

# **Festus R-VI School District**

## *Student Board Policy Handbook*

### **VISION STATEMENT**

The Festus R-VI School District, by providing a challenging and relevant academic environment, is committed to cultivating lifelong learners who make a positive impact on the global society.

### **MISSION STATEMENT**

*“Educating all children to meet tomorrow’s challenges.”*

As a student of the Festus R-VI School District, I have been provided, have read and understand the policy update handbook and all Festus R-VI School District Board Policies. I agree to abide by all Board Policies and guidelines including, but not limited to the policies provided with this handbook.

Revised July 2023

**Festus R-VI School District**

**Festus R-6 School District**  
**2023-2024 Student Handbook Policy Updates**

**Prohibition against discrimination, harassment and retaliation** **Policy Code: AC**

**General Rule:** The Festus R-VI School District Board of Education is committed to maintaining a workplace and educational environment that is free from illegal discrimination, harassment and retaliation 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 Festus R-VI School District 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 illegal discrimination or harassment.
  - b. Report illegal discrimination or harassment.
2. Participate in an investigation, formal proceeding or informal resolution, whether conducted internally or outside the district, concerning illegal discrimination or harassment.
2. Aiding, abetting, inciting, compelling or coercing illegal 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 and law.

As used in this policy, "discrimination, harassment or retaliation" has the same meaning as "illegal discrimination, harassment or retaliation" and is limited to acts prohibited by law. 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 a student alleges sexual misconduct on the part of any district employee to any person employed by the district, that person will immediately report the allegation to the Children's Division (CD) of the Department of Social Services in accordance with state law.

**Sexual Harassment Reporting and District Response**

Sexual harassment is prohibited under this policy and policy ACA, but policy ACA applies only to a narrower category of sexual harassment under Title IX, as defined in the federal regulations. All sexual harassment reports must be made to the Title IX coordinator identified in policy ACA and evaluated for policy ACA applicability. If a sexual harassment report is made to any other district

employee, the report must be promptly referred to the Title IX coordinator for intake. Incidents of alleged sexual harassment that are not investigated under policy ACA may be referred for processing under this policy.

### **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. The district encourages students, employees and the public to report such behavior so that it can be promptly addressed, but the grievance process in this policy is reserved for allegations of illegal discrimination, harassment and retaliation.

### **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.

### **School Nutrition Programs**

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices and employees, and institutions participating in or administering USDA programs (including the district), are prohibited from discriminating based on race, color, national origin, sex, disability, age or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by the USDA. These programs include the National School Lunch Program, the Special Milk Program, the School Breakfast Program and the Summer Food Service Program.

Any person or representative alleging discrimination based on a prohibited basis has the right to file a complaint within 180 days of the alleged discriminatory action with the USDA Office of the Assistant Secretary for Civil Rights or the district's compliance officer using the process outlined in policy EF.

### **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. Such interim measures may include, but are not limited to, altering a class seating arrangement, providing additional supervision or suspending an employee pending an investigation. The district will also 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 district property or otherwise restricted while on district property. 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 immediately to the CD.

## **Definitions**

*Compliance Officer* – The individual responsible for implementing this policy, including the acting compliance officer when performing duties of the compliance officer.

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

*Harassment* – 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* – 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. "Sexual Harassment under Title IX" is a subset of this definition, and the district's response to qualifying allegations is set forth in policy ACA.

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* – 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:

Assistant Superintendent  
1515 Mid Meadow Lane  
Festus, MO 63028  
Phone: (636) 937-4920 / Fax: (636) 937-8525

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:

Superintendent  
1515 Mid Meadow Lane  
Festus, MO 63028  
Phone: (636) 937-4920 / Fax: (636) 937-8525

For matters within the scope of this policy, 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 Festus R-VI School District except as provided in policy ACA.
3. Serve as the district's designated Title VI, Section 504 and Americans with Disabilities Act (ADA) coordinator, as well as the contact person for compliance with other discrimination laws.
4. Forward reports of sexual harassment and otherwise assist in Title IX compliance as directed in policy ACA.
5. 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.
6. Review all evidence brought in disciplinary matters to determine whether additional remedies are appropriate, and recommend which interim measures should be implemented.
7. Determine whether district employees with knowledge of discrimination, harassment or retaliation failed to carry out their reporting duties and recommend disciplinary action, if necessary.

8. Communicate regularly with the district's law enforcement unit or other law enforcement point of contact for the district to determine whether any reported crimes constitute potential discrimination, harassment or retaliation.
9. 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.
10. Seek legal advice when necessary to enforce this policy.
11. Report to the superintendent and the board aggregate information regarding the number and frequency of grievances and compliance with this policy.
12. Make recommendations regarding changing this policy or the implementation of this policy.
13. 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.
14. Periodically review student discipline records to determine whether disciplinary consequences are applied uniformly.
15. 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 Festus R-VI School District 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.

### ***Reports Involving Sexual Harassment***

In cases involving sexual harassment, all persons must report incidents directly to the Title IX coordinator for evaluation under policy ACA. All district employees will instruct all persons seeking to make a report or complaint to communicate directly with the Title IX coordinator. Even if the suspected victim of discrimination, harassment or retaliation does not report on their own behalf, district employees are required to report to the Title IX coordinator any observations, rumors or other information about actions prohibited by this policy and policy ACA.

### ***All Other Reports***

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 file a grievance to communicate directly with the compliance officer. Even if the suspected 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 about actions prohibited by this policy. 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 act upon finding a violation of law, district policy or district expectations.

Even if a grievance under this policy 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. In general, administrators can immediately discipline a student for prohibited behavior in accordance with the district's discipline policy. However, if sexual harassment is observed or alleged, the administrator must consult the Title IX coordinator to determine policy ACA's applicability to the reported facts or allegations prior to imposing discipline. Administrators will report all incidents as directed in the "Reporting" section of this policy and will direct the parent/guardian and student to the compliance officer for further assistance. In cases not being handled under policy ACA, the compliance officer may determine that the incident has been appropriately addressed or recommend additional action.

### ***Investigation***

The district will use the investigation process outlined in this section for any grievance filed under this policy (AC).

The district will immediately investigate all grievances submitted under this policy. 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 and/or serve in other roles and capacities under the procedures for grievance processing.

The district does not assume responsibility or liability for actions that are unrelated to the district's programs or activities. However, the district may investigate any behavior that occurs on or off district property to the extent that such an investigation is necessary for the district to meet its legal obligations to address discrimination, harassment and retaliation that negatively impact the education or work environment. The district will address such behavior only to the extent that the district has the legal authority to do so.

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 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 prompt and effective corrective action in accordance with law.

### **Collaboration with Outside Enforcement Agencies**

In the event an outside enforcement agency is investigating the same allegation of discrimination, harassment or retaliation or a similar allegation, the district will make a preliminary inquiry, then follow the outside enforcement agency's investigation and response procedures instead of the formal district grievance process. During the inquiry, if the district determines that a reasonable basis for concluding this policy was violated exists, it will enforce appropriate interim measures while ensuring due process to the alleged perpetrator when required. When requested by law enforcement, the district may reasonably delay its own investigation to permit law enforcement to conduct the criminal investigation process.

### **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. To the extent permitted by law, the district will investigate all grievances filed under this policy 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 share information regarding an individually identifiable student or employee with the person filing the grievance or other persons only as 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 – A grievance is filed with the district's compliance officer. The compliance officer may conduct the Level I investigation or assign an administrator or other qualified individual to conduct the investigation. If the compliance officer determines that the grievance allegations involve sexual harassment under policy ACA, the report will be routed accordingly.

An investigation will commence no later than five working days after the compliance officer receives the grievance. The investigator 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 investigator will evaluate all relevant information and documentation relating to the grievance.

Within 30 working days of receiving the grievance, the investigator will complete a written report that summarizes the investigation and makes determinations as to the facts and whether the facts constitute a violation of this policy based on the appropriate legal standards. If someone other than the compliance officer conducted the investigation, the compliance officer will receive the report and either adopt the report as submitted or modify and complete the report upon further investigation and/or review of applicable policy and law. 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. 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 – 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 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 – 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 other persons the board deems 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 interim or 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 reports to the district's compliance officer or acting compliance officer (or Title IX coordinator for sexual harassment, per policy ACA) 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 training to any person responsible for investigating potential discrimination, harassment or retaliation. The district will provide information to parents/guardians regarding this policy and will provide age appropriate instruction to students.

Date Adopted: 6/27/2006

Last Revised: 8/19/2021

### **Student Absences and Excuses**

**Policy Code: JED**

The Board recognizes the importance of regular student attendance to a successful learning experience. Research supports the fact that attendance is crucial to improving student achievement. At least one study identified attendance as the single greatest indicator of student achievement. The Board further recognizes that:

1. Frequent absences of students from regular classroom learning experiences disrupt the continuity of the instructional process.
2. The benefits of classroom instruction, once lost, cannot be entirely regained.
3. The entire process of education requires a regular continuity of instruction, classroom participation, learning experiences and study in order to meet the district's student achievement goals.
4. Holding students and their parents/guardians responsible for attendance is part of the district's larger mission to train students to be productive citizens and employees.
5. State law reflects the importance of regular attendance by establishing compulsory school attendance and charging this Board to enforce that law.
6. State law authorizes school boards to make all needful rules for organization and government

in the district.

Therefore, regular and punctual patterns of attendance will be expected of each student enrolled in the Festus R-VI School District.

**Development of Rules and Procedures** The superintendent, with the assistance of building-level administrators and other administrative and professional staff, shall establish rules and procedures for student attendance within the district. The primary purpose of the district's attendance rules and procedures shall be to change behavior, not to punish students. Such rules and procedures shall be published on the district's website and in appropriate handbooks and shall be subject to review by the Board of Education. The administration will develop rules and procedures that minimally include:

1. Clear and reasonable attendance standards with consistently enforced consequences for violating those standards.
2. Early intervention strategies for students in primary and elementary grades.
3. Targeted intervention strategies.
4. Strategies to increase engagement with students and families.

In developing these rules and procedures, the administration will collect data to determine why students are absent. Data collected will include, but not be limited to:

1. Reasons for student absences.
2. Family attitudes toward school attendance.
3. The extent to which frequently absent students feel engaged with the school.
4. The extent to which family members of students who are frequently absent feel engaged in student learning.
5. Academic needs of frequently absent students.
6. Nonacademic service needs of frequently absent students.

In response to the data collected, the superintendent or designee will implement one or more of the following strategies:

1. Academic support programs for students and families.
2. Use of alternative educational methods, such as distance learning and homebound instruction.
3. Use of available, appropriate community resources.
4. Staff-Student advisory or mentoring programs designed to increase student engagement with

the school.

5. Procedures for student and family contact when students are absent.

Procedures and rules must include a due process component that includes notice before consequences are imposed and that allows students and their parents/guardians to appeal any imposed consequence to the superintendent. The Board will not hear appeals of consequences for excessive absences.

The district will maintain a comprehensive system of attendance records for each student. Each teacher is responsible for the accurate reporting of daily attendance in the classroom. The building principal is responsible for supplying information to parents/guardians about student absences and for submitting attendance information to the superintendent's office.

The district will contact the Children's Division (CD) of the Department of Social Services or the local prosecutor in cases where the district has a reasonable suspicion that a student's lack of attendance constitutes educational neglect on the part of the parents/guardians or that parents/guardians are in violation of the compulsory attendance law. No such action will be taken unless other strategies and interventions have been implemented and proven ineffective.

If a student in foster care is absent from school due to a decision by a court or child-placing agency to change the student's placement or due to a verified court appearance or related court-ordered activity, the grades and credit of the student will be calculated as of the date the student left school, and no lowering of the student's grades shall occur as a result of the absence under these circumstances.

Date Adopted: 6/27/2006

Last Revised: 10/18/2017

### **Bullying**

**Policy Code: JFCF**

**General** in order to promote a safe learning environment for all students, the Festus R-VI School District prohibits all forms of bullying. The district also prohibits reprisal or retaliation against any person who reports an act of bullying among or against students.

### **Definitions**

*Bullying* – In accordance with state law, bullying is defined as intimidation, unwanted aggressive behavior, or harassment that is repetitive or is substantially likely to be repeated and causes a reasonable student to fear for his or her physical safety or property; that substantially interferes with the educational performance, opportunities or benefits of any student without exception; or that substantially disrupts the orderly operation of the school. Bullying includes, but is not limited to: physical actions, including violence, gestures, theft, or property damage; oral, written, or electronic communication, including name-calling, put-downs, extortion, or threats; or threats of reprisal or retaliation for reporting such acts.

*Cyberbullying* – A form of bullying committed by transmission of a communication including, but not limited to, a message, text, sound or image by means of an electronic device including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer or

pager. The district has jurisdiction over cyberbullying that uses the district's technology resources or that originates on district property, at a district activity or on district transportation. Even when cyberbullying does not involve district property, activities or technology resources, the district will impose consequences and discipline for those who engage in cyberbullying if there is a sufficient nexus to the educational environment, the behavior materially and substantially disrupts the educational environment, the communication involves a threat as defined by law, or the district is otherwise allowed by law to address the behavior.

*School Day* – A day on the school calendar when students are required to attend school.

**Designated Officials** The principal of each building is hereby designated as the individual to receive and investigate reports of bullying. Each building principal shall designate at least two teachers or administrators in the building who are authorized to receive and investigate reports of bullying in the principal's absence or at the principal's discretion.

The district compliance officer appointed in policy AC will serve as the districtwide antibullying coordinator. The antibullying coordinator will receive all completed investigative reports from all buildings and analyze the reports to identify any information that would inform the district's antidiscrimination and antibullying education and training programs. In addition, the antibullying coordinator will assist in making any relevant reports as required by state and federal law.

**Reporting Bullying** School employees, substitutes or volunteers are expected to intervene to prevent student bullying, appropriately discipline the perpetrator, assist the victim and report the incident to the building principal or designee for further investigation and action. Any school employee, substitute or volunteer who witnesses or has firsthand knowledge of bullying of a student must report the incident to the building principal or designee as soon as possible, but no later than two school days after the incident.

Students who have been subjected to bullying, or who have witnessed or have knowledge of bullying, are encouraged to promptly report such incidents to a school employee. Any school employee receiving such a report shall promptly transmit the report to the building principal or designee.

If the bullying incident involves students from more than one district building, the report should be made to the principal or designee of the building in which the incident took place or, if more appropriate, to the principal or designee of the building attended by the majority of the participants in the incident.

**Investigation** Within two school days of receiving a report of bullying, the principal or designee will initiate an investigation of the incident. Reports that involve students from multiple buildings will be investigated cooperatively by the principals of each building involved, or those principals may request that the district's compliance officer designated in policy AC conduct the investigation. If at any time during the investigation the principal determines that the bullying involves illegal discrimination, harassment or retaliation as described in policy AC, the principal will report the incident to the compliance officer designated in that policy, who will assist in the investigation. If the alleged bullying involves a special education student or a student with disabilities, the principal will also notify the special education director.

The investigation shall be completed within ten school days of the date the report of bullying was received unless good cause exists to extend the investigation. Upon completion of the investigation, the principal will decide whether bullying or harassment occurred and, if so, whether additional discipline is warranted in accordance with the district's student discipline code. The principal will generate a written report of the investigation and findings and send a copy of the completed report to the district's antibullying coordinator. The principal or designee will document the report in the files the victim and the alleged or actual perpetrator of bullying. All reports will be kept confidential in accordance with state and federal law.

If the incident involved allegations of illegal discrimination or harassment, the principal's decision may be appealed in accordance with policy AC. Student discipline may be appealed when allowed by law in accordance with Board policy.

The principal or other appropriate district staff will work with victims and their families to access resources and services to help them deal with any negative effects that resulted from the incident.

**Consequences** Students who participate in bullying or who retaliate against anyone who reports bullying will be disciplined in accordance with the district's discipline code. Such discipline may include detention, in-school suspension, out-of-school suspension, expulsion, removal from participation in activities, exclusion from honors and awards, and other consequences deemed appropriate by the principal or superintendent. The district will also contact law enforcement when required by law or notify social media companies of inappropriate online activity when appropriate.

Even in situations where the district does not have jurisdiction to discipline a student for bullying, such as when the acts take place off campus and there is an insufficient nexus to the district, the principal or designee will take appropriate actions to assist student victims. Such actions may include, but are not limited to, contacting the parents/guardians of the victim and the alleged perpetrators, communicating that this behavior is not allowed on district grounds or at district activities, notifying the appropriate district staff to assist the victim, and taking additional action when appropriate, such as notifying law enforcement or social media companies of inappropriate online activity.

District employees and substitutes who violate this policy will be disciplined or terminated. Discipline may include suspension with or without pay, a negative evaluation, prohibition from being on district property or at district activities, mandated training or other appropriate remedial action. Volunteers who violate this policy will no longer be permitted to volunteer.

**Policy Publication** The district shall annually notify students, parents/guardians, district employees, substitutes and volunteers about this policy and the district's prohibition against bullying. A copy of this policy shall be included in student handbooks and posted on the district's website.

**Training and Education** The district's antibullying coordinator will provide information and appropriate training designed to assist employees, substitutes and volunteers who have significant contact with students in identifying, preventing and responding to incidents of bullying.

The district will provide education and information about bullying and this policy to students every



year. The principal of each school, in consultation with school counselors and other appropriate school employees, will determine the best methods for facilitating the discussion. Methods may include, but are not limited to: assemblies; homeroom presentations; class meetings; team or club meetings; special presentations by counselors, social workers or mental health professionals; and open-house events. When practical, parents/guardians will be invited to attend.

In addition to educating students about the content of this policy, the district will inform students of:

1. The procedure for reporting bullying.
2. The harmful effects of bullying.
3. Any initiatives the school or district has created to address bullying, including student peer-to-peer initiatives.
4. The consequences for those who participate in bullying or engage in reprisal or retaliation against those who report bullying.

School counselors, social workers, mental health professionals, school psychologists or other appropriate district staff will educate students who are victims of bullying about how to overcome the negative effects of bullying including, but not limited to:

1. Cultivating the student's self-worth and self-esteem.
2. Teaching the student to defend him- or herself assertively and effectively without violence.
3. Helping the student develop social skills
4. Encouraging the student to develop an internal locus of control.

**Additional School Programs and Resources** the Board directs the superintendent or designee to implement programs and other initiatives to address bullying, respond to such conduct in a manner that does not stigmatize the victim, and make resources or referrals available to victims of bullying. Such initiatives may include educating parents/guardians and families on bullying prevention and resources.

Date Adopted: 6/27/2006

Last Revised: 12/21/2016

### **Student Discipline**

**Policy Code: JG**

It is essential that the district maintain a safe school environment and a climate that allows teachers to communicate effectively with all students in the class and allows all students in the class to learn. Discipline will be equitably applied and viewed as a learning opportunity with the ultimate goal of improving behavior, safety and the school climate. The district seeks to minimize the unnecessary exclusion of students from classrooms and school and encourages the superintendent and district staff to exclude students only when necessary to maintain a safe and appropriate learning environment. The

superintendent or designee is authorized to contact the district's attorney for advice on the legality of district discipline or the discipline process. The Board encourages the superintendent to recommend changes to Board policy related to student discipline as needed.

**Discipline Code:** To assist district staff in maintaining the necessary education environment, the Board of Education has created a discipline code that addresses the consequences for students whose conduct is prejudicial to good order and discipline in the schools or impairs the morale or good conduct of other students.

The district's comprehensive written code of conduct includes, but is not limited to, this policy, JG-R1, JGA, JGB, JGD, JGE, JGF and associated procedures. The district's comprehensive written code of conduct will be placed on the district's website, and a copy will be available in the superintendent's office during normal business hours. The code of conduct will be distributed to all students and their parents/guardians at the beginning of each school year, which may be accomplished by directing students and parents/guardians to the district's website. These policies, regulations and procedures will apply to all students in attendance in the district's instructional and support programs as well as at district-sponsored activities.

**Equity:** All district staff are required to enforce district policies, regulations and procedures in a manner that is consistent, developmentally appropriate and equitable. District staff who increase or decrease the consequences for student misconduct based on individual circumstances must document the reasons for the variance. The superintendent or designee will regularly review district discipline data to determine whether district policies are being equitably enforced and, when necessary, make recommendations to the Board for policy changes, training or resources to further the district's goals for providing equitable education to all students.

**Discipline for Off-Campus Misconduct:** Students may be disciplined for misconduct that occurs off district grounds and outside a district activity when allowed by law including, but not limited to, the following situations:

1. The district's technology is used.
2. The student's conduct negatively impacts the education environment or there is a nexus to the education environment.
3. The student has been charged with, convicted of, or pled guilty to the commission of a felony in a court of general jurisdiction (not a juvenile court). The Board may suspend such students after a hearing in accordance with law.
4. The student has been indicted on, charged with or convicted of one of the specific crimes listed in § 167.171, RSMo. (see in policy JEC) or a petition has been filed or adjudicated in juvenile court involving one of the specific crimes listed in § 167.171, RSMo. The district shall exclude such students from school or from the general education environment after appropriate due process.
5. The student transfers to the district during a suspension or expulsion from another public school or a private or parochial school, and the district determines that the conduct would have resulted in a suspension or expulsion in this district. The district may honor a student's suspension or expulsion in such cases after providing appropriate due process when necessary.

**Immediate Removal:** The Board authorizes the immediate removal of a student upon a finding by a principal or superintendent that the student poses a threat of harm to self or others, as evidenced by the prior conduct of such student. Any such removal will be subject to the appropriate due process procedures and in accordance with law.

**Enforcement:** Building principals are responsible for the development and enforcement of additional student conduct rules needed to maintain proper behavior in schools under their supervision. All such rules shall be consistent with Board-adopted discipline policies and regulations.

Teachers have the authority and responsibility to make and enforce necessary rules for discipline in the classroom, subject to review by the building principal. The Board expects each teacher to maintain a satisfactory standard of conduct in the classroom. All district staff enforcing student discipline should seek to minimize, as much as possible, the amount of instructional time the student loses.

**Training:** All district employees shall annually receive instruction related to the specific contents of the district's comprehensive code of conduct and any interpretations necessary to implement its provisions including, but not limited to, confidentiality requirements and the approved methods for dealing with acts of school violence and disciplining students with disabilities.

Date Adopted: 11/19/2020

Last Revised: 11/19/2020

### **Student Discipline**

**Policy Code: JG-R1**

The Student Code of Conduct is designed to foster student responsibility, respect for others, and to provide for the orderly operation of district schools. No code can be expected to list each and every offense that may result in disciplinary action; however, it is the purpose of this code to list certain offenses which, if committed by a student, will result in the imposition of a certain disciplinary action. Any conduct not included herein, any aggravated circumstance of any offense, or any action involving a combination of offenses may result in disciplinary consequences that extend beyond this code of conduct as determined by the principal, superintendent and/or board of education. In extraordinary circumstances where the minimum consequence is judged by the superintendent or designee to be manifestly unfair or not in the interest of the district, the superintendent or designee may reduce the consequences listed in this policy, as allowed by law. This code includes, but is not necessarily limited to, acts of students on district property, including playgrounds, parking lots and district transportation, or at a district activity, whether on or off district property. The district may also discipline students for off-campus conduct that negatively impacts the educational environment, to the extent allowed by law.

### **Reporting to Law Enforcement**

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

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

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

under the jurisdiction of the court.

### **Documentation in Student's Discipline Record**

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

### **Conditions of Suspension, Expulsion and Other Disciplinary Consequences**

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

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

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

Students who violate the prohibitions in this section may be suspended or expelled in accordance with the offense, "Failure to Meet Conditions of Suspension, Expulsion or Other Disciplinary Consequences," listed below.

Pursuant to law, no student will be confined in an unattended locked space except in an emergency situation while awaiting the arrival of law enforcement personnel.

### **Impact on Grades**

As with any absence, absences due to an out-of-school suspension may result in the student earning a lower grade in accordance with the district's policy on absences. Students may not earn credit for work during an out-of-school suspension of less than ten days. Students may earn credit for work

during an out-of-school suspension lasting longer than ten days.

### **Prohibited Conduct**

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

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

*First Offense:* No credit for the work, grade reduction, or replacement assignment, in-school suspension.

*Subsequent Offense:* No credit for the work, grade reduction, course failure, or removal from extracurricular activities, 1-10 days in-school suspension.

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

*First Offense:* Detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion. Restitution if appropriate.

*Subsequent Offense:* 1-180 days out-of-school suspension or expulsion. Restitution if appropriate.

### **Assault**

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

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

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

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

*First Offense:* 10-180 days out-of-school suspension or expulsion.

*Subsequent Offense:* Expulsion.

**Automobile/Vehicle Misuse** – Uncourteous or unsafe driving on or around district property, unregistered parking, failure to move vehicle at the request of school officials, failure to follow directions given by school officials or failure to follow established rules for parking or driving on district property. Students are not to move or be in vehicles during the school day without permission from school officials. All student motor vehicles parked on school property must be registered with the school. Appropriate action may also be taken against adults. All bus stop arm violations will be reported to authorities. Section 304.070, RSMo. allows the court to suspend the license of a driver who runs the stop arm of a school bus.

*First Offense:* Suspension or revocation of parking privileges, detention, in-school suspension, 1-10 days out-of-school suspension.

*Subsequent Offense:* Revocation of parking privileges, detention, in-school suspension, or 1-180 days out-of-school suspension.

**Bullying and Cyberbullying (see board policy JFCF)** – Intimidation, unwanted aggressive behavior, or harassment that is repetitive or is substantially likely to be repeated and causes a reasonable student to fear for their physical safety or property; that substantially interferes with the educational performance, opportunities or benefits of any student without exception; or that substantially disrupts the orderly operation of the school. Bullying includes, but is not limited to, physical actions, including violence, gestures, theft or property damage; oral, written or electronic communication, including name-calling, put-downs, extortion or threats; or threats of reprisal or retaliation for reporting such acts. Cyberbullying is a form of bullying committed by transmission of a communication including, but not limited to, a message, text, sound or image by means of an electronic device including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer or pager.

*First Offense:* Detention, in-school suspension, or 1-180 days out-of-school suspension.

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

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

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

*First Offense:* Nullification of forged document. Principal/Student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.

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

**Destruction of District, Faculty or Student Property, Accidental**

*All Offenses:* Reimbursement for the cost of material and labor needed to repair damage.

**Disrespectful or Disruptive Conduct or Speech (see board policies AC and ACA if illegal harassment or discrimination is involved)** – Verbal, written, pictorial or symbolic language or gesture that is directed at any person that is in violation of district policy or is otherwise rude, vulgar, defiant, considered inappropriate in educational settings or that materially and substantially disrupts classroom work, school activities or school functions. Students will not be disciplined for speech in situations where it is protected by law. May also included, but is not limited to, inactivity in the classroom, failure to bring required materials to class, failing to participate in class, failure to follow the directions of staff, failure to complete assignments and/or misbehavior in classrooms, restrooms, school grounds or otherwise occurring on campus or at district activities.

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

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

**Drugs/Alcohol (see board policies JFCH and JHCD)**

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

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

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

2. Possession of drug paraphernalia or possession of or attendance while under the influence of, or soon after consuming, any unauthorized prescription drug, alcohol, narcotic substance, unauthorized inhalant, counterfeit drug, or imitation or synthetic controlled substance, including controlled substances and illegal drugs defined as substances identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substances Act.

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

*First Offense:* Ten days out-of-school suspension and referral to the superintendent for a minimum additional 20 days out-of-school suspension, or student may request 15 days out-of-school suspension, volunteering completion of an approved alcohol and/or drug counseling/rehabilitation program and 15 days of in-school suspension. Documentation for verification of enrollment and participation in a drug and/or alcohol counseling program must be provided. This may include a possible referral for prosecution. All controlled substances will be turned over to law enforcement. Strict compliance is mandatory. Failure to provide documentation of completion of the approved drug and/or alcohol counseling program will be cause for an additional 15 days of out-of-school suspension.

*Subsequent Offense:* 30 -180 days out-of-school suspension or expulsion.

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

*All Offenses:* 40-180 days out-of-school suspension or expulsion. Ten of the 40 days may be reduced upon completion of an approved alcohol and/or drug counseling/rehabilitation program. Documentation for verification of enrollment and participation in a drug and/or alcohol counseling program must be provided. This may include a possible referral for prosecution. All controlled substances will be turned over to law enforcement. Strict compliance is mandatory. Failure to provide documentation of completion of the approved drug and/or alcohol counseling program will be cause for restoration of the additional ten days of out-of-school suspension beyond the 30 days.

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

*All Offenses:* 30 -180 days out-of-school suspension or expulsion.

**Extortion** – Threatening or intimidating any person for the purpose of obtaining money or



anything of value.

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

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

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

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

*Subsequent Offense:* Restitution. Detention or in-school suspension.

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

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

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

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

**False Alarms (see also "Threats or Verbal Assault")** – Tampering with emergency equipment, setting off false alarms, making false reports, communicating a threat or false report for the purpose of frightening or disturbing people, disrupting the educational environment, or causing the evacuation or closure of district property.

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

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

**Fighting (see also, "Assault")** – Mutual combat in which both parties have contributed to the

conflict either verbally or by physical action.

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

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

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

*First Offense:* Principal/Student conference, loss of privileges, detention, or in-school suspension.

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

**Harassment, including Sexual Harassment (see board policies AC and ACA and note that additional provisions of the code of conduct may apply to the student's behavior)**

1. Use of material of a sexual nature or unwelcome verbal, written or symbolic language based on gender, race, color, religion, sex, national origin, ancestry, disability or any other characteristic protected by law.

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

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

2. Unwelcome physical contact of a sexual nature or that is based on gender, race, color, religion, sex, national origin, ancestry, disability or any other characteristic protected by law.

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

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

3. Student is found "responsible" for sexual harassment under Title IX upon conclusion of a formal complaint under policy ACA.

*Any Offense:* 10-180 days out-of-school suspension or expulsion.

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

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

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

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

*First Offense:* Confiscation. Warning, principal/student conference, detention, or in-school suspension.

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

**Nuisance Items** – Possession or use of items such as toys, games, and portable media players that are not authorized for educational purposes.

*First Offense:* Confiscation. Warning, principal/student conference, detention, or in-school suspension.

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

**Public Display of Affection** – Consensual physical contact that is inappropriate for the school setting, school activities or on district property, including, but not limited to, kissing and groping.

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

*Subsequent Offense:* Detention, in-school suspension, 1-10 days out-of-school suspension, or expulsion.

**Sexting and/or Possession of Sexually Explicit, Vulgar or Violent Material (see board policies AC and ACA)** – Students may not possess or display, electronically or otherwise, sexually

explicit, vulgar or violent material including, but not limited to, pornography or depictions of nudity, violence or explicit death or injury. This prohibition does not apply to curricular material that has been approved by district staff for its educational value. Students will not be disciplined for speech in situations where it is protected by law.

*First Offense:* Confiscation. Principal/Student conference, detention, or in-school suspension.

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

**Sexual Activity** – Consensual acts of sex or consensual simulations of sex including, but not limited to, intercourse or oral or manual stimulation.

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

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

**Technology Misconduct (see board policies EHB and KKB and procedure EHB-AP1)**

1. Attempting, regardless of success, to: gain unauthorized access to a technology system or information; use district technology to connect to other systems in evasion of the physical limitations of the remote system; copy district files without authorization; interfere with the ability of others to utilize district technology; secure a higher level of privilege without authorization; introduce computer viruses, hacking tools, or other disruptive/destructive programs onto or using district technology; or evade or disable a filtering/blocking device. Includes the abuse, misuse and misapplication of computers, telephones, and other pieces of technology, including inappropriate access to Internet sites, computer vandalism and inappropriate e-mail messages. Also includes violation of the district's Internet use agreement or of board policy EHB and procedures EHB-AP

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

*Subsequent Offense:* Restitution. Loss of user privileges, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

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

*First Offense:* Confiscation, principal/student conference, detention, or in-school suspension.

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

3. Violations, other than those listed in (1) or (2) above, of board policy EHB, procedure EHB-AP1 or any policy or procedure regulating student use of personal electronic devices.

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

*Subsequent Offense:* Restitution. Loss of user privileges, 1-180 days out-of-school suspension, or expulsion.

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

*First Offense:* Confiscation. Principal/Student conference, detention, or in-school suspension.

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

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

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

*Subsequent Offense:* Return of or restitution for property. 1-180 days out-of-school suspension or expulsion.

**Threats or Verbal Assault** – Verbal, written, pictorial or symbolic language or gestures that create a reasonable fear of physical injury or property damage.

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

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

**Tobacco and Tobacco Products**

1. Possession of any tobacco products, electronic cigarettes (vaping products), other nicotine-delivery products or imitation tobacco products, as defined in policy AH, on district property, on district transportation or at any district activity. Nicotine patches or other medications used in a tobacco cessation program may be possessed only in accordance with district policy JHCD.

*First Offense:* Confiscation of prohibited product. Principal/Student conference, detention, or in-school suspension.

*Subsequent Offense:* Confiscation of prohibited product. Detention, in-school suspension, or 1-10 days out-of-school suspension.

2. Use of any tobacco products, electronic cigarettes (vaping products), imitation tobacco products or other nicotine-delivery products, as defined in policy AH, on district property, on district transportation or at any district activity. Nicotine patches or other medications used in a tobacco cessation program may be used only in accordance with district policy JHCD.

*First Offense:* Confiscation of prohibited product. Principal/Student conference, detention, in-school suspension, or 1-3 days out-of-school suspension.

*Subsequent Offense:* Confiscation of prohibited product. In-school suspension or 1-10 days out-of-school suspension.

**Truancy or Tardiness (see board policy JED and procedures JED-AP1 and JED-AP2) –**

Absence from school without the knowledge and consent of parents/guardians and/or the school administration, including leaving school without permission and/or skipping all or part of a school day; excessive non-justifiable absences, even with the consent of parents/guardians; arriving after the expected time class or school begins, as determined by the district. The district may prosecute parents/guardians for excess absences.

*First Offense:* Principal/Student conference, detention, or 1-3 days in-school suspension.

*Subsequent Offense:* Detention or 3-10 days in-school suspension, and removal from extracurricular activities.

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

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

school suspension.

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

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

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

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

**Weapons (see board policy JFCJ)**

1. Possession or use of any weapon as defined in board policy, other than those defined in 18 U.S.C. § 921, 18 U.S.C. § 930(g)(2) or § 57010, RSMo.

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

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

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

*First Offense:* One calendar year suspension or expulsion, unless modified by the board upon recommendation by the superintendent.

*Subsequent Offense:* Expulsion.

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

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

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

The district maintains gun-free school zone. Guns are not allowed on campus, in district buildings or on district vehicles, except for law enforcement officers. Due to the seriousness of guns in school and threat of violence, fake or toy guns are not allowed. Because of the possibility of retaliation and further problems, possession of fake or toy guns will be treated as a serious offense and may result in disciplinary action. Knives are also not allowed.

Date Adopted: 6/27/2006

Last Revised: 10/18/2017

**Detention and/or In school suspension**

**Policy Code: JGB**

The provisions of detention or an in-school suspension program for student violations of policies, rules and procedures shall provide principals with an additional alternative for dealing with disciplinary problems that occur in the schools. When this alternative is appropriate, students will be assigned to serve a specified time period in the in-school suspension program. These assignments, and the determination of the time period for them, shall be determined by the principal, or his or her designee.

Date Adopted: 6/27/2006

**Student Suspension and Expulsion**

**Policy Code: JGD**

The following procedures apply to all students. However, additional procedures for discipline for students with disabilities are sometimes required, as discussed in policy JGE, Discipline of Students with Disabilities.

The Board of Education believes that the right of a child to attend free public schools carries with it the responsibility of the child to attend school regularly and to comply with the lawful policies, rules and procedures of the school district. This observance of school policies, rules and procedures is essential for permitting others to learn at school.

Therefore, the administration may exclude a student from school because of violation of school rules and procedures, conduct which materially or substantially disrupts the rights of others to an education, or conduct which endangers the student, other students or the property of the school. Furthermore, if a student poses a threat to self or others, as evidenced by the prior conduct of such student, the administration may immediately remove the student from school. Such actions will be taken in accordance with due process and with due regard for the welfare of both the student and the school.

The terms "suspension" and "removal" refer to an exclusion from school that will not exceed a specific period of time and shall be subject to the due process procedures set forth for "suspensions" in this policy. The term "expulsion" refers to exclusion for an indefinite period.

The district may honor suspensions and expulsions from another in-state or out-of-state school district including a private, charter or parochial school or school district pursuant to law and policy JEC, Student Admissions. Before making any decision to honor such suspensions or expulsions, the superintendent or designee will consider whether the student has received the due process required by law.

**Suspensions** in Missouri, a principal may suspend a student for up to ten (10) school days. A superintendent may suspend a student for up to 180 school days. Procedures for suspending a student are outlined below.



1. Before suspending a student, a principal or superintendent must (a) tell the student, either orally or in writing, what misconduct he or she is accused of; (b) if the student denies the accusation, explain, either orally or in writing, the facts that form the basis of the proposed suspension; and (c) give the student an opportunity to present his or her version of the incident.
2. If the principal or superintendent concludes that the student has engaged in misconduct punishable by suspension, the procedures described below apply. If the student has a disability as defined in the Individuals with Disabilities Education Act (IDEA) as amended or Section 504 of the Rehabilitation Act, additional procedural safeguards described in the policy dealing with the discipline of students with disabilities apply.
3. The principal or superintendent should determine whether the student should be suspended or whether less drastic alternative measures would be appropriate. In many cases, the principal or superintendent may decide not to suspend a student unless conferences (between the teacher, student and principal and/or between the parent, student and principal) have been held and have failed to change the student's behavior.
4. If suspension is imposed, the student's parents or guardians must be promptly notified of the suspension and the reasons for the action.
5. Any suspension by a principal must be reported, immediately and in writing, to the superintendent, who may revoke the suspension, either part or in full, at any time.
6. If a student is suspended for more than ten (10) school days, the following rules also apply:
  - a. The student, his or her parents, guardians or others having custodial care have a right to appeal the superintendent's decision to the Board or a committee of the Board appointed by the Board president.
  - b. If the student gives notice that he or she wishes to appeal the suspension to the Board, the suspension shall be stayed until the Board renders its decision, unless in the superintendent's judgment, the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process.
  - c. All notices of appeal shall be transmitted, either by the appealing party or by the superintendent, to the secretary of the Board. Oral notices, if made to the superintendent, shall be reduced to writing and communicated to the secretary of the Board.
  - d. The superintendent, when notified of an appeal, shall promptly transmit to the Board a full written report of the facts relating to the suspension, the action taken by the superintendent, and the reasons for the action.
  - e. Upon receipt of a notice of appeal, the Board will schedule a hearing and within a reasonable time in advance of the scheduled date, will notify, by certified mail, the

appealing party of the date, time and place of the hearing and of the right to counsel, to call witnesses, and to present evidence at the hearing.

- f. Hearings of appealed suspensions will be conducted as described in the section of this policy dealing with student disciplinary hearings.

### **Suspensions for More Than 180 School Days and Expulsions**

Only the Board may expel a student or suspend a student for more than 180 school days. The applicable procedures are outlined below.

1. Before recommending to the Board that a student be expelled or suspended for more than 180 school days, the superintendent must (a) tell the student, either orally or in writing, what misconduct he or she is accused of; (b) if the student denies the accusation, explain, either orally or in writing, the facts that form the basis of the proposed suspension/expulsion; and (c) give the student an opportunity to present his or her version of the incident.
2. If the superintendent concludes that the student has engaged in misconduct and should be expelled or suspended for more than 180 school days, the procedures described below apply unless the student has a disability. (In the case of a student with a disability, the procedures described in the policy dealing with the discipline of students with disabilities shall apply.)
  - a. The superintendent will recommend to the Board that the student be expelled or suspended for more than 180 school days. The superintendent may also immediately suspend the student for up to 180 school days.
  - b. Upon receipt of the superintendent's recommendation, the Board will follow the procedures described in the section of this policy dealing with student disciplinary hearings.
3. If the student is expelled, he or she may later apply to the Board for readmission. Only the Board can readmit an expelled student.

**Student Discipline Hearings** the Board of Education may originate student discipline hearings upon recommendation of the superintendent. In such cases, the Board of Education will review the superintendent's report and determine whether to conduct a discipline hearing. In addition, student discipline hearings also will be held upon written request of the student or the student's parents, to consider appeals from student suspensions in excess of ten (10) school days. A discipline hearing will always be held in cases of suspensions in excess of 180 school days or expulsions, unless after meeting with the superintendent or designee, the parent or guardian waives, in writing, the right to an expulsion hearing.

In all hearings, whether initiated by the Board of Education or by appeal, the following procedures will be adhered to:

1. The student and the parents/guardians will be advised of the charges against the student; their right to a Board hearing; the date, time and place of the hearing; their right to counsel;

and their procedural rights to call witnesses, enter exhibits and cross-examine adverse witnesses. All such notifications will be made by certified mail, addressed to the student's parents or guardians. The Board shall make a good-faith effort to have the parents or guardians present at the hearing.

2. Prior to the Board hearing, the student and the student's parents/guardians will be advised of the identity of the witnesses to be called by the administration and advised of the nature of their testimony. In addition, the student and the student's parents/guardians will be provided with copies of the documents to be introduced at the hearing by the administration.
3. The hearing will be closed unless the Board decides otherwise. The hearing will only be open with parental consent. At the hearing, the administration or their counsel will present the charges and such testimony and evidence to support such charges. The student, his or her parents/guardians or their counsel shall have the right to present witnesses, introduce exhibits, and to cross-examine witnesses called in support of the charges.
4. At the conclusion of the hearing, the Board of Education shall deliberate in executive session and shall render a decision to dismiss the charges; to suspend the student for a specified period of time; or to expel the student from the schools of the district. The administration or its counsel, by direction of the Board of Education, shall promptly prepare and transmit to the parents/guardians written notice of the decision.

**Remedial Conference** Prior to the readmission or enrollment of any student who has been suspended out of school or expelled in accordance with this policy for any "act of school violence" as defined in § 160.261.2, RSMo., and Board policy JGF, a conference must be held to review the student's conduct that resulted in the suspension or expulsion and any remedial actions needed to prevent future occurrences of such conduct or related conduct. The conference shall include the appropriate school officials including any teacher directly involved with the conduct that resulted in the suspension or expulsion, the student, and the parent or guardian of the student or any agency having legal jurisdiction, care, custody or control of the student. The Board of Education shall notify, in writing, the parents or guardians and all other parties of the time, place and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. This requirement applies to enrolling students transferring from another school as well, regardless of whether the "act of school violence" was committed at a public school or at a private school in Missouri, provided that such act shall have resulted in the suspension or expulsion of such student in the case of a private school.

Date Adopted: 6/27/2006

## **Student Records**

**Policy Code: JO-1**

In order to provide students with appropriate instruction and educational services, it is necessary for the district to maintain extensive and sometimes personal information about students and families. These records must be kept confidential in accordance with law, but must also be readily available to district personnel who need the records to effectively serve district students. The superintendent or designee will provide for the proper administration of student records in accordance with law, will develop

appropriate procedures for maintaining student records, and will standardize procedures for the collection and transmittal of necessary information about individual students throughout the district. The superintendent and building principals will develop a student records system that includes protocols for releasing student education records. Principals are responsible for maintaining and protecting student education records in each school. The superintendent or designee will make arrangements so that all district employees are trained annually on the confidentiality of student education records, as applicable for each employee classification.

### **Definitions**

*Eligible Student* – A student or former student who has reached age 18 or is attending a postsecondary school.

*Parent* – A biological or adoptive parent of a student, a guardian of a student, or an individual acting as a parent or guardian in the absence of the student's parent or guardian.

*Student* – Any person who attends or has attended a school in the school district and for whom the district maintains education records.

**Health Information:** Student health information is a type of student record that is particularly sensitive and protected by numerous state and federal laws. Student health information shall be protected from unauthorized, illegal or inappropriate disclosure by adherence to the principles of confidentiality and privacy. The information shall be protected regardless of whether the information is received orally, in writing or electronically and regardless of the type of record or method of storage.

**Parent and Eligible Student Access:** All parents may inspect and review their student's education records, seek amendments, consent to disclosures and file complaints regarding the records as allowed by law unless a court order, statute or legally binding document prohibits such access. These rights transfer from the parent to the student once the student becomes an eligible student; however, under the Missouri Sunshine Law, parents maintain some rights to inspect student records even after a student turns 18. The district will extend the same access to records to either parent, regardless of divorce, custody or visitation rights, unless the district is provided with evidence that the parent's rights to inspect records have been legally modified. If a parent or eligible student believes an education record related to the student contains information that is inaccurate, misleading or in violation of the student's privacy, the parent or eligible student may use the appeals procedures created by the superintendent or designee to request that the district amend the record. The district will annually notify parents and eligible students of their rights in accordance with law.

**Directory Information:** Directory information is information contained in an education record of a student that generally would not be considered harmful or an invasion of privacy if disclosed without the consent of a parent or eligible student. The district will designate the types of information included in directory information and release this information without first obtaining consent from a parent or eligible student unless a parent or eligible student notifies the district in writing as directed. Parents and eligible students will be notified annually of the information the district has designated as directory information and the process for notifying the district if they do not want the information released.

Even if parents or eligible students notify the district in writing that they do not want directory information disclosed, the district may still disclose the information if required or allowed to do so by law. For example, the district may require students to disclose their names, identifiers or district e-mail addresses in classes in which they are enrolled, or students may be required to wear, publicly display or disclose a student identification card or badge that exhibits information that is designated as directory information. The school district designates the following items as directory information.

*General Directory Information* – The following information the district maintains about a personally identifiable student may be disclosed by the district to the school community through, for example, district publications, or to any person without first obtaining written consent from a parent or eligible student:

Student's name; date of birth; parents' names; grade level; enrollment status (e.g., full-time or part-time); student identification number; user identification or other unique personal identifier used by the student for the purposes of accessing or communicating in electronic systems as long as that information alone cannot be used to access protected educational records; participation in district-sponsored or district-recognized activities and sports; weight and height of members of athletic teams; athletic performance data; dates of attendance; degrees, honors and awards received; artwork or coursework displayed by the district; schools or school districts previously attended; and photographs, videotapes, digital images and recorded sound unless such records would be considered harmful or an invasion of privacy.

*Limited Directory Information* – In addition to general directory information, the following information the district maintains about a personally identifiable student may be disclosed to parent groups or booster clubs that are recognized by the Board and are created solely to work with the district, its staff, students and parents and to raise funds for district activities for the purposes of encouraging membership or participation in the group or club; parents of other students enrolled in the same school as the student whose information is released when the release is for the purpose of facilitating communication between parents; governmental entities including, but not limited to, law enforcement, the juvenile office and the Children's Division (CD) of the Department of Social Services for official governmental purposes:

The student's address, telephone number and e-mail address and the parents' addresses, telephone numbers and e-mail addresses.

The district may require a person or entity that requests limited directory information to certify in writing that the information will not be redisclosed without the prior written consent of the parent or eligible student.

**Law Enforcement Access:** The district may report or disclose education records to law enforcement and juvenile justice authorities if the disclosure concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed must comply with applicable restrictions set forth in federal law.

If the district reports a crime committed by a student with a disability as defined in the Individuals with Disabilities Education Act (IDEA), the district will transmit copies of the special education and disciplinary records to the authorities to whom the district reported the crime as allowed by law.

Law enforcement officials also have access to directory information and may obtain access to student education records in emergency situations as allowed by law. Otherwise, law enforcement officials must obtain a subpoena or consent from the parent or eligible student before a student's education records will be disclosed.

**Law Enforcement Unit Exception:** The Board designates the school resource officer, superintendent, assistant superintendent and building principals as a law enforcement unit under the Family Educational Rights and Privacy Act (FERPA). Records created and maintained by the law enforcement unit for a law enforcement purpose may be disclosed to local, state and federal juvenile justice, law enforcement and social services agencies without parental consent or a subpoena.

**Children's Division Access:** The district may disclose education records to representatives of the CD when reporting child abuse and neglect in accordance with law. Once the CD obtains custody of a student, CD representatives may also have access to education records in accordance with law. CD representatives may also have access to directory information and may obtain access to student education records in emergency situations, as allowed by law.

**Military and Higher Education Access:** The district will disclose the names, addresses and telephone numbers of secondary school students to military recruiters or institutions of higher education as required by law. However, if a parent, or a secondary school student who is at least 18, submits a written request, the district will not release the information without first obtaining written consent from the parent or the student. The district will notify parents, and secondary school students who are at least 18, that they may opt out of these disclosures.

**Volunteer Access:** District staff will not allow volunteers to access student records unless the volunteer has completed a criminal background check and the district has determined that the volunteer should have access. A volunteer who has completed a criminal background check may access student education records only under the supervision of staff members and when necessary to assist the district.

**Records Retention:** The district shall retain all student records in accordance with applicable federal and state law, as well as the current version of the Missouri Secretary of State's Public School Records Retention Schedule and General Records Retention Schedule.

Date Adopted: 06/27/2006

Last Revised: 08/19/2021

## **Student Records**

**Policy Code: JO-AP**

**Definitions** for the purposes of this procedure, the following terms are defined:

*Student* – Any person who attends or has attended a school in the school district and for whom the district maintains education records.

*Eligible Student* – A student or former student who has reached age 18 or is attending a postsecondary school.

*Parent* – A biological or adoptive parent of a student, a guardian of a student, or an individual acting as a parent or guardian in the absence of the student's parent or guardian.

*Education Record* – A record that is directly related to a personally identifiable student and that is maintained by the school district or an agent acting on behalf of the school district. An education record may include information that is handwritten, in print or recorded using digital, electronic or other means and includes biometric records such as fingerprints. Education records do not include:

- 1) Records kept in the sole possession of the maker of the record, used only as a personal memory aid and not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- 2) Records created and maintained by the school district law enforcement unit for law enforcement purposes.

- 3) An employment record that relates exclusively to an individual in his or her capacity as an employee of the school district and that is not available for use for any other purpose.
- 4) Records that contain information about a student after he or she is no longer in attendance at the district and that are not directly related to the person's attendance as a student, such as alumni records.
- 5) Grades on peer-graded papers before they are collected and recorded by a teacher.

*Directory Information* – Information contained in an education record of a student that generally would not be considered harmful or an invasion of privacy if disclosed. The school district defines directory information in policy JO.

*Health Records* – Any record relating to a student's health or disability including, but not limited to, doctor's orders, doctor's notes, medical evaluations, medical diagnoses, information regarding medications, Section 504 plans, individualized education programs (IEP) and individualized health plans (IHP). A health record is a type of education record.

*School Official* – A person who has a legitimate educational interest and who meets one of the following criteria:

1. A person employed by the district as an administrator, supervisor, instructor or support staff member, including health or medical staff.
2. A school board member of the District Common Name
3. A person paid by the district to perform a special task that requires access to student records, such as an attorney, auditor, medical consultant or therapist.
4. Members of the school district's law enforcement unit in accordance with federal guidance
5. A person serving on an official committee, such as a disciplinary committee, a care team, a threat-assessment team or grievance committee, or who is assisting another school official in performing his or her tasks.
6. A contractor, consultant, volunteer or other party performing services on behalf of the district if 1) the service would have otherwise been performed by district employees, 2) the person or party is under the direct control of the district regarding the use and maintenance of education records, and 3) the person or party agrees to follow confidentiality laws regarding the disclosure of information. In accordance with law, volunteers must have successfully completed a background check to have access to student records.

*Legitimate Educational Interest* – A school official has a legitimate educational interest if the official is:

1. Performing a task that is specified in his or her position description or by a contract.
2. Performing a task related to a student's education in accordance with the school official's position.
3. Performing a task related to the discipline of a student in accordance with the school official's position.
4. Providing a service or benefit relating to the student or student's family, such as healthcare, counseling, job placement or financial aid.
5. Maintaining the safety and security of the campus.

6. Under the direct supervision of a staff member and, with authorization from the district, assisting a staff member in performing his or her job.

## **Education Records –**

### **A. General**

1. Education records shall be retained according to the guidelines set forth in the retention schedules developed by the Office of the Missouri Secretary of State. The district will not destroy an education record if there is an outstanding request by a parent or eligible student to review the record.
2. Teacher and staff comments on education records will be professional and for the limited purpose of serving the student.
3. Parents and/or students may refuse to disclose a student's Social Security number to the district unless required by law.
4. Pursuant to state law, the permanent record of a student reading below the fifth-grade reading level at the end of his or her sixth-grade year shall carry a notation advising that such student has not met minimal reading standards. The notation shall stay on the student's record until such time as the district determines that the student has met minimal reading standards.
5. It is the responsibility of the principal and the professional staff of the school to see that such records are kept secure and confidential and are utilized in accordance with the law.

### **B. Review of Education Records by Parents or Eligible Students**

1. Education records shall be open for inspection by parents and eligible students. Both parents have access to their child's school records until and unless a court order, statute or legally binding document limits or revokes these rights. Therefore, a copy of any applicable court order or other legal document must be filed with the school principal in order to demonstrate to the district that a parent's access rights are limited or denied. If a school employee has good reason to believe, based on personal knowledge or information from a reliable source, that a parent's access rights have been limited by a court order or other document that is not on file with the district, the employee may delay that parent's access for a reasonable amount of time, but no longer than three business days, in order to verify whether such an order has been issued or such a document exists. If no such order or document is found, the parent's request will be granted.
2. The parents or the eligible student should submit to the school principal a written request that identifies as precisely as possible the record or records they wish to inspect. The principal (or appropriate school official) will make the needed arrangements for



access as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. Access must be given as soon as possible, but within three business days. However, the period for document production may exceed three days for reasonable cause.

3. If a parent or eligible student requests an education record that contains information on more than one identifiable student, the district will not disclose the record unless the district is able to effectively redact information pertaining to the other student(s), all parents or eligible students consent to the disclosure in writing, or the law otherwise allows for the disclosure.
4. If a parent or eligible student believes the education records related to the student contain information that is inaccurate, misleading or in violation of the student's privacy, the parent or eligible student may ask the district to amend the record by following the appeals process outlined in this procedure.

#### **C. Transfer of Education Records**

1. The district will respond to a request for records from another school district enrolling a student within five business days of receiving the request. However, if the student's record has been marked pursuant to notification by the Missouri State Highway Patrol that the student has been classified as a missing child, the record shall not be forwarded to the requesting district, and the district will notify the missing persons unit of the Missouri State Highway Patrol of the record request.
2. Upon notification that a student has transferred to any other school district, the district will forward to the superintendent of the new district any written notification the DistrictCommonName has received from a juvenile officer, sheriff, chief of police or other appropriate law enforcement authority that a petition has been filed in juvenile court alleging that the student has committed an offense listed in § 167.115.1, RSMo., and the notification of disposition of such case.

#### **D. Annual Notification of Rights to Parents and Students**

1. The district shall annually notify eligible students currently in attendance and parents of students currently in attendance of their rights under the Family Educational Rights and Privacy Act (FERPA) and FERPA regulations by publication in the student handbook(s) or by distributing notification to the parents and eligible students at the beginning of the school year.
2. The district shall annually notify eligible students currently in attendance and parents of students currently in attendance of the directory information the district will release without written permission.

3. The district shall notify parents, and secondary school students who are at least 18, that the district is required to release the student's name, address and telephone listing to military recruiters and institutions of higher education upon request. The district will also notify parents, and secondary school students who are at least 18, that they may request in writing that the district not release this information, and the district will comply with the request.
4. The district will notify parents at least annually of its policy on the collection, disclosure or use of personal information collected from students for the purposes of marketing or for selling or otherwise providing that information to others for a marketing purpose, including arrangements to protect student privacy that are provided by the district in the event of such collection, disclosure or use (see policies JHDA and KI). Parents will be directly notified annually at the beginning of the school year of the specific or approximate dates during the school year when such collection, disclosure or use of personal information is scheduled or expected to be scheduled. The district will also offer an opportunity for the parent or eligible student to opt the student out of participation in any such activity.

**E. Annual Notification of Directory Information**

1. The district shall annually notify parents and eligible students of the directory information the district will release without written consent. Parents or eligible students will have ten school days after the annual public notice to provide notice in writing to the school district that they choose to not have this information released. Unless notified to the contrary in writing within the ten-school-day period, the school district may disclose any of those items designated as directory information without the parent's or eligible student's prior written consent, including in print and electronic publications of the school district.
2. Even if parents or eligible students notify the district in writing that they do not want directory information disclosed, the district may still disclose the information if required or allowed to do so by law. For example, the district may require students to disclose their names, identifiers or district email addresses in classes in which they are enrolled, or students may be required to wear, publicly display or disclose a student identification card or badge that exhibits information that is designated as directory information.
3. Directory information is considered a "public record" that must be released by the district to any person who requests it under the Missouri Sunshine Law.

**F. Release of Education Records**

Disclosure of information from a student's education records will be made only with the written consent of the parent or eligible student, subject to the following exceptions. The district may

disclose education record information without consent in accordance with law, including when the disclosure is:

1. To school officials who have a legitimate educational interest in the records.
2. To officials of another school in which a student is enrolled or seeks or intends to enroll as long as the disclosure is for purposes related to the enrollment or transfer.
3. Directory information. If the district annually notifies parents and eligible students that directory information may be released without prior written consent and gives parents and eligible students the opportunity to notify the district in writing that they do not want the information released, the district may release directory information without prior consent.
4. To military recruiters or institutions of higher education that have requested the names, addresses and telephone listings of secondary school students. However, if a parent, or a secondary school student who is at least 18, submits a written request, the district will not release the information without first obtaining written consent from the parent or the student.
5. To organizations conducting studies for or on behalf of the district or other educational agencies or institutions to develop, validate or administer predictive tests, administer student aid programs or improve instruction if the legal requirements for disclosure are met.
6. To state and local authorities, when allowed by state statute, if the disclosure concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed may be required to certify in writing that the information will not be disclosed to any other party except as allowed by law or with the written consent of the parent.
7. To accrediting organizations to carry out their accrediting functions.
8. To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1986.
9. To parents of a student who is not an eligible student unless a court order, statute or legally binding document relating to divorce, separation or custody prohibits the release of the record.
10. To the student.

11. To comply with a judicial order or a lawfully issued subpoena. Unless otherwise ordered, and except in cases where a parent is a party to a court proceeding involving child abuse or neglect or dependency matters and the order or subpoena is issued in the context of that proceeding, the district will make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or student may seek protective action.
12. In connection with a student's request for or receipt of financial aid to determine the eligibility, amount or conditions of the financial aid or to enforce the terms and conditions of the aid.
13. To authorized representatives of the comptroller general of the United States, the attorney general of the United States, the secretary of the U.S. Department of Education or state and local education authorities in connection with an audit or evaluation of federally or state-supported education programs or for the enforcement of or compliance with federal legal requirements relating to these programs.
14. To appropriate parties when there is an articulable and significant threat to the health or safety of a student or other persons. The nature of the threat and the persons to whom the information was disclosed must be recorded.
15. To an agency, caseworker or other representative of a state or local child welfare agency or tribal organization who has a right to access the student's case plan, as determined by the state or tribal organization, when such agency or organization is legally responsible for the care and protection of the student. This disclosure is limited to student records or information from those records used for the purpose of addressing the student's education needs.
16. To other persons authorized to receive education records pursuant to FERPA and 34 C.F.R., Part 99, or other applicable laws.

#### **G. Disclosure**

In accordance with law, the district may disclose personally identifiable information from education records only on the condition that the person to whom the information is disclosed will not disclose the information to other persons or entities without the prior consent of the parent or eligible student. When required by law, a party may be required to first sign a statement in which he or she agrees to abide by this provision and agrees to use the information disclosed only for the purposes for which the disclosure was made. This provision does not apply to disclosures made to the officers, employees and agents of the person or entity to which the information was released for the purposes for which the disclosure was made; disclosures made to the student or parents of a dependent or minor student; disclosures made to comply with a judicial order or subpoena; and disclosures of directory information.

## **H. Recordkeeping**

Unless exempted below, the school district will maintain a record of all requests for and disclosures of information from a student's education records. The district will maintain the record of requests and disclosures with the education records of the student as long as the records are maintained. The record will indicate the name of the party making the request, any additional party to whom the information may be disclosed and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the parents or the eligible student.

When the district discloses personally identifiable information from education records to third parties without parental consent in a health or safety emergency, the district will record the articulable and significant threat to the health or safety of individuals that formed the basis for the disclosure and the parties to whom the district disclosed the information.

The district is not required to maintain a record of requests by or disclosures to:

1. The parent or eligible student.
2. School officials within the district who have a legitimate educational interest in the student's education records.
3. A party with written consent from the parent or eligible student.
4. A party seeking directory information.
5. A party seeking or receiving the records as directed by a law enforcement subpoena if the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

## **I. Charging Fees**

The district may charge a fee for copies of student education records, unless the charge effectively prevents a parent or eligible student from exercising the right to inspect and review the student's education records. The fee will not exceed the amount authorized under the Missouri Sunshine Law.

## **J. Appeals Procedures**

Parents or eligible students have the right to request correction of education records that they believe are inaccurate, misleading or in violation of their privacy rights. Following are the procedures for the correction of education records:

1. Parents or the eligible student must ask the school district to amend a record. In so doing, they must identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy rights. The request should be made to the building principal.

2. The building principal or an employee designated by the superintendent will decide, within a reasonable period of time after receiving the request, whether to amend the record as requested. The district will notify the parents or eligible student of the decision and, if the request for amendment is denied, will inform them of their right to a hearing to challenge the content of the student's education records on the grounds that the information included is inaccurate, misleading or in violation of the student's privacy rights.
3. The school district will hold a hearing within a reasonable period of time after a request for a hearing is received. The district will notify the parents or eligible student, reasonably in advance, of the date, place and time of the hearing.
4. The hearing will be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the district. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The parents or eligible student may be assisted by one or more individuals of their choice, including an attorney.
5. The hearing officer will prepare a written decision based solely on the evidence presented at the hearing and provide a copy to the district and the parents or the eligible student within a reasonable period of time after the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If the hearing officer decides that the information is inaccurate, misleading or in violation of the student's privacy rights, the district will amend the record and notify the parents or eligible student of the amendment in writing.
7. If the hearing officer decides that the challenged information is not inaccurate, misleading or in violation of the student's privacy rights, the district will notify the parents or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the school district discloses the contested portion of the record, it must also disclose the statement

Date Adopted: 6/27/2006

Last Revised: 08/30/22

## RECEIPT OF STUDENT POLICY HANDBOOK ACKNOWLEDGEMENT

### Student

I am a student at the Festus R-VI School District. By signing below, I acknowledge my receipt of the 2023-2024 Student Handbook. I understand that although I may not agree with the contents, I am expected to comply with the rules, regulations, and expectations set forth in this Handbook. Moreover, certain Board of Education polices have been provided to me with the Handbook, but I further acknowledge that all Board of Education policies are available online at <http://www.festus.k12.mo.us> or as hard copies at **Festus R-VI School District 1515 Mid-Meadow Lane, Festus, MO 63028, Phone: 636-937-4920**. I understand that I am expected to have knowledge of, and abide by all Board of Education Policies, whether or not they have been provided to me with this Handbook.

Student Name: \_\_\_\_\_ Date: \_\_\_\_\_

Student Signature: \_\_\_\_\_

### Parent/Guardian

I am the parent/guardian of the student whose name and signature appear at the top of this form. I acknowledge my receipt of the 2023-2024 Student Handbook. I understand that although I may not agree with the contents, my student is expected to comply with the rules, regulations, and expectations set forth in this Handbook. Moreover, certain Board of Education polices have been provided to me with the Handbook, but I further acknowledge that all Board of Education policies are available online at <http://www.festus.k12.mo.us> or as hard copies at **Festus R-VI School District 1515 Mid-Meadow Lane, Festus, MO 63028, Phone: 636-937-4920**. I understand that my student is expected to have knowledge of, and abide by all Board of Education Policies, whether or not they have been provided with this Handbook. Finally, I understand that it is my responsibility to review the contents of this Handbook along with all Board of Education Polices, and that I am requested to discuss the information with my student.

Parent/Guardian Name: \_\_\_\_\_ Date: \_\_\_\_\_

Parent Signature: \_\_\_\_\_

In the event any provision of this Handbook conflicts with (1) official Board Policy, procedure, or regulation ("Policy"); (2) state, federal, or local law ("Law"); or (3) the requirements of any other governing authority ("Authority") such Board Policy, applicable Law, or governing Authority shall prevail over the conflicting provision

