the districtwide use of appropriate positive behavior supports designed to support or alter behavior in all students.

### **Training**

The superintendent shall ensure that all district personnel are trained annually and know the policy and procedures involving the use of seclusion, isolation and restraint. Training shall include all of the following:

1. A continuum of prevention techniques.
2. Environmental management techniques.
3. A continuum of de-escalation techniques.
4. Information about this policy.

In addition to the training provided to all district personnel, those who utilize seclusion, isolation or restraint will also receive annual training in:

1. The appropriate use of physical restraint.
2. Professionally accepted practices in physical management and use of restraints.
3. The best way to explain the proposed restraint methods to students and parents/guardians.
4. The appropriate use of isolation.
5. The appropriate use of seclusion.

### **Records**

The superintendent or designee will maintain records documenting the use of seclusion, isolation and restraint showing when they were used and the reason for use; the duration of the use; names of district personnel involved; whether students or school personnel were injured; the name and age of the student; whether the student has an IEP, Section 504 plan or BIP; when the parents/guardians were notified; if the student was disciplined; and any other documentation required by federal or state law.

### **Notice to Parents/Guardians**

Except as otherwise specified in a student's IEP or Section 504 plan, following an emergency situation involving the use of seclusion, isolation or restraint, the parent/guardian of the student shall be notified through verbal or electronic means of the incident as soon as possible, but no later than the end of the day of the incident.

The parent/guardian shall receive a written report of the emergency situation within five (5) school days of the incident. The written incident report shall include all of the following:

1. Date, time of day, location, duration and description of the incident and interventions.
2. Event(s) that led up to the incident.
3. Nature and extent of any injury to the student.
4. Name of an employee the parent/guardian can contact regarding the incident.
5. Plan to prevent the need for future use of seclusion, isolation or restraint.

### **Students with Disabilities**

If the IEP or Section 504 plan of a student with a disability includes the use of seclusion, isolation, restraint or aversive behavior intervention:

1. The IEP or Section 504 plan must specify the conditions under which seclusion, isolation, restraint or aversive behavior interventions may be used.
2. The IEP or Section 504 plan must include steps to eliminate the need for the use of seclusion, isolation, restraint or aversive behavior interventions.
3. Any use of seclusion, isolation, restraint or aversive behavior intervention must be limited to what is set forth in the IEP or Section 504 plan.

Before adding the use of seclusion, isolation, restraint or aversive behavior intervention to an IEP or Section 504 plan, the student must have undergone appropriate assessments including, but not limited to, a formal functional behavior assessment, and the student must have a BIP in place.

Adopted: January 13, 2011

Revised:

Legal Refs: ' ' 160.261, .263, 563.061, RSMo.

Pemiscot Co. Spec. School Dist., Hayti, Missouri

## **REPORTING AND INVESTIGATING CHILD ABUSE/NEGLECT – Board Policy JHG**

### **Public School District Liaison**

The superintendent shall designate a specific person or persons to serve as the public school 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 protocol 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. All written information received by any public school district liaison or the school shall be subject to the provisions of the Family Educational Rights and Privacy Act (FERPA).

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 Hotline to the CD, as required by law. This policy does not 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.

The school principal will make the superintendent aware that a report has been made and will keep him or her aware of the status of the case. 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.

The district, as a mandated reporter, will be entitled, upon request, to information on the general disposition of the report. The district may also receive findings and information concerning the case, if requested. The information may be shared with the staff member who originated the report, but will not be released to anyone else without written authorization from the CD. Parents/Guardians will be referred to the CD for information regarding the investigation.

Any person who in good faith participates in the making of such reports, or in any judicial proceeding resulting there from, will be immune from civil or criminal liability. It shall not be the responsibility of the school official or employee who initiated the report to prove that the child has been neglected or abused.

### **Investigating Child Abuse/Neglect**

When the CD receives a child abuse report alleging that an employee of a school district has abused a student, the report is 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 report relates to a spanking by a certificated school employee administered pursuant to written district policy, the use of reasonable physical force against a student for the protection of other persons or property by any district personnel, or if it is determined that the sole purpose of the report is to harass a school employee, the superintendent, Board president or the Board president's designee will jointly investigate the matter with the juvenile officer or a law enforcement officer designated by the juvenile officer. The superintendent and Board president are authorized to contact and utilize the district's attorney to assist in the investigation. Findings and conclusions will be issued as required by law.

All other reports of any nature will be immediately returned to the CD for investigation, and the superintendent will take no further action.

The superintendent will prepare and implement procedures as necessary to accomplish the intent of this policy and of the law.

Adopted: April 6, 2006

Revised: January 13, 2011

Cross Refs: GBH, Staff/Student Relations

Legal Refs: ' ' 160.261, 210.110 - .165, RSMo.

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. ' 1232g

Pemiscot Co. Spec. School Dist., Hayti, Missouri

## **Criminal Background Checks – Board Policy GBEC**

The Pemiscot Co. Spec. School Dist. is committed to providing a safe environment for students to learn. As part of this effort, in accordance with this policy, the district will require criminal background checks of employees as well as certain volunteers and others working on school grounds. The Board directs the superintendent or designee to develop procedures and practices consistent with this policy.

### **Definitions**

*Criminal Background Check* B A search of the Federal Bureau of Investigation=s criminal history files; the Missouri Highway Patrol's criminal history database and sexual offender registry; the Family Care Safety Registry (FCSR) of the central registry of child abuse and neglect of the Children's Division (CD) of the Department of Social Services; Missouri Case.net; and other databases required by law or by the district.

*Driving Records* B Traffic-related offenses contained in the Missouri Department of Revenue=s databases.

### **Employees**

Generally, the district will conduct criminal background checks in accordance with law on all new employees authorized to have contact with students prior to the employees working with students; however, the district may forgo a criminal background check when:

1. A teacher is employed to work on a part-time or substitute basis within one year of having retired from the Pemiscot Co. Spec. School Dist.
2. An employee or potential employee has had a background check conducted by another Missouri public school within the past year and the district receives a copy of the

background check directly from the other district. If the district requires a new background check, it will be at the district's expense.

3. An employee or potential employee has successfully completed a criminal background check, including a check of the FCSR, as part of the professional license application process within one year prior to employment.

Any offer of employment is contingent upon the satisfactory outcome of the criminal background check, when required by the district. The district has the sole and absolute discretion to determine whether the outcome is satisfactory.

### **Drivers**

The district will conduct a criminal background check on all bus drivers the district employs. The district may allow bus drivers to operate district transportation pending the results of the criminal background check. If the district contracts for student transportation services, the contract will require the transportation company to conduct background checks on the company's employees who will have contact with district students. The contract will require the company to exclude persons who have exhibited behavior that is violent or harmful to children or adults.

### **Volunteers**

The district will conduct a search of the Missouri Highway Patrol's criminal history database and the FCSR or the central registry of child abuse and neglect of the CD on all persons volunteering in positions where they will be left alone with a single child. If the volunteer is a sponsor, advisor or coach, he or she must satisfactorily complete the criminal background check required of employees. The superintendent or designee is directed to identify any additional volunteer positions in the district that will also require a criminal background check. The superintendent or designee must receive the results of the background check and officially approve the volunteer before he or she may begin service in the identified volunteer position.

### **Payment**

In general, applicants for employment and volunteers are responsible for the cost of the criminal background check, but the district may later reimburse the person at the district's discretion. However, when an applicant has had a background check conducted by another Missouri public school within the past year and the district receives a copy of the background check directly from the other district, the district will not require an additional background check as a condition of employment unless the district pays the cost, in accordance with law. The district will pay the expenses associated with conducting and renewing criminal background checks for current employees. In cases where the district requires independent contractors to conduct criminal background checks, payment for the background checks will be determined by the contract.

### **Updating Information**

The district reserves the right to require any employee or volunteer to submit to additional criminal background checks at the district's expense or to rerun background checks at any time. The district will provide the Department of Elementary and Secondary Education (DESE) the relevant personnel information necessary to conduct postemployment background checks as allowed by law.



The district may update all criminal background checks required under this policy at least every five years if the person is still volunteering or working for the district or working on district property. The district may update the driving records for all drivers of district transportation every six months. Any employee refusing to submit to a background check may be disciplined or terminated. The district may decline to utilize the services of volunteers or contractors who refuse to participate.

### **District Notification**

As a condition of continuing to work within the district, all employees and other persons required to submit to a criminal background check pursuant to this policy must notify the district if they are charged, convicted, plead guilty to or are otherwise found guilty of any misdemeanor or felony, regardless of the imposition of sentence. This notification must be made as soon as possible, but no later than five business days after the event.

### **Reporting Requirements**

The district will report to DESE when information is obtained that a certificated person has pled guilty or no contest to or been found guilty of a crime or offense, regardless of whether a sentence has been imposed, in this state, another state or another country that may put the person's certificate in jeopardy pursuant to Missouri law.

### **Confidentiality**

Information received by the district pursuant to a criminal background check is confidential. Except as allowed by law, the district will only use this information for the district's internal purposes in determining the suitability of an applicant, employee, volunteer or other worker on district property. The district will keep this information in a location that is only accessible to persons who need to know the information to carry out their responsibilities with the district. Any person submitting to a criminal background check may receive a copy of the background check information received by the district.

Pursuant to state law and upon the written request of an employee or former employee, the district may transfer a criminal background check to another school district within one year of receiving the background check.

### **Consequences**

The superintendent or designee is directed to exclude from employment or to take action to terminate individuals whose criminal background checks reveal that they have exhibited behavior that is violent or harmful to children or adults. Employees who fail to keep background checks confidential as required by law or this policy or who violate any portion of this policy or district procedure will be subject to disciplinary action up to and including termination.

Adopted: April 6, 2006

Revised: January 11, 2007 February 11, 2010 February 9, 2012

Cross Refs: IICC, School Volunteers

Legal Refs: ' ' 43.540, 168.133, 576.050, RSMo.

Pemiscot Co. Spec. School Dist., Hayti, Missouri

## **Staff Conduct - Board Policy GBCB**

The Board of Education expects that each professional and support staff member shall put forth every effort to promote a quality instructional program in the school district. In building a quality program, employees must meet certain expectations that include, but are not limited to, the following:

1. Become familiar with, enforce and follow all Board policies, regulations administrative procedures, other directions given by district administrators and state and federal laws as they affect the performance of job duties.
2. Maintain courteous and professional relationships with pupils, parents/guardians, other employees of the district and all patrons of the district.
3. Keep current on development affecting the employee's area of expertise or position.
4. Transact all official business with the appropriate designated authority in the district in a timely manner.
5. Transact constructive criticism of other staff members or of any department of the school district to the particular school administrator who has the administrative responsibility for improving the situation.
6. Care for, properly use and protect school property.
7. Attend all required staff meetings called by district administration, unless excused.
8. Keep all student records, medical information and other sensitive information confidential as directed by law, Board policy, district procedures and the employee's supervisor.
9. Immediately report all dangerous building conditions or situations to the building supervisor and take action to rectify the situation and protect the safety of students and others if necessary.
10. Properly supervise all students. The Board expects all students to be under assigned adult supervision at all times during school and during any school activity. Except in a emergency, no employee will leave an assigned group unsupervised.
11. Obey all safety rules, including rules protecting the safety and welfare of students.
12. Submit all required reports or paperwork at the time requested. Employees will not falsify records maintained by the school district.
13. Refrain from using profanity.
14. Dress professionally and in a manner that will not interfere with the educational environment.
15. Come to work and leave work at the time specified by the employee handbook or by the employee's supervisor. Employees, who are late to work, stop working before the scheduled time or work beyond the scheduled time without permission may be subject to discipline, including termination.
16. School employees, other than commissioned law enforcement officers, shall not strip search students, as defined in state law, except in situations where an employee reasonably believes that the student possess a weapon, explosive, or substance that poses an imminent threat of physical harm to the student or others and a commissioned law enforcement officer is not immediately available.
17. School employees shall not direct a student to remove an emblem, insignia or garment, including a religions emblem, insignia or garment, as long as such emblem, insignia or garment is worn in a manner that does not promote disruptive behavior.
18. State law prohibits teachers from participating in the management of a campaign for the election or defeat of a member of the Board of Education that employs such teacher.

19. Employees will not use district funds or resources to advocate, support or oppose any ballot measure or candidate for public office.
20. Employees will not use any time during the working day for campaigning purposes, unless allowed by law.

Adopted: April 6, 2006

Cross Refs: AC, Nondiscrimination and Anti-Harassment

DCB, Political Campaigns

JFG, Interrogations, Interviews and Searches

JO, Student Records

KI, Public Solicitations/Advertising in District Facilities

Legal Refs: §§ 115.646, 167.166, 168.114, .130, RSMo.

Pemiscot County Special School District, Hayti, Missouri

## **Professional Staff - Board Policy GCA**

The Board of Education may, upon the recommendation of the superintendent, elect and appoint certificated professional staff positions, assistant principals, principals, directors and other supervisory personnel as may be required for proper classification and accreditation of the schools, and to accomplish the district's goals and objectives.

The term "professional staff" will be used to designate those employees who must either possess teaching, administrative or professional certificates issued by state educational authorities or degrees from accredited institutions of higher learning in order to maintain their status with the district.

The Board instructs the superintendent to maintain a comprehensive and up-to-date set of job descriptions of all positions in the school system. Job descriptions are to be kept in a separate manual dedicated to that purpose and shall be available in the office of the superintendent during regular business hours.

Adopted: April 6, 2006

Pemiscot County Special School District, Hayti, Missouri

## **Instructional Staff GCBA**

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

A salary for those beginning in the system, which will be at or above the minimum salary established by state statute.

Annual increments shall be added for each school year of successful experience up to the limits provided by the schedule.

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

### **Administrative Staff**

The Board will annually determine the salaries for the administrative staff.

Adopted: April 6, 2006

Legal Refs: §§ 163.172, 168.110 (2), RSMo.

Pemiscot County Special School District, Hayti, Missouri

### **Professional Staff Probation and Tenure GCBA-R**

The superintendent shall recommend employment for the professional staff, maintain personnel records, administer leaves, evaluate performance, keep the Board apprised of the performance of district employees and take action when necessary to discipline or terminate employees. If a question exists as to when a teacher will earn tenure or whether an employee is tenured, the superintendent or designed is authorized to contact the district's attorney for advice.

### **Definitions**

The following definitions shall apply in the administration of district policies and are intended to merely summarize the legal definitions under Missouri law. If for any reason the following definitions contradict Missouri law, the legal definitions will control in the application of district policy.

**Teacher**—Any employee of a school district regularly required to be certified under laws relating to the certification of teachers, except superintendents, assistant superintendents and any other persons regularly performing supervisory functions as their primary duty, but including certified teachers who teach at the pre-kindergarten level within a pre-kindergarten program in which no fees are charged to parents or guardians.

**Permanent or Tenured Teacher**—A teacher who meets the definitions of a “permanent” teacher in the Missouri Teacher Tenure Act, including,

Teachers who have been employed as a teacher in the district for five (5) successive years and who continue to be employed by the school district.

Teachers who have been employed in any other school system as a teacher for two (2) or more years, who have been employed as a teacher in the district for four (4) successive years and who continue to be employed by the school district.

Teachers who were tenured in the district, resigned or were permanently separated from employment by the district, and were re-employed, the first school year is probationary.

However, if the employee is employed for the succeeding year, the employment constitutes a permanent (tenured) contract.

Any permanent or tenured teacher who is promoted with his or her consent to a supervisory position, including a principal or assistant principal, or who is first employed by a district as a principal or assistant principal, shall not have permanent status in such position, but shall retain tenure in the position previously held within the district, or, after serving two (2) years as principal or assistant principal, shall have tenure as a permanent or tenured teacher of that system.

Any teacher employed under a part-time contract by the district shall accrue credit toward permanent or tenured status as described above on a prorated basis.

Adopted: April 6, 2006

Legal Refs: §§ 163.172, 168.110 (2), RSMo.

Mo. Const. Art. III, § 38(a), 39(3)

Pemiscot County Special School District, Hayti, Missouri

### **Professional Staff Short Term Leaves and Absences - Board Policy GCBDA**

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, 20 days in a semester or 40 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 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. Regular part-time professional staff employees will receive these leaves on a pro rata basis.

1. **Sick Leave B** Professional staff employees whose assignments call for 12 months of full-time employment will be entitled to 10 days of sick leave. Professional staff employees whose assignments call for full-time employment only during the regular school term will be entitled to 8 days of sick leave. Unused sick leave will be cumulative to 60 sick leave days. Any days over 60, the employee will automatically receive \$50.00 per day at the end of the school year. Absences shall be counted by the hour. If a professional staff member retires he or she may request, in writing, to be reimbursed at the rate of \$50.00 per day for any unused sick day.

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

a. Illness, injury or incapacity of the employee. The Board reserves the right to require a physician'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 or incapacity 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.

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.

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

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.

**2. Personal Leave B** A maximum of 2 days of personal leave will be available per school year. Unused personal leave days do not accumulate.

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

- a. Tax investigation.
- b. Court appearances, unless applicable law requires no leave be charged to the employee.
- c. Wedding, graduation or funeral.
- d. Observance of a religious holiday.
- e. 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.
- f. Leave under the FMLA.
- g. 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.
- h. Leave for other purposes as approved by the principal.

Whenever possible, it is expected that requests for 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.

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

**3. Vacation B** All professional staff employed on a 12-month basis will receive 2 weeks of vacation per year

AFTER 1 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 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.

**4. Bereavement Leave B** When a death occurs in an employee's immediate family, the employee may take up to 3 days off with pay to attend the funeral or make funeral arrangements. The district may require verification of the need for the leave. 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.

After the exhaustion of the 3 days of bereavement leave, the employee may use personal leave.

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

**1. Holidays B** The district will grant paid and unpaid holidays in accordance with the academic calendar adopted by the Board. 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 B** 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 B** 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 B

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 B** 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 B** 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 B** 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 B** 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 B** 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 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 B** 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 B** 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 counter narcotics missions shall be granted unpaid leave to perform Civil Air Patrol emergency service duty or counter narcotics 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.

### **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.

Adopted: April 6, 2006

Revised: February 7, 2008 December 11, 2008 February 9, 2012

Cross Refs: DLB, Salary Deductions

HA, Negotiations with Employee Representatives

HPA, Employee Walkouts, Strikes and Other Disruptions

Legal Refs: ' ' 41.1000, 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-1 Sch. Dist.*, 541 S.W.2d 322 (Mo. Ct. App. 1976)

Pemiscot Co. Spec. School Dist., Hayti, Missouri

## Family Medical Leave - GBBDA

The district will administer leave that qualifies for Family and Medical Leave Act (FMLA) protection in accordance with federal law. This policy is intended for guidance and shall not be interpreted to expand the district's responsibilities beyond the requirements of the law. For employees who are not eligible for FMLA leave, including employees who have exhausted available FMLA-protected leave, requests for leave shall proceed according to the district's established policies.

### Definitions

The following definitions apply to FMLA leave:

*Covered Active Duty B* In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign county. In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in accordance with law.

*Armed Forces B* Army, Navy, Air Force, Marine Corps, Coast Guard.

*Child* B A biological, adopted or foster child; a stepchild; a legal ward; or a child of a person acting as a parent if the child is under 18 or 18 or over but incapable of self-care due to mental or physical disability at the time that FMLA leave is to commence. For the qualifying exigency leave and military caregiver leave only, the age of the child does not matter.

*Covered Servicemember (for qualifying exigency leave)* B The employee's spouse, child or parent under a federal call or order to covered active duty.

*Covered Servicemember (for military caregiver leave)* B The employee's spouse, child, parent or next of kin who is 1) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or 2) a veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

*Instructional Employees* B Employees whose principal function is to teach and instruct students in a class, a small group or an individual setting. This term includes athletic coaches, driving instructors and special education assistants such as signers for the hearing impaired. It does not include teachers' assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists or curriculum specialists. It also does not include cafeteria workers, maintenance workers or bus drivers.

*Next of Kin* B For the purposes of military caregiver leave, the nearest blood relative other than a spouse, parent, son or daughter, in order of priority as established by 29 C.F.R. ' 825.127.

*Outpatient Status* B Covered servicemember assigned to a military medical treatment facility or a unit established for the purpose of providing command and control of members of the armed forces as outpatients.

*Parent* B The biological, adoptive, stepparent or foster parent of a "child" as defined in this policy.

*Qualifying Exigency* B Issues that arise due to covered active duty or a call to covered active duty of an employee's spouse, child or parent, including issues involved with short-notice deployment, military events and related activities, childcare and school activities, the need for financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and other activities as defined by 29 C.F.R. ' 825.126.

*Serious Health Condition* B Illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical facility or continuing treatment by a health care provider.

*Serious Illness or Injury (for military caregiver leave)* B 1) An injury or illness incurred in the line of duty on active duty in the armed forces, including the National Guard or Reserves, or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty, that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and 2) in the case of a veteran who was a member of the Armed Forces (including the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces, or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty, and that manifested itself before or after the member became a veteran.

*Spouse* B Husband or wife as defined or recognized under the state law in the state in which the employee resides.

*Uniformed Services* B The armed forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Commissioned Corps of the Public Health Service.

*Veteran* B A person who served in the active military, naval or air service and who was discharged or released therefrom under conditions other than dishonorable.

## **Eligibility**

To be eligible for FMLA leave benefits, the employee must:

1. Have been employed in the district for at least 12 months (but not necessarily consecutively).
2. Have been employed for at least 1,250 hours of service during the 12-month period immediately preceding the leave.
3. Be employed at a worksite where 50 or more employees are employed by the district within 75 miles of that worksite.

An absence may qualify for FMLA protection if it is for one (1) of the following reasons:

1. Birth and first-year care of the employee's child.
2. Adoption or foster placement of a child with the employee.

3. Serious health condition of the employee that makes the employee unable to perform one (1) or more of the essential functions of his or her job or the serious health condition of the employee's spouse, child or parent.
4. Care of a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury (military caregiver leave).
5. A qualifying exigency arising out of the fact that the spouse, child or parent of the employee is on covered active duty, or has been notified of an impending call or order to covered active duty, in the armed forces.

## **Notice to Employees**

### ***General Notice***

The district will post notice to employees explaining FMLA benefits in accordance with law. If the district employs 50 or more employees, it will include FMLA notice in an employee handbook or other written guidance to employees concerning employee benefits or leave rights, or by distributing a copy of the general notice to each new employee upon hiring. Notice may be provided electronically in accordance with law.

### ***Eligibility and Rights and Responsibilities Notices***

Absent extenuating circumstances, the district will provide the employee notice of the employee's eligibility to take FMLA leave and the rights and responsibilities of the employee within five (5) days of the request for leave or acquiring knowledge that an employee's leave may be for an FMLA-qualifying reason. Such notice will be provided at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable 12-month period, and no subsequent notice is required in the 12-month period unless leave is taken for a different qualifying reason or the employee's eligibility status has changed.

### ***Designation Notice***

When the district has enough information to determine whether the leave is being taken for an FMLA-qualifying reason, the district will notify the employee in writing whether the leave will be counted as FMLA leave within five (5) business days, absent extenuating circumstances. The district will notify the employee whether a fitness-for-duty certification is required before returning to work and, if required, include a list of the essential functions of the employee's position. The district will notify the employee of the number of hours, days or weeks that will be counted against the employee's FMLA leave entitlement, if known. The district may designate leave as FMLA leave retroactively if the retroactive designation will not cause harm or injury to the employee.

## **Employee Notice to the District**

Employees must notify the district of the need for leave and explain the reasons for the leave so the district can determine whether the leave qualifies for FMLA. The leaves may be delayed or denied if the employee fails to give such notice.

In all cases of foreseeable leave, the employee must provide notice to the superintendent or designee of the reasons for the leave, the anticipated duration of the leave and the anticipated start of the leave, in the same manner that is required under the district's leave policies. If an employee fails to provide the required notice, the district may delay or deny the FMLA-protected leave.

When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the district as soon as practicable under the facts and circumstances of the particular case, in the same manner that notice is required under the district's leave policies. The employee or the employee's spokesperson, if necessary, shall provide sufficient information for the district to reasonably determine whether the FMLA may apply to the leave request.

If the leave is for a qualifying exigency, an employee must provide notice as soon as practicable, regardless of how far in advance the leave is foreseeable. For all other qualifying reasons, an employee must provide 30 days' notice of the need to take FMLA leave when the need for leave is foreseeable. When 30 days' notice is unforeseeable or impractical, the employee must provide notice as soon as practicable. If fewer than 30 days' notice is given, the employee shall explain upon request why such notice was not practicable. "As soon as practicable" means as soon as both possible and practical under all the facts and circumstances of the individual case.

## **Leave Use**

For all FMLA purposes except military caregiver leave, the district adopts a 12-month leave year beginning on

July 1 and ending the following June 30.

1. All eligible employees are entitled to leave for a period not to exceed 12 workweeks per leave year for:

- The birth and first-year care of the employee's child.
- The adoption or foster placement of a child with the employee.
- A serious health condition of the employee that makes the employee unable to perform one (1) or more of the essential functions of his or her job or the serious health condition of the employee's spouse, child or parent.

□ A qualifying exigency arising out of the fact that the spouse, child or parent of the employee is on covered active duty, or has been notified of an impending call or order to covered active duty, in the armed forces. The amount of leave available for a particular type of qualifying exigency may be limited by law.

2. The FMLA leave year for military caregiver leave begins on the first day that such leave is taken and runs for the following 12 months. All eligible employees are entitled to military caregiver leave for a period not to exceed 26 workweeks of leave per single 12-month period for the care of a spouse, child, parent or next of kin who is a covered servicemember. Twenty-six weeks of leave are available per covered servicemember, per injury/illness; however, no more than 26 weeks of leave may be used during each single 12-month period.

3. During the 12-month duration of military caregiver leave, an employee is limited to a total of 26 weeks of leave for all combined FMLA reasons; with a 26-week limit on military caregiver leave and a 12-week limit for birth, adoption and serious health condition of the employee or the employee's spouse, child or parent. For example, an employee could take 16 weeks of military caregiver leave and still have ten (10) weeks available for the birth of a child. However, an employee who used ten (10) weeks of military caregiver leave could not take 14 weeks for the birth of a child because that exceeds the 12 weeks allowed for such leave. Leave that qualifies as both military caregiver leave and leave for the serious health condition of a parent, spouse or child will be designated first as military caregiver leave.

4. When a husband and wife entitled to FMLA leave are both employed by the district and both wish to use FMLA leave for the same qualifying event, both employees will be limited to an aggregate total of 12 workweeks during a 12-month period in cases where the leave is taken for the birth or first-year care of the employees' child, adoption or foster placement of a child with the employees, or to care for a parent with a serious health condition. However, where the husband and wife both use a portion of the total 12-week FMLA leave entitlement for the same qualifying event, the husband and wife would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for another qualifying purpose.

When a husband and wife are both employed by the district and both wish to use military caregiver leave or a combination of military caregiver leave and leave for the birth or first-year care of their child, adoption or foster placement of a child with the employees, or to care for a parent with a serious health condition, both employees will be limited to an aggregate total of 26 workweeks of leave.

5. The district shall apply all appropriate paid leave to an FMLA absence to the extent allowed by law and policy, giving proper notice to the employee. If an employee's accrued paid leave is exhausted, but an FMLA-qualifying reason for absence persists or a new FMLA-qualifying reason for absence occurs, the resulting absences will continue to be protected FMLA leave until allowable FMLA leave has been used, but such absences will be unpaid.



6. When an employee has an absence that meets the criteria to be an FMLA-qualified absence, the district will designate such absence as part of the employee=s total annual FMLA entitlement, even if the employee has not requested FMLA leave and/or is absent under paid or unpaid leave in accordance with law or district policy. If an employee is on a Workers' Compensation absence due to an injury or illness that would also qualify as a serious health condition under the FMLA, the same absence will also be designated as an FMLA-qualifying absence and charged against the employee=s FMLA-protected time entitlement.

7. FMLA leave may be taken intermittently as required for the health of the employee or family member or as reduced-schedule leave in increments used by the employer to account for use of other leaves, provided that it is not greater than one (1) hour and provided that the FMLA entitlement is not reduced by more than the amount of leave actually taken. Instructional employees may take intermittent or reduced-schedule leave to be with a healthy newborn only when the district and the employee have reached agreement for how the leave will be used.

8. The district reserves the right to require adequate certification and recertification of any FMLA-qualifying event or condition of the employee or employee=s spouse, child, parent or next of kin and authentication or clarification of such certification as the district deems necessary. Failure to provide such certification when requested will result in denial of the leave, and may result in discipline or termination of employment.

Employees on FMLA-designated leave must periodically report on their status and intent to return to work. The district may also require that an employee present a certification of fitness to return to work.

### **Instructional Employees**

If intermittent leave or reduced-schedule leave equals more than 20 percent of instructional time, the district may require instructional employees who take such leave due to medical reasons to take block leave or to find an alternative placement for the period of planned medical treatment. When an instructional employee on FMLA leave is scheduled to return close to the end of a school term, the district may elect to use a special rule to prolong the employee's leave until the beginning of the next school term, thus extending the leave beyond the period where an FMLA-qualifying reason exists. In such an instance, the prolonged leave time is unpaid and is not charged against the employee's annual FMLA entitlement. In cases where the special rules for instructional employees apply, the superintendent may apply those special rules or the general FMLA rules as best serves the interest of the district.

## **Leave Protections**

The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of the employee's leave. Eligible employees who are absent for an FMLA-qualifying reason generally may return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave, in accordance with law. Eligible employees are entitled to continued participation in the district's health plan as long as they are entitled to FMLA leave protection; however, an employee who fails to return to work after the expiration of his or her allowed leave time will be expected to reimburse the district for those benefits paid, as required by law.

The FMLA makes it unlawful for any employer to interfere with, restrain or deny the exercise of any right provided under the FMLA. Additionally, it is unlawful for any employer to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

## **Recordkeeping**

The superintendent or designee will ensure that personnel records regarding FMLA eligibility and leave are maintained in accordance with law and available for inspection, copying and transcription by representatives of the U.S. Department of Labor upon request.

## **Enforcement**

The U.S. Department of Labor is authorized to investigate and resolve complaints of violation of the FMLA. An eligible employee may bring a civil action against an employer for violations. For additional information, contact the nearest office of the U.S. Department of Labor's Wage and Hour Division.

Adopted: April 6, 2006

Revised: December 11, 2008, February 11, 2010

Cross Refs: DLB, Salary Deductions

Legal Refs: Family and Medical Leave Act of 1993, 29 U.S.C. " 2611-2619

10 U.S.C. ' 101 (a) (13)

29 C.F.R. " 825.100 - 825.702

Pemiscot Co. Spec. School Dist., Hayti, Missouri

## **STAFF CONFLICT OF INTEREST – Board Policy BGCA**

### ***(Districts Including No Portion of a First-Class County)***

Employees of Family Medical leave is leave that qualifies for the Family and Medical Leave Act and protection will be administered in accordance with federal law.

#### **Eligibility**

To be eligible for FMLA leave benefits, the employee must:

1. Have been employed in the district for at least 12 months (but not necessarily consecutively), and
2. Have been employed for at least 1,250 hours of service during the 12-month period immediately preceding the leave (full-time teachers are deemed to meet this requirement), and
3. Be employed at a worksite where 50 or more employees are employed by the district within 75 miles of that worksite, and
4. Provide the district at least a 30-day notice of an expected absence for foreseeable circumstances, if practical.

An absence may qualify for FMLA protection if it is for one (1) of the following reasons:

1. Birth and first-year care of the employee's child.
2. Adoption or foster placement of a child with the employee.
3. Serious health condition of the employee or the employee's spouse, child or parent.

#### **Leave Protections**

The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of the employee's leave. Eligible employees who are absent for an FMLA-qualifying reason generally may return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave, in accordance with law. Eligible employees are entitled to continued participation in the district's health plan as long as they are entitled to FMLA leave protection; however, an employee who fails to return to work after the expiration of his or her allowed leave time will be expected to reimburse the district for those benefits paid, as required by law.

#### **Leave Application**

For all FMLA purposes, the district adopts a 12-month leave year beginning on July 1 and ending the following June 30. All eligible employees are entitled to leave for a period not to exceed 12 workweeks per leave year. When an employee has an absence (taken as paid or

unpaid leave) AND the absence meets the criteria to be an FMLA-qualified absence, the district may designate such absence as part of the employee's total annual FMLA entitlement. If any employee is on a Workers' Compensation absence due to an injury or illness that would also qualify as a serious health condition under the FMLA, the same absence may also be designated as FMLA-qualified absence, and the district may designate such absence as part of the employee's total annual FMLA entitlement

The district shall apply paid leave, including sick leave, personal leave, and vacation time, to an FMLA absence to the extent allowed by law, giving proper notice to the employee. If an employee's accrued paid leave is exhausted but an FMLA-qualifying reason for absence persists, or a new FMLA-qualifying reason for absence occurs, the resulting absences will continue to be protected FMLA leave until the aggregate of 12 workweeks of designated FMLA leave has been reached, but such absences will be unpaid.

FMLA leave may be taken intermittently as required for the health of the employee or family member or as reduced—schedule leave in hourly increments. If intermittent leave or leave on a reduced schedule equals more than 20 percent of instructional time, the district may require instructional employees who take such leave due to medical reasons to take block leave or to find an alternative placement for the period of planned medical treatment. When an instructional employee on FMLA leave is schedule to return close to the end of a school term, the district may elect to use a special rule to prolong the employees' leave until the beginning of the next school term, thus extending the leave beyond the period where an FMLA-qualifying reason exists. In such an instance, the prolonged leave time is unpaid and is not charged against the employee's annual FMLA entitlement. In cases where the special rules for instructional employees apply, the superintendent may apply those special rules or the general FMLA rules as best serves the interest of the district.

## Personnel Records - Board Policy GBL

It is the intent of the Board of Education to maintain complete and current personnel files, including all information necessary to comply with the Fair Labor Standards Act, for all district employees.

The file of an individual employee will be considered confidential information and a closed record, to the extent allowed by the law, and will only be available to authorized administrative personnel and to the employee. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment are closed records under the Missouri Sunshine Law to the extent allowed by law. Pursuant to state law, the names, positions, salaries and lengths of service of all employees are public information and must be released upon request. In accordance with federal law, the district shall release to parents, upon request, information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals who are employed by a school receiving Title I funds and who provide instruction to their child at that school.

Files containing immigration records and files containing medical information regarding an employee will be kept separate from other personnel files.

Upon request to and in the presence of the appropriate administrative official, any employee may inspect his or her own personnel file during regular working hours, with the exception of the ratings, reports and records obtained prior to the employment of the individual, including confidential placement papers.

Adopted: April 6, 2006

Cross Refs: BBFA, Board Member Conflict of Interest and Financial Disclosure

KBA, Public's Right to Know

Legal Refs: §§ 168.128, 610.021(13), RSMo.

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

29 C.F.R. § 1630.14

Fair Labor Standards Act, U.S.C. §§ 201, *et seq.*

29 C.F.R. Part 516

Immigration Reform and Control Act, 8 U.S.C. §§ 1324, *et seq.*

No Child Left Behind Act of 2001, P.L. 107-110

*Garcia v. San Antonio Metropolitan Transit Authority*, 469 U.S. 528 (1985)

Pemiscot County Special School District, Hayti, Missouri

## **Staff Health & Safety Board Policy GBE**

The health and safety of all district personnel is of vital importance to the school district. The Board will seek to provide safe working conditions for all staff members and will give prompt consideration to those conditions that may present a threat to the health and safety of staff members. The district will respond to employee requests for reasonable accommodations when an employee has a disability as defined by Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act (ADA). All employees will receive annual training on universal precautions and the district's communicable disease policy.

The district will only make medical inquiries, require physical exams or keep medical information on an employee in accordance with law.

Individuals employed by the district or through a contracted service to drive district transportation must annually file a statement from a medical examiner with the district that indicates that they are physically qualified to operate district transportation.

Medical records must be maintained on separate forms in separate medical files and shall be kept confidential.

Adopted: April 6, 2006

Revised:

Cross Refs: EBAB, Hazardous Materials

EBB, Communicable Diseases

Legal Refs: §§ 162.064, 302.272, RSMo.

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

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

Pemiscot Co. Spec. School Dist., Hayti, Missouri

## **Drug-Free Workplace – Board Policy GBEBA**

Student and employee safety is of paramount concern to the Board of Education. In recognition of the threat to safety posed by employee use or possession of drugs or alcohol, the Board of Education commits itself to a continuing good-faith effort to maintain a drug-free workplace. The Board of Education shall not tolerate the manufacture, use, possession, sale, distribution or being under the influence of controlled substances, alcoholic beverages or unauthorized prescription medications by district employees on any district property; on any district approved vehicle used to transport students to and from school or district activities; off district property at any district-sponsored or district-approved activity, event or function, such as a field trip or athletic event, where students are under the supervision of the school district; or during any period of time such employee is supervising students on behalf of the school district or is otherwise engaged in school district business.

When it is evident that an employee has consumed alcoholic beverages or controlled substances off school property before or during a district activity, the staff member will not be allowed on school property or to participate in the activity and will be subject to the same disciplinary measures as for possession or consumption on district property. Staff members will be tested for alcohol and controlled substances if the district has reasonable suspicion that the staff member has violated this policy. In addition, staff members who operate district transportation must submit to alcohol and drug testing as otherwise required by law. All testing will be conducted in accordance with Board policy, administrative procedures and law.

Any employee who violates this policy will be subject to disciplinary action, which may include suspension, termination and referral for prosecution. Employees may be required to satisfactorily participate in rehabilitation programs.

Each employee of this school district is hereby notified that, as a condition of employment, the employee must abide by the terms of this policy and notify the superintendent or designee of any criminal drug statute conviction for a violation occurring in or on the premises of this school district, or while engaged in regular employment. Such notification must be made by the employee to the superintendent or designee in writing no later than five (5) calendar days after conviction. The superintendent or designee will provide notice in writing of such violation to the United States Department of Education or other appropriate federal agency within ten (10) calendar days after the superintendent or designee receives such notification if the district receives any federal grants directly from such agency, as opposed to federal grants received through the Department of Elementary and Secondary Education (DESE).

The district will take appropriate disciplinary action within 30 days.

The district will institute a drug-free awareness program to inform employees of the dangerous and harmful nature of drug and alcohol abuse in the workplace, of this policy of maintaining a drug-free workplace, of available counseling and rehabilitation, and of the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

The Board of Education recognizes that employees who have a drug abuse problem should be encouraged to seek professional assistance. Although the district will not assume financial

responsibility, an employee who requests assistance shall be referred to a treatment facility or agency in the community if such facility or agency is available.

Upon the request of DESE or an agency of the United States, the district shall certify that it has adopted and implemented the drug prevention program described in this policy. The district shall conduct a biennial review of this policy to determine its effectiveness, implement necessary changes and ensure that the disciplinary sanctions are consistently enforced.

This policy shall be communicated in writing to all present and future employees. Compliance with this policy is mandatory.

Adopted: April 6, 2006

Revised:

Cross Refs: EBBA, Accident Response and Prevention

JFCH, Student Alcohol/Drug Abuse

Legal Refs: § 287.120, RSMo.

Controlled Substances Act, 21 U.S.C. § 812(c)

21 C.F.R. 1300.11-1308.15

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701 - 707

Pemiscot County Special School District, Hayti, Missouri

## **EMPLOYEE ALCOHOL AND DRUG TESTING – Board Policy GBEBB** ***(District Provides Transportation Services)***

### **Provisions Applicable to All Employees**

#### ***Alcohol and Drug Prohibitions***

No employee may manufacture, use, possess, sell, distribute or be under the influence of alcohol or drugs in violation of the district's Drug-Free Workplace policy. All employees may be tested for alcohol and drugs if the district has reasonable suspicion that the employee has consumed alcohol or drugs in violation of Board policy.

#### ***Program Coordinator***

The Safety Coordinator/School Nurse will serve as the program coordinator to implement the alcohol and drug testing program of the district within the guidelines of this policy.

***Training***

All staff who have supervisory duties over other staff members will be provided training on the effects of drug and alcohol use. The training will include physical, behavioral, speech and performance indicators of drug and alcohol use. Supervisors of employees who operate district transportation will be trained in accordance with federal law.

***Testing Program***

The district will use testing facilities with appropriately trained personnel for alcohol and drug testing. The district's drug and alcohol testing program shall provide individual privacy in the collection of specimen samples to the maximum extent possible. The specimen collection procedures and chain of custody shall ensure that specimen security, proper identification and integrity are not compromised.

***Refusal to Submit to Tests***

Drug or alcohol tests administered pursuant to this policy are mandatory. An employee refuses to submit when he or she fails to provide adequate breath or urine for testing when notified of the need to do so or engages in conduct that clearly obstructs the testing process.

***Consequences***

Employees who refuse to submit to a test, who test positive for prohibited substances or who take deliberate action with the intent to falsify test results will be subject to discipline, including termination, in accordance with Board policy and law.

***Treatment***

In addition to any disciplinary action taken, the district will provide employees a list containing the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs when employees have a positive drug or alcohol test, refuse to take a test or otherwise request information about substance abuse treatment.

***District Records and Reports***

Alcohol and drug test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, an employee shall receive copies of any records pertaining to his or her use of alcohol or drugs, including any records pertaining to his or her tests. Test records shall be maintained with the separate medical files of each employee. The district shall maintain records and reports of its alcohol and drug prevention program as required by law.

***Notification to Employees***

The program coordinator shall ensure that all employees receive written materials explaining the district's drug and alcohol misuse prevention program, including copies of or access to applicable policies, procedures or handbooks. Employees shall sign statements certifying that they have received the materials.

***Provisions Applicable to Drivers***

In addition to the drug testing provisions applicable to all employees, the Pemiscot County Special School District, which employs operators of commercial motor vehicles ("drivers"), is



required to implement a drug and alcohol testing program that fulfills federal requirements. The district will use laboratories certified by the U.S. Department of Health and Human Services to conduct drug specimen analysis. This comprehensive program shall include conducting pre-employment drug testing and reasonable suspicion, random and post-accident testing for use of alcohol or drugs by drivers; notifying drivers of the requirements and consequences of the program; maintaining appropriate records; and complying with Missouri Department of Revenue's reporting requirements. As required by law, no driver shall report for duty within four (4) hours of using alcohol. No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident or until he or she undergoes a postaccident alcohol test, whichever comes first. Records of drug and alcohol tests and other related records shall be made available to a subsequent employer only as expressly requested in writing by the employee.

Adopted: April 6, 2006

Revised:

Cross Refs: AC, Nondiscrimination and Anti-Harassment

EEA, Student Transportation Services

Legal Refs: § 287.120, RSMo.

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. § 31306

Controlled Substances Act, 21 U.S.C. § 802(6)

49 C.F.R. Parts 40, 382, and 383

Pemiscot County Special School District, Hayti, Missouri

## **COMMUNICABLE DISEASES - Board Policy EBB**

The Pemiscot Co. Spec. School Dist. School Board recognizes its responsibility to protect the health of students and employees from the risks posed by communicable diseases. The Board also has a responsibility to protect individual privacy, educate all students regardless of medical condition and treat students and employees in a nondiscriminatory manner.

### **Immunization**

In accordance with law, students cannot attend school without providing satisfactory evidence of immunization, unless they are exempted from immunization.

### **Universal Precautions**

The district requires all staff to routinely employ universal precautions to prevent exposure to disease-causing organisms. The district will provide the necessary equipment and supplies to implement universal precautions.

### **Categories of Potential Risk**

Students or employees with communicable diseases that pose a risk of transmission in school or at school activities (such as, but not limited to, chicken pox, influenza and conjunctivitis) will be managed as required by law and in accordance with guidelines provided by the Department of Health and Senior Services (DHSS) and local county or reassignment as needed for the health and safety of students and staff. Students or employees infected with chronic communicable diseases that do *not* pose a risk of transmission in school or at school activities (such as, but not limited to, hepatitis B virus or HIV) shall be allowed to attend school or continue to work without any restrictions based solely on the infection. The district will not require any medical evaluations or tests for such diseases.

### **Exceptional Situations**

There are certain specific types of conditions, such as frequent bleeding episodes or uncoverable, oozing, skin lesions that could potentially be associated with transmission of both bloodborne and nonbloodborne pathogens. In the case of students, certain types of behaviors, such as biting or scratching, may also be associated with transmission of pathogens. Students who exhibit such behaviors or conditions may be educated in an alternative educational setting or, if appropriate, disciplined in accordance with the discipline code. In the case of a student with a disability, the Individualized Education Program (IEP) team or 504 team will make any change of placement decisions. Employees who exhibit such conditions will not be allowed to work until the condition is resolved or appropriately controlled in a way that minimizes exposure.

### **Confidentiality**

The superintendent or designee shall ensure that confidential student and employee information is protected in accordance with law. Medical information about an individual, including an individual with HIV, will only be shared with district employees who have a reasonable need to know the identity of the individual in order to provide proper health care or educational services. Examples of people who may need to know a student's medical information are the school nurse and the IEP or 504 team if applicable. An example of an individual who may need

to know an employee's medical information is the employee's immediate supervisor, if accommodations are necessary. All medical records will be maintained in accordance with law and Board policy. Breach of confidentiality may result in disciplinary action, including termination.

### **Reporting and Disease Outbreak Control**

Reporting and disease outbreak control measures will be implemented in accordance with state and local law, DHSS rules governing the control of communicable diseases and other diseases dangerous to public health, and any applicable rules distributed by the appropriate county or city health department.

### **Notification**

Missouri state law provides Pemiscot Co. Spec. School Dist., Hayti, Missouri that superintendents who supply a copy of this policy, adopted by the district Board of Education, to DHSS shall be entitled to confidential notice of the identity of any district student reported to DHSS as HIV-infected and known to be enrolled in the district. Missouri law also requires the parent or guardian to provide such notice to the superintendent.

Adopted: April 6, 2006

Revised:

Cross Refs: GBE, Staff Health and Safety

JHC, Student Health Services and Requirements

JHCD, Administration of Medications to Students

Legal Refs: §§ 167.181, .183, .191, 191.650 - .695, 210.003, RSMo.

19 C.S.R. 20-20.010 - .060, 20-28.010

Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 - 1487

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

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

## **Workers' Compensation – Board Policy GBEA**

Pursuant to state law, an employee of the Pemiscot County Special School District who is injured, killed or is exposed to and contract any occupational disease arising out of and in the course of employment is eligible for compensation in accordance with this policy and the Missouri Workers' Compensation Law.

An employee must report all injuries immediately to his or her immediate supervisor by completing the district's incident report form. If the nature of the injury or illness is such that the employee cannot immediately submit the completed incident form, the employee's supervisor will assist the employee in completing the form as soon as possible, but no later than 30 days after the injury or illness. Employees who fail to report an injury or illness may jeopardize their ability to receive compensation and other benefits pursuant to law and this policy. Upon receiving a report of an injury or illness, the supervisor will immediately forward the report to the superintendent or designee. The superintendent or designee will promptly forward a copy of the report to the district's workers' compensation insurance carrier and will be responsible for keeping the carrier informed of the employee's status.

The district does not permit the use of paid leave for absences during the period when the employee receives workers' compensation wage benefits. Because by law an employee will not receive workers' compensation wage benefits for the first three (3) days of absence if the total absence is less than 14 days, the district will apply available paid leave for those days. However, the employee will only receive compensation for those days once the district knows that the employee will not receive workers' compensation wage benefits for those days. Employees who are absent due to an illness or injury compensable under workers' compensation and who are receiving such compensation will not lose seniority or any accumulated paid leave due to the absence. However, the employee will not continue to accumulate paid leave during the absence. Employees are required to use accumulated paid leave to receive medical treatment, evaluation or to attend physical rehabilitation during work time. If paid leave has been exhausted and the employee must be absent during work time or receive medical treatment, evaluation or to attend physical rehabilitation in conjunction with a work-related injury or illness, the employee may be granted unpaid leave.

Adopted: April 6, 2006

Revised:

Cross Refs: EBBA, Accident Response and Prevention

EEA, Student Transportation Services

Legal Refs: Chapter 287, RSMo.

Pemiscot County Special School District, Hayti, Missouri

## Staff Complaints and Grievances

### STAFF GRIEVANCES

The Pemiscot Co. Spec. School Dist. is interested in employee concerns and ideas for improving the district. District employees are encouraged to discuss concerns with supervisors and the administrative staff so that issues may be addressed in a timely fashion.

#### Grievance

Because violations of Board policies, regulations and collective bargaining agreements are particularly problematic, the Board has developed this formal process for addressing these grievances.

Grievance processing should be viewed as a positive and constructive effort to establish the facts upon which the grievance is based and to accurately implement Board policies, regulations or collective bargaining agreements. The Board strictly prohibits discrimination or retaliation against an employee for filing a grievance and directs all district employees to cooperate in the grievance process.

If more than one (1) district grievance process might apply to a particular concern, the superintendent or designee will decide which process will govern. If any part of a grievance includes allegations of illegal discrimination or harassment, or if the grievance is factually similar to a complaint filed by the same employee regarding illegal discrimination or harassment, the entire grievance will be resolved in accordance with policy AC.

#### Definitions

*Days B* Calendar days, whether occurring during the regular school year or during the summer, but excluding: weekends; district-designated holidays (whether on the original school calendar or designated thereafter); winter and spring breaks and other Board-designated breaks; and closings due to inclement weather, illness, natural disaster, or other emergencies.

*Grievance B* An allegation by an individual employee that a collective bargaining agreement or a specific, written, Board-adopted policy or regulation has been violated or misinterpreted. A grievance does not include concerns regarding performance evaluations or remedial documents, nonrenewal of contracts, employee discipline, reduction in force or termination. This policy does not apply if another Board policy or regulation or state or federal law provides due process, a hearing or a different method for addressing the issue.

*Grievant B* A district employee who has filed a grievance. *Performance Evaluations or Remedial Documents B* Any assessment of employee performance including, but not limited to, notice of deficiencies, job targets, professional development plans and professional improvement plans.

#### Grievance Process

1. Grievances must be filed within ten (10) days of the occurrence that is the basis of the grievance. The grievance must be in writing, on the forms provided by the district, and include a copy of the provision of the collective bargaining agreement, policy or regulation alleged to be violated or misinterpreted, as well as a statement of the relief requested.

2. Grievances will be processed according to the step-by-step process outlined below, with the following exceptions. If a person designated to hear a grievance is the subject of the grievance, the grievance process will begin at the next highest step. If a grievance is directly based on official Board action, the grievance shall be directed to the Board secretary. The grievance may be heard by the Board at the sole discretion of the Board.
3. No new information may be added and no new claims may be made after Step 1. Each subsequent appeal will address only the facts and issues presented at Step 1.
4. The deadlines established under this policy may be extended upon the written request of the grievant or the supervisor, but the final decision regarding any extension shall be made by the superintendent at his or her sole discretion. Investigation and reporting deadlines will be extended when more time is necessary to adequately conduct an investigation and to render a decision. The grievant will be notified when deadlines are extended.
5. Failure of the grievant to appeal within the timelines given will be considered acceptance of the findings and remedial action taken. The district will not consider late appeals.
6. Once a decision is rendered under this grievance process, the decision is final. Grievance decisions cannot be the subject of a new grievance.
7. Because the point of a grievance is to provide resolution outside the court system, an employee is not entitled to bring an attorney to grievance proceedings. Once an attorney becomes involved in the process, the superintendent or designee will refer the matter to the district's private attorney and the grievance process will end.

#### ***Immediate Supervisor (Step 1)***

1. Employees are encouraged to informally notify their immediate supervisor of a grievance. If the issue is not resolved, the employee should submit a written grievance, on forms provided by the district, to the immediate supervisor. The written grievance must clearly indicate that it is a grievance and specify which provision(s) of policy, regulation or collective bargaining agreement were allegedly violated.
2. Within ten (10) days of receiving the written grievance, the immediate supervisor will investigate the matter and render a decision in writing. A copy of the decision will be provided to the grievant.

#### ***Principal or Designee (Step 2)***

This step may be omitted if the principal or designee serves as the immediate supervisor at Step 1 or if the employee's supervisor is not under the direct supervision of a principal.

1. Within five (5) days after receiving the decision at Step 1, the grievant may appeal the decision in writing, using forms provided by the district, to the principal or designee. The appeal must clearly state why the previous decision is erroneous.
2. The principal or designee will, within ten (10) days of receipt of the appeal, review the investigation and render a decision in writing to the grievant and the grievant's immediate supervisor.

#### ***Superintendent or Designee (Step 3)***

1. Within five (5) days after receiving the decision at Step 2, the grievant may appeal the decision in writing, using forms provided by the district, to the superintendent or designee. The appeal must clearly state why the previous decision is erroneous.

2. The superintendent or designee will, within ten (10) days of receipt of the appeal, review the investigation and render a decision in writing to the grievant, the principal or designee and the grievant's immediate supervisor.

***School Board or Board Committee (Step 4)***

Within five (5) days after receiving the decision at Step 3, the grievant may appeal the decision in writing, using forms provided by the district, to the Board of Education. The Board of Education, at its sole discretion, may decide to hear the grievance.

**Documentation**

A grievant will receive a written response or report regarding his or her grievance, but the grievant and persons investigated in the course of the grievance are not entitled to view or receive copies of the investigation file or notes taken during the investigation, unless required by law. If an employee is disciplined as a result of the grievance, the discipline may be recorded in the employee's personnel file and discussed with the employee. Information recorded in an employee's personnel file will not be shared except as provided in Board policy or required by law.

Adopted: April 6, 2006

Revised: January 13, 2011

Cross Refs: BDDH, Public Participation at Board Meetings

HA, Negotiations with Employee Representatives

KL, Public Complaints

Pemiscot Co. Spec. School Dist., Hayti, Missouri

## **PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION Board Policy - AC**

### **General Rule**

The Pemiscot Co. Spec. School Dist. Board of Education is committed to maintaining a workplace and educational environment that is free from discrimination and harassment in admission or access to, or treatment or employment in, its programs, services, activities and facilities. In accordance with law, the district strictly prohibits discrimination and harassment against employees, students or others on the basis of race, color, religion, sex, national origin, ancestry, disability, age, genetic information or any other characteristic protected by law. The Pemiscot Co. Spec. School Dist. is an equal opportunity employer.

The Board also prohibits:

1. Retaliatory actions including, but not limited to, acts of intimidation, threats, coercion or discrimination against those who:
  - a) Make complaints of prohibited discrimination or harassment.
  - b) Report prohibited discrimination or harassment.
  - c) Participate in an investigation, formal proceeding or informal resolution, whether conducted internally or outside the district, concerning prohibited discrimination or harassment.
2. Aiding, abetting, inciting, compelling or coercing discrimination, harassment or retaliatory actions.
3. Discrimination, harassment or retaliation against any person because of such person's association with a person protected from discrimination or harassment in accordance with this policy.

All employees, students and visitors must immediately report to the district for investigation any incident or behavior that could constitute discrimination, harassment or retaliation in accordance with this policy. If discrimination, harassment or retaliation that occurs off district property and that is unrelated to the district's activities negatively impacts the school environment, the district will investigate and address the behavior in accordance with this policy, as allowed by law.

### **Additional Prohibited Behavior**

Behavior that is not unlawful or does not rise to the level of illegal discrimination, harassment or retaliation might still be unacceptable for the workplace or the educational environment. Demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics including, but not limited to, socioeconomic level, sexual orientation or perceived sexual orientation.

### **Boy Scouts of America Equal Access Act**

As required by law, the district will provide equal access to district facilities and related benefits and services and will not discriminate against any group officially affiliated with the Boy Scouts of America, the Girl Scouts of the United States of America or any other youth group designated in applicable federal law.



### **Interim Measures**

When a report is made or the district otherwise learns of potential discrimination, harassment or retaliation, the district will take immediate action to protect the alleged victim, including implementing interim measures. For example, the district may alter a class seating arrangement, provide additional supervision for a student or suspend an employee pending an investigation. The district will take immediate steps to prevent retaliation against the alleged victim, any person associated with the alleged victim, or any witnesses or participants in the investigation.

These steps may include, but are not limited to, notifying students, employees and others that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment or retaliation have occurred.

### **Consequences and Remedies**

If the district determines that discrimination, harassment or retaliation have occurred, the district will take prompt, effective and appropriate action to address the behavior, prevent its recurrence and remedy its effects. Employees who violate this policy will be disciplined, up to and including employment termination. Students who violate this policy will be disciplined, which may include suspension or expulsion. Patrons, contractors, visitors or others who violate this policy may be prohibited from school grounds or otherwise restricted while on school grounds.

The superintendent or designee will contact law enforcement or seek a court order to enforce this policy when necessary or when actions may constitute criminal behavior.

Students, employees and others will not be disciplined for speech in circumstances where it is protected by law.

In accordance with law and district policy, any person suspected of abusing or neglecting a child will be reported to the Children=s Division (CD) of the Department of Social Services.

Remedies provided by the district will attempt to minimize the burden on the victim. Such remedies may include, but are not limited to: providing additional resources such as counseling, providing access to community services, assisting the victim in filing criminal charges when applicable, moving the perpetrator to a different class or school, providing an escort between classes, or allowing the victim to retake or withdraw from a class.

The district may provide additional training to students and employees, make periodic assessments to make sure behavior complies with district policy, or perform a climate check to assess the environment in the district.

### **Definitions**

***Compliance Officer B*** The individual responsible for implementing this policy, including the acting compliance officer when he or she is performing duties of the compliance officer.

**Discrimination** B Conferring benefits upon, refusing or denying benefits to, or providing differential treatment to a person or class of persons in violation of law based on race, color, religion, sex, national origin, ancestry, disability, age, genetic information or any other characteristic protected by law, or based on a belief that such a characteristic exists.

**Grievance** B A verbal or written report (also known as a complaint) of discrimination, harassment or retaliation made to the compliance officer.

**Harassment** B A form of discrimination, as defined above, that occurs when the school or work environment becomes permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive enough that it unreasonably alters the employment or educational environment. Behaviors that could constitute illegal harassment include, but are not limited to, the following acts if based on race, color, religion, sex, national origin, ancestry, disability, age, genetic information or any other characteristic protected by law or based on a belief that such a characteristic exists: graffiti; display of written material, pictures or electronic images; name calling, teasing or taunting; insults, derogatory remarks or slurs; jokes; gestures; threatening, intimidating or hostile acts; physical acts of aggression, assault or violence; theft; or damage to property.

**Sexual Harassment** B A form of discrimination, as defined above, on the basis of sex. Sexual harassment is unwelcome conduct that occurs when a) benefits or decisions are implicitly or explicitly conditioned upon submission to, or punishment is applied for refusing to comply with, unwelcome sexual advances, requests for sexual favors or conduct of a sexual nature; or b) the school or work environment becomes permeated with intimidation, ridicule or insult that is based on sex or is sexual in nature and that is sufficiently severe or pervasive enough to alter the conditions of participation in the district's programs and activities or the conditions of employment. Sexual harassment may occur between members of the same or opposite sex. The district presumes a student cannot consent to behavior of a sexual nature with an adult regardless of the circumstance.

Behaviors that could constitute sexual harassment include, but are not limited to:

1. Sexual advances and requests or pressure of any kind for sexual favors, activities or contact.
2. Conditioning grades, promotions, rewards or privileges on submission to sexual favors, activities or contact.
3. Punishing or reprimanding persons who refuse to comply with sexual requests, activities or contact.
4. Graffiti, name calling, slurs, jokes, gestures or communications of a sexual nature or based on sex.
5. Physical contact or touching of a sexual nature, including touching of intimate parts and sexually motivated or inappropriate patting, pinching or rubbing.
6. Comments about an individual's body, sexual activity or sexual attractiveness.
7. Physical sexual acts of aggression, assault or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking)

against a person's will or when a person is not capable of giving consent due to the person's age, intellectual disability or use of drugs or alcohol.

8. Gender-based harassment and acts of verbal, nonverbal, written, graphic or physical conduct based on sex or sex stereotyping, but not involving conduct of a sexual nature.

**Working Days** B Days on which the district's business offices are open.

### **Compliance Officer**

The Board designates the following individual to act as the district's compliance officer:

(Title) Superintendent

(Address) 1317 West State Highway 84 Hayti, MO 63851

(Phone) 573-359-0021

(Fax) 573-359-6525

(TDD/TTY, if available)

(E-mail)

In the event the compliance officer is unavailable or is the subject of a report that would otherwise be made to the compliance officer, reports should instead be directed to the acting compliance officer:

(Title) Director of Special Education

(Address) 1317 West State Highway 84 Hayti, MO 63851

(Phone) 573-359-0021

(Fax) 573-359-6525

(TDD/TTY, if available)

(E-mail)

The compliance officer or acting compliance officer will:

1. Coordinate district compliance with this policy and the law.
2. Receive all grievances regarding discrimination, harassment and retaliation in the Pemiscot Co. Spec. School Dist.
3. Serve as the district's designated Title IX, Section 504 and Americans with Disabilities Act (ADA) coordinator, as well as the contact person for compliance with other discrimination laws.
4. Investigate or assign persons to investigate grievances; monitor the status of grievances to ensure that additional discrimination, harassment and retaliation do not occur; and recommend consequences.
5. Review all evidence brought in disciplinary matters to determine whether additional remedies are available, such as separating students in the school environment.
6. Determine whether district employees with knowledge of discrimination, harassment or retaliation failed to carry out their reporting duties and recommend disciplinary action, if necessary.

7. Communicate regularly with the district's law enforcement unit to determine whether any reported crimes constitute potential discrimination, harassment or retaliation.
8. Oversee discrimination, harassment or retaliation grievances, including identifying and addressing any patterns or systemic problems and reporting such problems and patterns to the superintendent or the Board.
9. Seek legal advice when necessary to enforce this policy.
10. Report to the superintendent and the Board aggregate information regarding the number and frequency of grievances and compliance with this policy.
11. Make recommendations regarding changing this policy or the implementation of this policy.
12. Coordinate and institute training programs for district staff and supervisors as necessary to meet the goals of this policy, including instruction in recognizing behavior that constitutes discrimination, harassment and retaliation.
13. Perform other duties as assigned by the superintendent.

### **Public Notice**

The superintendent or designee will continuously publicize the district's policy prohibiting discrimination, harassment and retaliation and disseminate information on how to report discrimination, harassment and retaliation.

Notification of the district's policy will be posted in a public area of each building used for instruction or employment or open to the public. Information will also be distributed annually to employees, parents/guardians and students as well as to newly enrolled students and newly hired employees. District bulletins, catalogs, application forms, recruitment material and the district's website will include a statement that the Pemiscot Co. Spec. School Dist. does not discriminate in its programs, services, activities, facilities or with regard to employment.

The district will provide information in alternative formats when necessary to accommodate persons with disabilities.

### **Reporting**

Students, employees and others may attempt to resolve minor issues by addressing concerns directly to the person alleged to have violated this policy, but they are not expected or required to do so. Any attempts to voluntarily resolve a grievance will not delay the investigation once a report has been made to the district.

Unless the concern is otherwise voluntarily resolved, all persons must report incidents that might constitute discrimination, harassment or retaliation directly to the compliance officer or acting compliance officer. All district employees will instruct all persons seeking to make a grievance to communicate directly with the compliance officer. Even if the potential victim of discrimination, harassment or retaliation does not file a grievance, district employees are required to report to the compliance officer any observations, rumors or other information regarding actions prohibited by this policy. If a verbal grievance is made, the person will be asked to submit a written complaint to the compliance officer or acting compliance officer. If a person refuses or is unable to submit a written complaint, the compliance officer will summarize

the verbal complaint in writing. A grievance is not needed for the district to take action upon finding a violation of law, district policy or district expectations.

Even if a grievance is not directly filed, if the compliance officer otherwise learns about possible discrimination, harassment or retaliation, including violence, the district will conduct a prompt, impartial, adequate, reliable and thorough investigation to determine whether unlawful conduct occurred and will implement the appropriate interim measures if necessary.

### **Student-on-Student Harassment**

Building-level administrators are in a unique position to identify and address discrimination, harassment and retaliation between students, particularly when behaviors are reported through the normal disciplinary process and not through a grievance. The administrator has the ability to immediately discipline a student for prohibited behavior in accordance with the district's discipline policy. The administrator will report all incidents of discrimination, harassment and retaliation to the compliance officer and will direct the parent/guardian and student to the compliance officer for further assistance. The compliance officer may determine that the incident has been appropriately addressed or recommend additional action. When a grievance is filed, the investigation and complaint process detailed below will be used.

### **Investigation**

The district will immediately investigate all grievances. All persons are required to cooperate fully in the investigation. The district compliance officer or other designated investigator may utilize an attorney or other professionals to conduct the investigation.

In determining whether alleged conduct constitutes discrimination, harassment or retaliation, the district will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred and all other relevant information. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. If, after investigation, school officials determine that it is more likely than not (the preponderance of the evidence standard) that discrimination, harassment or other prohibited behavior has occurred, the district will take immediate corrective action.

### **Grievance Process Overview**

1. If a person designated to hear a grievance or appeal is the subject of the grievance, the compliance officer may designate an alternative person to hear the grievance, or the next highest step in the grievance process will be used. For example, if the grievance involves the superintendent, the compliance officer may designate someone outside the district to hear the grievance in lieu of the superintendent, or the grievance may be heard directly by the Board.
2. An extension of the investigation and reporting deadlines may be warranted if extenuating circumstances exist as determined by the district's compliance officer. The person filing the complaint will be notified when deadlines are extended. If more than twice the allotted time has expired without a response, the appeal may be taken to the next level.

3. Failure of the person filing the grievance to appeal within the timelines given will be considered acceptance of the findings and remedial action taken.
4. The district will investigate all grievances, even if an outside enforcing agency such as the Office for Civil Rights, law enforcement or the CD is also investigating a complaint arising from the same circumstances.
5. The district will only share information regarding an individually identifiable student or employee with the person filing the grievance or other persons if allowed by law and in accordance with Board policy.
6. Upon receiving a grievance, district administrators or supervisors, after consultation with the compliance officer, will implement interim measures as described in this policy if necessary to prevent further potential discrimination, harassment or retaliation during the pending investigation.

### **Grievance Process**

1. Level I B A grievance is filed with the district's compliance officer. The compliance officer may, at his or her discretion, assign a school principal or other appropriate supervisor to conduct the investigation when appropriate.
  - 2.
  3. Regardless of who investigates the grievance, an investigation will commence immediately, but no later than five working days after the compliance officer receives the grievance. The compliance officer or designee shall conduct a prompt, impartial, adequate, reliable and thorough investigation, including the opportunity for the person filing the grievance and other parties involved to identify witnesses and provide information and other evidence. The compliance officer or designee will evaluate all relevant information and documentation relating to the grievance. Within 30 working days of receiving the grievance, the compliance officer will complete a written report that summarizes the facts and makes conclusions on whether the facts constitute a violation of this policy based on the appropriate legal standards. If a violation of this policy is found, the compliance officer will recommend corrective action to the superintendent to address the discrimination, harassment or retaliation; prevent recurrence; and remedy its effects. If someone other than the compliance officer conducts the investigation, the compliance officer or acting compliance officer will review and sign the report. The person who filed the grievance, the victim if someone other than the victim filed the grievance and any alleged perpetrator will be notified in writing, within five working days of the completion of the report, in accordance with law and district policy, regarding whether the district's compliance officer or designee determined that district policy was violated.
2. Level II B Within five working days after receiving the Level I decision, the person filing the grievance, the victim if someone other than the victim filed the grievance, or any alleged perpetrator may appeal the compliance officer's decision to the superintendent by notifying the superintendent in writing. The superintendent may, at his or her discretion, designate another person (other than the compliance officer) to review the matter when appropriate.

Within ten working days, the superintendent will complete a written decision on the appeal, stating whether a violation of this policy is found and, if so, stating what corrective actions will be implemented. If someone other than the superintendent conducts the appeal, the superintendent will review and sign the report before it is given to the person appealing. A copy of the appeal and decision will be given to the compliance officer or acting compliance officer. The person who initially filed the grievance, the victim if someone other than the victim filed the grievance and any alleged perpetrator will be notified in writing, within five working days of the superintendent's decision, regarding whether the superintendent or designee determined that district policy was violated.

3. Level III B Within five working days after receiving the Level II decision, the person filing the grievance, the victim if someone other than the victim filed the grievance, or any alleged perpetrator may appeal the superintendent's decision to the Board by notifying the Board secretary in writing. The person filing the grievance and the alleged perpetrator will be allowed to address the Board, and the Board may call for the presence of such other persons deemed necessary. The Board will issue a decision within 30 working days for implementation by the administration. The Board secretary will give the compliance officer or acting compliance officer a copy of the appeal and decision. The person who filed the grievance, the victim if someone other than the victim filed the grievance and the alleged perpetrator will be notified in writing, within five working days of the Board's decision, in accordance with law and district policy, regarding whether the Board determined that district policy was violated. The decision of the Board is final.

### **Confidentiality and Records**

To the extent permitted by law and in accordance with Board policy, the district will keep confidential the identity of the person filing a grievance and any grievance or other document that is generated or received pertaining to grievances. Information may be disclosed if necessary to further the investigation, appeal or resolution of a grievance, or if necessary to carry out disciplinary measures. The district will disclose information to the district's attorney, law enforcement, the CD and others when necessary to enforce this policy or when required by law. In implementing this policy, the district will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record. The district will keep any documentation created in investigating the complaint including, but not limited to, documentation considered when making any conclusions, in accordance with the Missouri Secretary of State's retention manuals and as advised by the district's attorney.

### **Training**

The district will provide training to employees on identifying and reporting acts that may constitute discrimination, harassment or retaliation. The district will instruct employees to make all complaints to the district's compliance officer or acting compliance officer and will provide current contact information for these persons. The district will inform employees of the consequences of violating this policy and the remedies the district may use to rectify policy

violations. All employees will have access to the district's current policy, required notices and complaint forms. The district will provide additional training to any person responsible for investigating potential discrimination, harassment or retaliation.

The district will provide information to parents/guardians and students regarding this policy and will provide age-appropriate instruction to students.

Adopted: April 6, 2006

Revised: June 14, 2007 February 9, 2012

Cross Refs: ECG, Animals on District Property

EHB, Technology Usage

GBCB, Staff Conduct

GBCC, Staff Cell Phone Use

GBH, Staff/Student Relations

GBL, Personnel Records

GCD, Professional Staff Recruiting and Hiring

GCPD, Suspension of Professional Staff Members

GDC, Support Staff Recruiting and Hiring

IGBA, Programs for Students with Disabilities

IGBCB, Programs for Migrant Students

IGBH, Programs for English Language Learners

IGD, District-Sponsored Extracurricular Activities and Groups

IICC, School Volunteers

JFCF, Hazing and Bullying

JG, Student Discipline

JHCF, Student Allergy Prevention and Response

JHG, Reporting and Investigating Child Abuse/Neglect

KG, Community Use of District Facilities

KK, Visitors to District Property/Events

Legal Refs: ' ' 105.255, 160.261, 162.068, 213.010 - .137, 290.400 - .450, RSMo.

Individuals with Disabilities Education Act, 20 U.S.C. ' ' 1400 - 1417

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

Boy Scouts of America Equal Access Act, 20 U.S.C. ' ' 7905

Equal Pay Act, 29 U.S.C. ' ' 206(d)

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

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

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

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

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

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

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

*Davis v. Monroe County Bd. of Educ.*, 526 U.S. 629 (1999)

*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)

*Burlington Indust. v. Ellerth*, 524 U.S. 742 (1998)

*Gebser v. Lago Vista Ind. Sch. Dist.*, 524 U.S. 274 (1998)

*Oncala v. Sundowner Offshore Serv.*, 523 U.S. 75 (1998)

*Harris v. Forklift Syst., Inc.*, 510 U.S. 17 (1993)

*Pemiscot Co. Spec. School Dist., Hayti, Missouri*



Notes: