

SECTION A: FOUNDATIONS AND BASIC COMMITMENTS

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SCHOOL DISTRICT LEGAL STATUS

The State of Missouri must establish and maintain free public schools in accordance with the Missouri Constitution and state law. The State has delegated certain responsibilities to local school districts. This school district is governed by a seven-director School Board. Directors are elected or appointed in accordance with law.

The official name of the school district shall be Southwest Livingston Co. R-I. In accordance with state law, the Board of Education shall keep a common seal with which to attest its official acts relative to district operations.

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

Adopted:

Revised:

Cross Refs: BBA, School Board Powers and Duties
BBB, School Board Elections
BBBA, Board Member Qualifications
BBE, School Board Vacancies

Legal Refs: §§ 162.261, .311, .459, RSMo.
Mo. Const., Art. IX, § 1 (a)

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

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PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION

General Rule

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

The Board also prohibits:

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

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

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Additional Prohibited Behavior

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

Boy Scouts of America Equal Access Act

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

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. For example, the district may alter a class seating arrangement, provide additional supervision for a student or suspend an employee pending an investigation. The district will take immediate steps to prevent retaliation against the alleged victim, any person associated with the alleged victim, or any witnesses or participants in the investigation. These steps may include, but are not limited to, notifying students, employees and others that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment or retaliation have occurred.

Consequences and Remedies

If the district determines that discrimination, harassment or retaliation have occurred, the district will take prompt, effective and appropriate action to address the behavior, prevent its recurrence and remedy its effects.

Employees who violate this policy will be disciplined, up to and including employment termination. Students who violate this policy will be disciplined, which may include suspension or expulsion. Patrons, contractors, visitors or others who violate this policy may be prohibited from 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.

Remedies provided by the district will attempt to minimize the burden on the victim. Such remedies may include, but are not limited to: providing additional resources such as counseling, providing access to community services, assisting the victim in filing criminal charges when applicable, moving the perpetrator to a different class or school, providing an escort between classes, or allowing the victim to retake or withdraw from a class. The district may provide additional training to students and employees, make periodic assessments to make sure behavior complies with district policy, or perform a climate check to assess the environment in the district.

Definitions

Compliance Officer – The individual responsible for implementing this policy, including the acting compliance officer when he or she is 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.

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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.

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:

Superintendent
4944 Highway DD, Ludlow, MO 65656
(660) 738 4433
(TDD/TTY, if available)
bschneiderheinze@southwestrl.org

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:

Board President
4944 Highway DD, Ludlow, MO 65656
(660) 738 4433
(TDD/TTY, if available)

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 Southwest Livingston Co. R-I School Dist.
3. Serve as the district's designated Title IX, Section 504 and Americans with Disabilities Act (ADA) coordinator, as well as the contact person for compliance with other discrimination laws.
4. Investigate or assign persons to investigate grievances; monitor the status of grievances to ensure that additional discrimination, harassment and retaliation do not occur; and recommend consequences.

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5. Review all evidence brought in disciplinary matters to determine whether additional remedies are available, such as separating students in the school environment.
6. Determine whether district employees with knowledge of discrimination, harassment or retaliation failed to carry out their reporting duties and recommend disciplinary action, if necessary.
7. Communicate regularly with the district's law enforcement unit to determine whether any reported crimes constitute potential discrimination, harassment or retaliation.
8. Oversee discrimination, harassment or retaliation grievances, including identifying and addressing any patterns or systemic problems and reporting such problems and patterns to the superintendent or the Board.
9. Seek legal advice when necessary to enforce this policy.
10. Report to the superintendent and the Board aggregate information regarding the number and frequency of grievances and compliance with this policy.
11. Make recommendations regarding changing this policy or the implementation of this policy.
12. Coordinate and institute training programs for district staff and supervisors as necessary to meet the goals of this policy, including instruction in recognizing behavior that constitutes discrimination, harassment and retaliation.
13. Periodically review student discipline records to determine whether disciplinary consequences are applied uniformly.
14. 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 Southwest Livingston Co. R-I School Dist does not discriminate in its programs, services, activities, facilities or with regard to employment. The district will provide information in alternative formats when necessary to accommodate persons with disabilities.

Reporting

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

Unless the concern is otherwise voluntarily resolved, all persons must report incidents that might constitute discrimination, harassment or retaliation directly to the compliance officer or acting compliance officer. All district employees will instruct all persons seeking to make a grievance to communicate directly with the compliance officer. Even if the 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 regarding actions prohibited by this policy. If a verbal grievance is made, the person will be asked to submit a written complaint to the compliance officer or acting compliance officer. If a person refuses or is unable to submit a written complaint, the compliance officer will summarize the verbal complaint in writing. A grievance is not needed for the district to take action upon finding a violation of law, district policy or district expectations.

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

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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. Administrators have the ability to immediately discipline a student for prohibited behavior in accordance with the district's discipline policy. Administrators will report all incidents of discrimination, harassment and retaliation to the compliance officer and will direct the parent/guardian and student to the compliance officer for further assistance. The compliance officer may determine that the incident has been appropriately addressed or recommend additional action. When a grievance is filed, the investigation and complaint process detailed below will be used.

Investigation

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

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

Grievance Process Overview

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

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

Grievance Process

1. Level I – A grievance is filed with the district's compliance officer. The compliance officer may, at his or her discretion, assign a school principal or other appropriate supervisor to conduct the investigation when appropriate.

Regardless of who investigates the grievance, an investigation will commence immediately, but no later than five working days after the compliance officer receives the grievance. The compliance officer or designee shall conduct a prompt, impartial, adequate, reliable and thorough investigation, including the opportunity for the person filing the grievance and other parties involved to identify witnesses and provide information and other evidence. The compliance officer or designee will evaluate all relevant information and documentation relating to the grievance.

Within 30 working days of receiving the grievance, the compliance officer will complete a written report that summarizes the facts and makes conclusions on whether the facts constitute a violation of this policy based on the appropriate legal standards. If a violation of this policy is found, the compliance officer will recommend corrective action to the superintendent to address the discrimination, harassment or retaliation; prevent recurrence; and remedy its effects. If someone other than the compliance officer conducts the investigation, the compliance officer or acting compliance officer will review and sign the report. The person who filed the grievance, the victim if someone other than the victim filed the grievance, and any alleged perpetrator will be notified in writing, within five working days of the completion of the report, in accordance with law and district policy, regarding whether the district's compliance officer or designee determined that district policy was violated.

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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, at his or her discretion, designate another person (other than the compliance officer) to review the matter when appropriate.

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

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

Confidentiality and Records

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

documentation considered when making any conclusions, in accordance with the Missouri Secretary of State's retention manuals and as advised by the district's attorney.

Training

The district will provide training to employees on identifying and reporting acts that may constitute discrimination, harassment or retaliation. The district will instruct employees to make all complaints to the district's compliance officer or acting compliance officer and will provide current contact information for these persons. The district will inform employees of the consequences of violating this policy and the remedies the district may use to rectify policy violations. All employees will have access to the district's current policy, required notices and complaint forms. The district will provide additional training to any person responsible for investigating potential discrimination, harassment or retaliation.

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

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

Adopted:

Revised:

Cross Refs: BCC, Appointed Board Officials
ECG, Animals on District Property
EFB, Free and Reduced-Price Food Service
EHB, Technology Usage
GBAC, Staffing with and Employing Retirees
GBAD, Telework
GBCB, Staff Conduct
GBCC, Staff Use of Communication Devices
GBH, Staff/Student Relations
GBL, Personnel Records
GBLB, References
GCBA, Professional Staff Compensation
GCD, Professional Staff Recruiting and Hiring
GCPD, Suspension of Professional Staff Members
GCPE, Termination of Professional Staff Members

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GCPF, Renewal of Professional Staff Members
GDBA, Support Staff Compensation
GDC, Support Staff Recruiting and Hiring
GDPD, Suspension of Support Staff Members
GDPE, Nonrenewal and Termination of Support Staff Members
IGAEB, Sexual Health Instruction
IGB, Accommodation of Students with Disabilities
IGBA, Special Education
IGBCB, Programs for Migratory Students
IGBH, Programs for English Learners
IGCD, Virtual Courses
IGD, District-Sponsored Extracurricular Activities and Groups
IICC, School Volunteers
INC, Speakers at District Events
IND, Ceremonies and Observances
JFCF, Bullying
JFCG, Hazing
JG, Student Discipline
JHCF, Student Allergy Prevention and Response
JHG, Reporting and Investigating Child Abuse/Neglect
KG, Community Use of District Facilities
KK, Visitors to District Property/Events
KL, Public Concerns and Complaints
KLA, Concerns and Complaints Regarding Federal Programs

Legal Refs: §§ 105.255, 160.261, 162.068, 213.010 - .137, 290.400 - .450, RSMo.
Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 - 1417
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681
Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905
Equal Pay Act, 29 U.S.C. § 206(d)
Age Discrimination in Employment Act, 29 U.S.C. §§ 621 - 631
The Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d - 2000d-7
Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-1 - 2000e-17
Genetic Information Nondiscrimination Act, 42 U.S.C. §§ 2000ff - 2000ff-11
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101 - 6107
Americans with Disabilities Act, 42 U.S.C. §§ 12101 - 12213
Richard B. Russell National School Lunch Act, 42 U.S.C. §§ 1751 - 1760
Child Nutrition Act of 1966, 42 U.S.C. §§ 1777 - 1785
7 C.F.R. Parts 210, 215, 220 and 225
Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Burlington Indust. v. Ellerth, 524 U.S. 742 (1998)
Gebser v. Lago Vista Ind. Sch. Dist., 524 U.S. 274 (1998)
Oncale v. Sundowner Offshore Serv., 523 U.S. 75 (1998)
Harris v. Forklift Syst., Inc., 510 U.S. 17 (1993)

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

SEXUAL HARASSMENT UNDER TITLE IX

The Southwest Livingston Co. R-I School Dist does not discriminate on the basis of sex in its education programs and activities, including employment and admissions, as required by Title IX of the Education Amendments of 1972 (Title IX). All forms of sex-based discrimination are prohibited in the district, but this policy focuses exclusively on sexual harassment as defined in Title IX that occurs within the education programs and activities of the district. However, the district will respond promptly to investigate and address any report or complaint of sexual harassment.

"Sexual harassment under Title IX" is conduct on the basis of sex within the scope of the district's education programs or activities (as defined in this policy) that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8) or "stalking" as defined in 34 U.S.C. 12291(a)(30).

See the "Definitions Applicable to this Policy" section at the end of this document for definitions of other terms applicable to this policy.

In creating this policy, the district does not relieve any person under the district's jurisdiction from the consequences for violations of other policies and rules of the district meant to establish an environment conducive to teaching, learning, support services, work and the social and emotional well-being and development of the students entrusted to the district.

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 and district policy. Moreover, nothing in the policy precludes the mandatory or voluntary reporting of any suspected criminal activity to the appropriate law enforcement agency at any time.

Reporting Sexual Harassment or Title IX Retaliation

Any person may report sexual harassment regardless of whether the person is the alleged victim (complainant). However, Board members and employees must immediately report to the Title IX coordinator any incident or behavior that could constitute sexual harassment or retaliation in

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accordance with this policy. Reports may be made at any time, including during nonbusiness hours, by using the telephone number, email address or office address listed below.

The Board authorizes the following individual(s) to serve as the Title IX coordinator(s) for the Southwest Livingston Co. R-I School Dist and coordinate and implement the district's efforts to comply with the requirements of Title IX.

(Title)
(Office Address)
(Phone)/(Fax)
(TDD/TTY, if available)
(Email Address)

In the event the Title IX coordinator is unavailable or is the respondent to a complaint, reports should instead be directed to the compliance officer or alternate compliance officer listed in policy AC.

Notice of the Policy against Discrimination on the Basis of Sex

The district will provide notice of the district's prohibition on discrimination on the basis of sex under district policy and Title IX to students, parents/guardians, employees, applicants for admission and employment, and all unions or professional associations holding collective bargaining or professional agreements with the district. The notice will:

1. Include the name or title, office address, email address and phone number of the Title IX coordinator;
2. Include information on the district's grievance procedures and grievance process;
3. State that the requirement not to discriminate extends to admission and employment; and
4. Direct inquiries to the Title IX coordinator or the assistant secretary for civil rights at the U.S. Department of Education.

The district's policy prohibiting discrimination on the basis of sex and the contact information of the Title IX coordinator(s) will be prominently displayed on the district's website and in each handbook or course catalog.

Retaliation Prohibited

No person employed by or associated with the district will intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing under Title IX. While the law allows individuals to refuse to participate in a Title IX

investigation, proceeding or hearing, district policy and the law require that employees immediately report to the Title IX coordinator any knowledge of an allegation of sexual harassment under Title IX, and employees can be reprimanded or disciplined for failing to do so.

Intimidation, threats, coercion or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment under Title IX but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment under Title IX, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. Complaints alleging retaliation must be filed with the Title IX coordinator.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of the grievance proceeding is not retaliation, with the understanding that a determination of responsibility for sexual harassment is not sufficient to conclude that a party made a materially false statement in bad faith.

Intake and Classification of Reports

The Title IX coordinator will receive and review all reports of sexual harassment even if a formal complaint has not been filed. The context of behavior can make a difference between conduct falling within the technical definition of sexual harassment under Title IX and conduct of a sexual nature that is offensive or hostile in itself, but which does not constitute harassment within that definition. District policies prohibit both but, for purposes of its Title IX obligations, the district must specially address cases within the definition under this special, limited-scope policy.

If the Title IX coordinator determines that the report concerns conduct that does NOT involve sexual harassment under Title IX as that term is defined in this policy or did not occur in the district's education program or activity, the Title IX coordinator will use the grievance process in policy AC or forward the complaint to the individual responsible for implementing policy AC.

Procedures Prior to or without a Formal Complaint

When the Title IX coordinator has actual knowledge of an allegation of sexual harassment under Title IX in an education program or activity of the district, the Title IX coordinator will promptly contact the complainant and:

1. Provide information about the supportive measures available to the complainant and inform the complainant that he or she may receive supportive measures without filing a formal complaint.
2. Consider the complainant's wishes with respect to supportive measures and implement appropriate supportive measures.
3. Explain to the complainant the process for filing a formal complaint.

Parties Enrolled in Special Education

In the case of all reports of sexual harassment, if the complainant or respondent has an individualized education program (IEP) in place, the Title IX coordinator will consult with the appropriate special education administrator(s) for assistance in determining the appropriate supportive measures based on the special needs of the student.

If the district determines that a student's specific circumstances, including disabilities, prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein, the district will pursue such measures as are available under district policy and law. Such measures will be designed to restore or preserve the student's equal access to the district's education programs or activities.

The Formal Complaint Process

Nothing in this process will interfere with any legal right of a parent/guardian to act on behalf of a complainant, respondent or party including, but not limited to, filing a formal complaint. If a student who is not an eligible student pursuant to the Federal Education Rights and Privacy Act (FERPA) files a formal complaint, the parent/guardian will be notified.

The complainant may file a formal complaint or choose not to file a formal complaint and simply receive the supportive measures.

If the complainant does not file a formal complaint, the Title IX coordinator may sign a formal complaint initiating the grievance process. The Title IX coordinator will do so only if initiating the grievance process against the respondent is not clearly unreasonable in light of the known circumstances.

If no formal complaint is filed by the complainant or signed by the Title IX coordinator, no disciplinary action will be taken against the respondent on the grounds of sexual harassment under Title IX.

Title IX Grievance Process upon Filing of a Formal Complaint

The district's grievance process will provide a prompt and equitable resolution of complaints and will:

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent;
2. Comply with Title IX regulations before imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent;

3. Require a decision-maker to objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and not make credibility determinations based on a person's status as a complainant, respondent or witness;
4. Require that all Title IX coordinators, investigators, those responsible for facilitating informal resolution processes and decision-makers not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
5. Presume that the respondent is not responsible for the conduct until a determination of responsibility is made at the conclusion of the grievance process;
6. Follow stated timelines unless the district temporarily delays the grievance process for good cause (including, but not limited to, the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of a disability) and notify the parties in writing of the reason for a delay, if any; and
7. Not require, allow, rely upon or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.

Notice to the Parties

When the complainant files a formal complaint, written notice will be provided to all known parties and will include:

1. Notice of the grievance process, including any informal resolution process that is available and the timeline for such process.
2. Notice of the allegations of sexual harassment under Title IX made by the complainant with sufficient details known at the time and with sufficient time to allow the respondent to prepare before the initial interview. At a minimum, the details will include the identities of the parties involved in the incident, if known, the conduct and the date and location of the alleged incident if known.
3. A statement that the respondent is presumed not responsible for the conduct and that a determination of responsibility will be made at the conclusion of the grievance process.
4. A statement that parties may have an advisor of their choice, who may be an attorney.
5. A statement that the parties and their advisors will have an equal opportunity to inspect and review any evidence that is directly related to the allegations raised in the formal complaint, including evidence upon which the district does not intend to rely, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

6. Notice of any provision in the district's discipline code that prohibits knowingly making a false statement or providing false information during the grievance process.

If in the course of the investigation of sexual harassment under Title IX the district decides to investigate allegations about the complainant or respondent that were not in the initial notice, notice of the additional allegations will be provided to all known parties.

Range of Possible Disciplinary Sanctions and Remedies

The discipline of employees is addressed in Board policies, which are available on the district's website, and in Missouri law regarding public employees under contract. An appropriate disciplinary response for an employee found responsible for sexual harassment in this grievance process may include any suitable response available for the discipline of employees for any other violation of Board policy.

The discipline of students is addressed in the policies, regulations and procedures that establish the district's comprehensive code of student conduct, which is posted on the district's website.

Remedies may include the imposition upon a responsible respondent of any additional nondisciplinary measures appropriate to effecting a remedy for sexual harassment and may include such measures as no-contact requirements, scheduling adjustments, removal or exclusion from extracurricular activities, class reassignments, limits on future class registrations, restrictions on access to various spaces in the school buildings, reassignment of attendance, and similar measures fine-tuned to respond appropriately to the circumstances surrounding a successful complainant's right to access the district's education programs and activities.

Interim Action

Emergency Removal

The district may remove the respondent from the district's education programs and activities prior to the start or completion of the grievance procedure on an emergency basis provided that the district:

1. Performs an individualized safety and risk analysis;
2. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
3. Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

This provision may not be construed to modify any rights under federal disability laws.

Administrative Leave

The district may place an employee respondent on administrative leave during the pendency of the grievance process in accordance with Board policy and law. This provision may not be construed to modify any rights under federal disability laws.

Investigating a Formal Complaint

Consolidation

Formal complaints may be consolidated as to allegations of sexual harassment under Title IX against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Investigation Process and Scope

After the formal complaint is filed, the investigator will provide an investigative report to the decision-maker. The investigation may be conducted by someone other than the Title IX coordinator. The investigator will gather evidence sufficient to reach a determination of responsibility or nonresponsibility and may not require the parties to do so.

During the investigation and the grievance process, the district will:

1. Provide equal opportunity to present witnesses, including fact and expert witnesses, and all evidence, including inculpatory and exculpatory evidence.
2. Not restrict the parties from discussing the allegations under investigation or gathering and presenting relevant evidence.
3. Provide the same opportunity for parties to have others, including an advisor of their choice, present during any grievance proceedings and related meetings, though the district may restrict the extent to which advisors may participate as long as the rules apply to both parties.
4. Provide written notice to parties who are invited or expected to participate of the date, time, location, participants and purpose of all hearings, investigative interviews or other meetings with sufficient time for the parties to prepare to participate.
5. Obtain written, voluntary consent before accessing records, such as medical records or counseling notes, that a physician, psychiatrist, psychologist or other recognized professional or paraprofessional made or maintained in connection with the provision of treatment to the party. If the party is at least 18 years old or is enrolled in postsecondary education, the party can sign on his or her own behalf. Otherwise, a parent/guardian must sign on the party's behalf.

6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. This includes evidence upon which the district does not intend to rely in reaching a determination of responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source.
7. Send to each party and the party's advisor, if any, the evidence subject to inspection and review prior to completion of the investigative report and within _____ [recommended: 20] business days of the parties receiving notice of the formal complaint. The evidence may be sent in an electronic format or hard copy. The parties will be given at least ten business days, as required by law, to submit a written response, which the investigator will consider prior to the completion of the report.
8. Create an investigative report that fairly summarizes relevant evidence and send it in an electronic or hard copy format to each party and their advisors, if any, for their review and written response. The investigative report must be sent no later than ten business days prior to the time of determination of responsibility by the decision-maker, as required by law.

Dismissal of the Formal Complaint

If the district determines that the allegations, even if proved, would not constitute sexual harassment under Title IX as defined in this policy, did not occur in the district's education program or activity, or were not committed against a person in the United States, the formal complaint will be dismissed. The dismissal does not mean that a complaint cannot be made under another district policy or that any misbehavior will not be addressed under another policy or the district's code of conduct.

The district may dismiss a formal complaint or any allegations in a formal complaint at any time if:

1. The complainant notifies the Title IX coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations in the formal complaint;
2. The respondent is no longer enrolled in or employed by the district; or
3. Specific circumstances prevent the district from gathering evidence sufficient to reach a determination of responsibility based on the merits of the formal complaint or allegations therein.

If the formal complaint is dismissed, the district will notify the parties simultaneously. A party may appeal the dismissal of a formal complaint by submitting a written notification of appeal to the Title IX coordinator within _____ [recommended: five] business days of receiving the

notice that the complaint was dismissed. If the Title IX coordinator or the investigator dismissed the complaint, the dismissal will be heard by the decision-maker. If the decision-maker dismissed the complaint, the dismissal will be heard by the appellate decision-maker. The appeal is limited to the following bases:

1. There was a procedural irregularity that affected the outcome.
2. There is new evidence that was not reasonably available at the time the dismissal was made that could affect the outcome of the matter.
3. The Title IX coordinator, investigator or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent that affected the outcome of the matter.

Time Consumed by the Investigation

It serves all parties when investigations proceed diligently and conclude within a reasonable time, which may vary case by case. Not more frequently than every other week, any party may request the Title IX coordinator to obtain and provide the parties with a basic status report on the investigator's progress toward completion.

Submission for a Determination of Responsibility and the Related Findings and Conclusions

The Title IX coordinator will designate someone to serve as the decision-maker to determine whether the respondent is responsible for sexual harassment under Title IX. The designated person may be a district administrator, an attorney or another appropriate adult. The person designated cannot have been part of the investigation.

Procedures of the Decision-Maker and Party Questions and Answers

After the parties receive the final investigative report, each party may submit to the decision-maker any written, relevant questions that the party wants asked of any party or witness. Each party will receive the answers to the questions and will be allowed time to submit limited follow-up questions. The decision-maker:

1. Will permit questions and evidence about the complainant's sexual predisposition or prior sexual behavior only if such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
2. May exclude a question that is not relevant. The party who submitted the question will receive an explanation as to why the question was judged not relevant.

Preponderance of the Evidence Standard

The decision-maker may find the respondent is responsible for the alleged sexual harassment under Title IX only when the evidence provided more clearly and more probably favors the complainant's claim (preponderance of the evidence).

Decision-Maker's Findings and Resulting Remedies

Within _____ [recommended: 20] business days after the closing of the questions period, including follow-up questions, the decision-maker will provide a written Title IX decision that includes:

1. The allegations potentially constituting sexual harassment under Title IX;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits and other methods used to gather other evidence and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the facts to the district's code of conduct and, if the student code of conduct is implicated, a referral of a student respondent to district officials charged generally with the discipline of students pursuant to Missouri law;
5. A statement of and rationale for the result as to each allegation, including a determination of responsibility, any disciplinary actions recommended to the district to be imposed on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided to the complainant; and
6. The procedures and permissible bases for the complainant and respondent to appeal.

The written Title IX decision will be provided to the parties simultaneously, and a copy will be provided to the Title IX coordinator.

Finality of the Title IX Decision

If an appeal is filed, the Title IX decision becomes final on the date that the district provides the parties with the written determination of the result of the appeal. If an appeal is not filed, the Title IX decision becomes final on the date on which an appeal would no longer be considered timely.

Disciplinary Matters and Implementation of Discipline and Remedies

The Title IX coordinator is responsible for effective implementation of any remedies, including coordination with the district's disciplinary authorities. The complainant is not a party to the disciplinary procedures concerning a respondent. The administrator(s) responsible for discipline will base that discipline on the final Title IX decision, recommendations made by the decision-maker and any changes made as a result of an appeal.

Appeals of the Determinations of Responsibility in the Title IX Decision

Initiating an Appeal of a Title IX Decision—Time, Contents and Assignment

Either party may appeal the determination(s) of responsibility, the dismissal of a formal complaint or any allegation in a formal complaint by notifying the Title IX coordinator in writing within _____ [recommended: five] business days of the parties receiving the written Title IX decision from the decision-maker. Appeals must be based on one or more of the following:

1. A procedural irregularity that affected the outcome of the matter.
2. New evidence that was not reasonably available at the time of the determination and that could affect the outcome of the matter.
3. The Title IX coordinator, investigator(s) or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent that affected the outcome of the matter.

The party who files the appeal will state the basis or bases for the appeal in writing. If there are multiple determinations of responsibility, the appeal should specify which ones are affected by the appeal. Appeals filed for any reason other than those listed above will not be heard.

If an appeal is filed, the Title IX coordinator will:

1. Assign the appeal to an appellate decision-maker who is not the same person as the initial decision-maker, the investigator or the Title IX coordinator.
2. Notify other parties in writing.
3. Implement the appeals process equally to all parties.
4. Give all parties the opportunity to submit a written statement in support of or challenging the outcome within _____ [recommended: five] business days of receiving the notice of appeal.

Written statements and other written documents pertaining to the appeal will be shared with all parties.

Conduct of the Appeal

The appellate decision-maker will review the findings of the initial decision-maker and review the written statements filed by the parties supporting or opposing the appeal. Within _____ [recommended: ten] business days of the close of the period for parties to file their written statements supporting or opposing the appeal, the appellate decision-maker will issue a written decision describing the result of the appeal and the rationale for the result to all parties simultaneously. The appellate decision-maker may refer an appealed issue back to a prior point in the grievance process for correction.

Process for Informal Resolution of Formal Complaints

After a formal complaint has been filed and at any time prior to reaching a determination of responsibility, the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. If a party requests the use of an informal resolution process, the district will provide the parties a written notice that:

1. Discloses the allegations and the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
2. Discloses that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint;
3. Discloses any consequences resulting from participating in the informal resolution process, including the records that, with voluntary written consent from the parties, will be maintained or could be shared; and
4. Obtains the parties' voluntary, written consent to the informal resolution process.

The informal resolution process may not be used to resolve allegations that an employee sexually harassed a student.

If the informal resolution process does not resolve the formal complaint within _____ [recommended: 30] business days after both parties consented to use the process, the Title IX coordinator will resume the grievance process unless both parties again consent to continue using the informal resolution process.

Training

Title IX coordinators, investigators, decision-makers and any person designated to facilitate an informal resolution process, should the district offer one, will receive training on the following:

1. The definition of sexual harassment under Title IX as used in this policy.
2. The scope of the district's education programs and activities.
3. How to conduct the investigation and grievance process, including determination of responsibility for sexual harassment, appeals, and informal resolution processes, as applicable.
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
5. Issues of relevance necessary to create an investigative report that fairly summarizes the relevant evidence.
6. Issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

The district will not use training materials that rely on sex stereotypes. All training materials used by the district will promote impartial investigations and adjudications of formal complaints of sexual harassment under Title IX. These training materials must be publicly available on the district's website or, if the district does not maintain a website, the materials must be available upon request for inspection by members of the public.

Records

The district will maintain the following records for seven years:

1. Records of each investigation of sexual harassment under Title IX, including any determination of responsibility, any disciplinary sanctions imposed on the respondent and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom;
4. All materials used to train Title IX coordinators, investigators, decision-makers and any person who facilitates an informal resolution process;
5. Documentation if the district did not provide a complainant with supportive measures and the reasons why such a response was not clearly unreasonable in light of the known circumstances; and
6. Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment under Title IX. These records must document

the basis for the conclusion and that the district's response was not deliberately indifferent.

The district may add documentation of additional steps taken by the district that were not initially provided in conjunction with the initial complaint filed.

Confidentiality

Except as required by law, as permitted by the FERPA statute or regulations or to carry out the purposes of Title IX, including the conduct of any investigation, hearing or judicial proceeding arising thereunder, the district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including:

1. Any individual who has made a report or filed a formal complaint of sexual harassment under Title IX;
2. Any complainant;
3. Any individual who has been reported to be the perpetrator of sex discrimination;
4. Any respondent; and
5. Any witness.

The district must maintain as confidential any supportive measures provided to the complainant or respondent to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

Definitions Applicable to this Policy

The following definitions are intended for use only for the purposes of this policy.

Actual Knowledge – Notice of sexual harassment under Title IX or notice of allegations of sexual harassment under Title IX to the district's Title IX coordinator or to any district official who has the authority to institute corrective measures on behalf of the district or to any employee of the district, except where the only district official or employee with actual knowledge is also the respondent.

Business Days – Days on which the district's business offices are open.

Complainant – An individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX coordinator who signs a formal complaint is not considered a complainant.

Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Determination of Responsibility – A formal finding of a decision-maker on each allegation of sexual harassment contained in a formal complaint that the respondent did or did not engage in conduct constituting sexual harassment under Title IX based on a preponderance of the evidence.

Domestic Violence – Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Missouri; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Missouri.

Education Program or Activity – Any part of the district-sponsored instruction or employment in the district, including locations, events or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurred.

Formal Complaint – A document or electronic submission filed by the complainant or signed by the Title IX coordinator alleging sexual harassment under Title IX against a respondent and requesting that the district investigate the allegations. When a complainant files a formal complaint, the document or electronic submission must have the complainant's physical or digital signature or otherwise indicate the complainant's identity. A formal complaint may be filed only by a complainant participating in or attempting to participate in the district's education programs or activities.

Informal Resolution Process – Alternative dispute resolution methods designed to resolve allegations of sexual harassment without completing the formal complaint process. The purpose of the process is to restore or preserve equal access to the district's education programs or activities for all parties. Such a process may be offered by the Title IX coordinator after a formal complaint has been filed and after consultation with the district's attorney as to whether an informal resolution process will be sufficient to meet the district's Title IX obligations.

Investigative Report – The report of the investigator of a formal complaint.

Party/Parties – Complainant(s) and respondent(s).

Remedies – Upon a final determination of responsibility, remedies are actions taken to restore or preserve equal access to the district's education programs or activities. These may include continued or new supportive measures but may also include imposition of more burdensome

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requirements, limitations and conditions upon the respondent, as well as disciplinary referral of the respondent, including suspension, termination or expulsion.

Report – Information provided by a complainant or any other person to the Title IX coordinator when that information indicates, suggests or alleges misconduct. This includes the intake information obtained by the Title IX coordinator prior to the filing of a formal complaint.

Respondent – An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.

Sexual Assault – This includes all behaviors constituting forcible or nonforcible sexual offenses within the scope of the Federal Bureau of Investigation's national uniform criminal incident reporting system. At present these classifications include any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of consent. Sexual assault specifically includes:

1. *Rape (Except Statutory Rape)* – The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.
2. *Sodomy* – Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.
3. *Sexual Assault with an Object* – To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.
4. *Fondling* – The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.
5. *Incest* – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Missouri law.
6. *Statutory Rape* – Nonforcible sexual intercourse with a person who is under the statutory age of consent pursuant to Missouri law.

Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Supportive Measures – Nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, safety escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Title IX Decision – The comprehensive decisional document of the independent decision-maker concluding the Grievance Process, as may be amended or affected by the results of an appeal.

Voluntary Consent – Consent given freely and without coercion.

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

Adopted:

Revised:

Cross Refs: GBCB, Staff Conduct
GBCC, Staff Use of Communication Devices
GBH, Staff/Student Relations
GBL, Personnel Records
GBLB, References
GCPD, Suspension of Professional Staff Members
GCPE, Termination of Professional Staff Members
GDPD, Suspension of Support Staff Members
GDPE, Nonrenewal and Termination of Support Staff Members
IGD, District-Sponsored Extracurricular Activities and Groups
IICC, School Volunteers
JFCF, Bullying
JFCG, Hazing
JG, Student Discipline
JHG, Reporting and Investigating Child Abuse and Neglect
KL, Public Concerns and Complaints
KLA, Concerns and Complaints Regarding Federal Programs

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Legal Refs: §§ 105.255, 160.261, 162.068, 167.161, .171, 213.010 - .137, 290.400 - .450,
RSMo.

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681
34 C.F.R. Part 106

Bostock v. Clayton County, Georgia, 590 U.S._____, 140 S.Ct. 1731 (2020)

Obergefell v. Hodges, 576 U.S. 644 (2015)

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

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

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

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

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

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

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

ACCOUNTABILITY/COMMITMENT TO ACCOMPLISHMENT

The Board accepts ultimate responsibility for all facets of the operations of the school district. Because it is accountable to the patrons of the district, the Board will maintain a program of accountability that will help to accomplish the following objectives:

- ▶ Clearly state expectations and purposes as these relate to district operations, programs, departments and positions.
- ▶ Provide necessary resources and support to enable the professional and support staff to achieve stated expectations and purposes subject to the financial resources of the district.
- ▶ Evaluate district operations, programs, services, and instructional activities to determine how well expectations and purposes are being met.
- ▶ Evaluate the efforts of the employees of the Board and of the Board itself in accordance with stated objectives. The first purpose of personnel evaluation will be to help each individual make a maximum contribution to the goals and objectives of the school district.

The superintendent shall implement procedures to ensure continued progress and improvement of the district operations through a program of meaningful evaluations and assessments, including compliance with annual districtwide reporting requirements set forth by law.

* * * * *

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

Adopted:

Revised:

Legal Refs: § 160.522, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

SCHOOL DISTRICT MISSION
(Comprehensive School Improvement Plan)

The mission of the Southwest Livingston Co. R-I School Dist is:

We believe...

- That all students should be entitled to a free public education that will allow them to reach their full potential
- The success of students depends on the accountability and cooperation of the school district, community, parents and student.
- Our staff provides a valuable service to society and should be compensated accordingly.
- That learning is a life-long process.
- In education that develops the confidence to explore opportunities and accept challenges in order to learn and achieve goals.
- In education that is relevant to a student to accept responsibility for personal decisions and actions.
- In education that addresses a variety of learning styles and that promotes the individuality of each student.
- In a cooperative approach to curriculum development and implementation.
- In a staff that is knowledgeable of current educational practices and implements those that address the needs of the students.

It is, therefore, the mission of the Southwest Livingston County R-I School District in partnership with the community to educate all students, providing each the opportunity to realize his/her fullest potential.

The district has a Board-approved Comprehensive School Improvement Plan (CSIP) guided by the mission statement and based on the district's fundamental beliefs about teaching and learning. This plan serves as the district's foundation for allocating resources, developing policies and procedures, and selecting and implementing instructional programs designed to raise student achievement.

The CSIP was developed through the combined efforts of Board members, staff, administrators, students, parents/guardians and community members and is ongoing. Goals, outcomes or objectives are provided in sufficient detail to direct the improvement efforts of the district for at least a five-year period. The CSIP is evaluated and updated as necessary.

A copy of the district's CSIP is available in the superintendent's office.

* * * * *

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

Adopted:

Revised:

Cross Refs: GBB, Staff Involvement in Decision Making
IA, Instructional Goals/Priority Objectives
IF, Curriculum Development
IGA, Basic Instructional Program
KC, Community Involvement in Decision Making

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

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DISTRICT WELLNESS PROGRAM

The Board recognizes the relationship between student well-being and student achievement as well as the importance of a comprehensive district wellness program. Therefore, the district will provide developmentally appropriate and sequential nutrition and physical education as well as opportunities for physical activity. The wellness program will be implemented in a multidisciplinary fashion and will be evidence based.

Wellness Committee

The district will establish a wellness committee that consists of at least one parent, student, nurse or other school health professional, physical education teacher, school food service representative, Board member, school administrator, member of the public, and other community members as appropriate. If available, a qualified, credentialed nutrition professional will be a member of the wellness committee.

Committee meeting dates and agendas will be posted on the district's website in advance of each meeting and advertised in a manner designed to reach students, staff and members of the community.

All wellness committee meeting agendas will include a public comment period in which students, staff and members of the community are encouraged to provide input on the district's wellness program. Meetings, records and votes of the wellness committee will adhere to the requirements of the Missouri Sunshine Law.

Wellness Program Coordinators

The Board designates the following individual(s) as wellness program coordinator(s): _____ (title). Only employees of the district who are members of the wellness committee may serve as wellness program coordinators. Wellness coordinators, in consultation with the wellness committee, will be in charge of implementation and evaluation of this policy.

Wellness program coordinators are responsible for ensuring that each school in the district is in compliance with this policy.

Nutrition Guidelines

The nutrition guidelines outlined in this section do not apply to food or beverages brought from home by students for consumption solely by the student or food or beverages created or used by students as part of the district's instructional program.

It is the policy of the Southwest Livingston Co. R-I School Dist that all foods and beverages sold to students during the school day on any property under the jurisdiction of the district will meet the U.S. Department of Agriculture (USDA) school meal and Smart Snacks in School (Smart Snacks)

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nutrition standards. These nutrition standards apply to all food and beverages sold to students, including those sold in vending machines, school stores and through district-sponsored fundraisers, unless an exemption applies. In addition, the Smart Snacks standards apply to all food and beverages provided, but not sold, to students outside the reimbursable school meals program during the school day. For the purposes of this policy, the school day is the time period from the midnight before to 30 minutes after the official school day.

Nutrition Promotion and Education

The district will provide nutrition education aligned with the Missouri Learning Standards and Grade-Level Expectations (GLEs) in health and physical education in all grades. In addition, the district will disseminate nutrition messages and other nutrition-related materials received from the USDA to students, staff and the community through a variety of media and methods. The wellness program coordinators, in consultation with the wellness committee, will develop procedures that address nutrition education and promotion.

Physical Activity and Education

The district will provide physical education and opportunities for physical activity aligned with the Missouri Learning Standards and GLEs in health and physical education in all grades. The wellness program coordinators, in consultation with the wellness committee, will develop procedures that address physical education and physical activity.

Other School-Based Activities

The wellness program coordinators, in consultation with the wellness committee, are charged with developing procedures addressing other school-based activities to promote wellness.

Assessment

The local wellness program will be assessed at least once every three years. The assessment will measure the district's level of compliance with implementing the local wellness program, including compliance levels in each of the district's schools; the extent to which the district's policy compares to model wellness policies; and a description of the progress made in attaining the goals of the program. Wellness program coordinators will report the results of assessments to the Board, and the results of each assessment will be made available to the public on the district's website and by other appropriate means. The wellness program coordinators will make recommendations for modifications to the wellness policy in accordance with these assessments, and the Board will revise the wellness policy as it deems necessary based on these recommendations. Administrative procedures will be revised accordingly.

Records

The wellness program coordinators will maintain records necessary to document compliance with law, including a copy of the policy; documentation of community involvement, including sign-in sheets or other documentation of the names of those who provided input to the committee; documentation of triennial assessments; and documentation that assessment findings were shared with the public.

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

Adopted:

Revised:

Cross Refs: DJF, Purchasing
EF, Food Service Management
EFB, Free and Reduced-Price Food Service
GCL, Professional Staff Development Opportunities
GDL, Support Staff Development Opportunities
IGAEA, Teaching about Drugs, Alcohol and Tobacco
IGBC, Parent/Family Involvement in Instructional and Other Programs
IGDF, Student Fundraising
JHCF, Student Allergy Prevention and Response
KI, Public Solicitations/Advertising in District Facilities

Legal Refs: §§ 167.720, 610.010 - .030, RSMo.
The Richard B. Russell National School Lunch Act, 42 U.S.C. §§ 1751 - 1760
National School Lunch Program, 7 C.F.R. Part 210

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

DATA REPORTING

Timely reporting of data to state and federal authorities is important to the administration of district programs. Unless otherwise specified in Board policy or administrative procedures, the superintendent is responsible for the timely and accurate reporting of data to the Department of Elementary and Secondary Education (DESE), the U.S. Department of Education or other agencies in accordance with the annual data acquisition calendar provided by DESE.

The superintendent will make a record of the date on which data was reported and the entity to which the data was reported and will provide a copy of all reports to the custodian of records.

Delegation of Responsibility

The superintendent may delegate reporting responsibility to other district staff as appropriate. Any person delegated reporting responsibilities will make a record of the date on which data was reported and the entity to which the data was reported and will ensure that a copy of the report is provided to the custodian of records.

* * * * *

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

Adopted:

Revised:

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

USE OF TOBACCO PRODUCTS AND IMITATION TOBACCO PRODUCTS

To promote the health and safety of all students and staff and to promote the cleanliness of district property, the district prohibits all employees, students and patrons from smoking or using tobacco products, electronic cigarettes or imitation tobacco or cigarette products in all district facilities, on district transportation, on all district grounds at all times and at any district-sponsored event or activity while off campus. This prohibition extends to all facilities the district owns, contracts for or leases to provide educational services, routine healthcare, daycare or early childhood development services to children. This prohibition does not apply to any private residence or any portion of a facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol in which the district provides services.

Students and employees who violate this policy will be disciplined in accordance with applicable Board policies and may be offered referrals to smoking cessation programs. Employees may be terminated for repeated violations. Visitors who violate this policy may be asked to leave or may face other consequences in accordance with district policies and procedures.

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

Adopted:

Revised:

Cross Refs: IGAEA, Teaching about Drugs, Alcohol and Tobacco
JG, Student Discipline
JHCD, Administration of Medications to Students
KG, Community Use of District Facilities
KK, Visitors to District Property/Events

Legal Refs: §§ 191.765 - .777, 290.145, RSMo.
Pro-Children Act of 2001, 20 U.S.C. §§ 7182 - 7184

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

SECTION B: SCHOOL BOARD GOVERNANCE AND OPERATIONS

BBA	School Board Powers and Duties
BBB	School Board Elections
BBBA	Board Member Qualifications
BBBB	School Board Ballot Issues
BBC	Board Member Resignation
BBD	Board Member Removal from Office
BBE	School Board Vacancies
BBF	School Board Member Ethics
BBFA	Board Member Conflict of Interest and Financial Disclosure
BCA	Board Organizational Meeting
BCB	Board Officers
BCC	Appointed Board Officials
BCCA	MSBA Delegate and Alternate
BCE	Board Committees/Advisory Committees to the Board
BCG	School Attorney/Legal Services
BDA	Board Meetings
BDC	Closed Meetings, Records and Votes
BDDA	Notification of Board Meetings
Bddb	Agendas
BDDF	Voting Method
BDDG	Minutes
BDDG-R1	Board Meeting Minutes

SECTION B: SCHOOL BOARD GOVERNANCE AND OPERATIONS
(Continued)

- BDDH** Public Participation at Board Meetings
- BDDL** Release of Information
- BF** School Board Policy Process
- BHA** Board Training and Development
- BHE** Board Member Liability/Insurance
- BI** School Board Legislative Program
- BJ** School Board Memberships

F91

SCHOOL BOARD POWERS AND DUTIES

The Board of Education is a representative body elected by the registered voters of the Southwest Livingston Co. R-I School Dist of Livingston County. It is the purpose and the role of the Board of Education to exercise general supervision over the schools of the district, and to ensure that the schools are maintained as provided by the state statutes, the rules and procedures of the Missouri State Board of Education and/or the Missouri Department of Elementary and Secondary Education, and the policies, rules and procedures of the school district. In addition, the Board is accountable to the electorate, and shall be responsive to the educational needs and the imposed financial constraints of the district. In conducting its various functions as the legislative and policy-making authority for the district, the Board recognizes the following general responsibilities as paramount:

- ▶ *Legislative and Policy Making* -- The Board is responsible for the development of policies, rules and procedures to serve as guidelines for the general management and administrative actions of the district. The establishment of the goals and objectives of the school district and the methods of financial support needed to reach those goals and objectives are a part of the policy-making function of the Board of Education.
- ▶ *Executive* -- The Board shall employ a superintendent to serve as the chief executive officer of the district. The Board shall delegate, in writing to the superintendent, the executive and administrative duties and responsibilities necessary for carrying out its policies, and shall hold the superintendent accountable.
- ▶ *Appraisal* -- The Board is responsible for evaluating the effectiveness of its policies and their implementation. The Board shall hold the superintendent responsible for furnishing complete information necessary for the Board's evaluation of the district's programs.
- ▶ *Provision of Financial Resources* -- The Board is responsible for the adoption of the annual budget, which will provide financial basis for personnel, facilities, materials and equipment to enable the district to carry out its educational program.
- ▶ *Staffing and Appraisal* -- The Board is responsible for employing the professional and support staff necessary for carrying out the district's instructional program. The Board is also responsible for establishing salary schedules, terms of employment, and other personnel policies districtwide, and for the regular evaluation of its staff.
- ▶ *Public Relations* -- The Board is responsible for providing adequate and direct means for keeping the district patrons informed about the schools, and for keeping itself and the school staff informed about the needs and wishes of the public.
- ▶ *Educational Planning and Evaluation* -- The Board is responsible for establishing educational goals which will guide both the Board and the staff in working together toward the continued improvement of the educational programs in the district. It is responsible for providing for an ongoing evaluation of the school program as

measured through the goals and objectives set forth by the Southwest Livingston Co. R-I School Dist Board of Education and by the Missouri State Board of Education.

- ▶ *Judicial* -- The Board is responsible for acting as a court of appeals for the professional and support staff members, students, and the district patrons when issues involve Board policies and their fair implementation.

The Board of Education shall control all aspects of the operations of the district within the limits of the law. However, the Board will make its members, the district professional and support staff, and the district patrons aware that the Board has authority to take official action only when it is acting as a whole. The Board shall be the final authority. No section of the policies, rules and procedures may be construed to limit the statutory powers of the Board to exercise its own prudent judgment.

* * * * *

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

Adopted:

Revised:

Cross Refs: AA, School District Legal Status

Legal Refs: § 171.011, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

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SCHOOL BOARD ELECTIONS
(Ballot Placement by Order of Filing—Seven-Director Districts)

The qualified voters of the Southwest Livingston Co. R-I School Dist shall annually elect two directors for terms of three years each on the municipal election day in April. An additional director shall be elected triennially. Unexpired vacant terms will be filled in accordance with law and district policy.

Candidate Filing

Before the sixteenth Tuesday preceding the election, the Board shall publish in at least one newspaper of general circulation in the district the opening filing date, the offices to be filled, the place for filing and the closing date for filing.

Qualified applicants for the Board may file a declaration of candidacy during business hours in the superintendent's office commencing at 8:00 a.m. on the sixteenth Tuesday prior to the election and ending at 5:00 p.m. on the eleventh Tuesday prior to the election. The candidate shall declare his or her intent to become a candidate in person and in writing to the secretary of the Board of Education or designee, unless otherwise specified in this policy. The district will clearly designate a location where candidates will form a line to file the necessary paperwork in an organized manner and determine the order of such filings for ballot placement. The names of qualified candidates shall be placed on the ballot in order of filing.

The notice of election and certification of candidates must be submitted to the election authority by the tenth Tuesday prior to the election in the manner provided by law. After the tenth Tuesday prior to the election, the candidate list may only be modified pursuant to court order, in accordance with law.

The district will provide each candidate a copy of the Notice of Candidate's Obligation to File a Financial Interest Statement and a plain language summary of the applicable laws provided by the Missouri Ethics Commission as required by law. Candidates must comply with laws concerning eligibility, campaign financing and campaign disclosures.

Withdrawing as a Candidate

A candidate may withdraw from the election before the district's certification of candidates to the election authority by submitting written notice of his or her decision not to run. The notice must be submitted in person to the district's central office during regular business hours. A request for withdrawal that is not submitted in person will be accepted only if the district can verify the candidate actually submitted the request.

FILE: BBB
Critical

Filing by Certified Mail

In accordance with law, candidates may file by certified mail if they are unable to file the declaration of candidacy and other necessary paperwork in person due to a physical disability or because they are members of the U.S. Armed Forces on active duty. Upon request, the district will provide potential candidates the necessary paperwork prior to the opening date of candidate filing and during the filing period.

The candidate must personally sign the declaration of candidacy and other documents necessary for filing that require a signature, and the signatures must be notarized. In addition, the declaration of candidacy of a person with a physical disability who is filing by certified mail must be accompanied by a notarized statement from a licensed physician verifying the disability. A candidate on active duty military service who is filing by certified mail must include a notarized statement from the candidate's commanding officer verifying the candidate's active duty status.

A candidate's completed declaration of candidacy and other necessary documents must be received by the district during the official candidate filing period in order for the candidate to appear on the ballot. If these documents are received by the district before 8:00 a.m. on the first day of filing or after 5:00 p.m. on the last day of filing, the district will not accept them and will return them to the candidate.

While the declaration of candidacy and other necessary documents must be sent to the district by certified mail in accordance with law, the candidate may designate a personal representative to stand in line on behalf of the candidate for ballot placement purposes by submitting a completed and notarized form provided by the district. As long as the candidate's declaration of candidacy and other necessary documents are received by the district after the beginning of filing and before the close of filing on the last day of filing, the candidate's ballot placement as determined by the personal representative's participation will stand.

If the candidate does not designate a personal representative for ballot placement purposes, the district will list the candidate on the ballot in the order the declaration of candidacy and other necessary documents are physically received by the district. If two or more candidates file by certified mail on the same day and the filings are received at the same time, the district will list the candidate with the earlier postmark date first. If two or more postmark dates are identical, the candidates will be listed in the order the mail is processed.

If the required paperwork is received after candidate filing has closed for the day or on a day the district's offices are closed, the candidate will be considered to have filed first on the next day filings are received.

Write-In Candidates

If candidates have filed for a position, a person interested in becoming a write-in candidate must file a declaration of intent to be a write-in candidate with the proper election authority prior to 5:00 p.m. on the second Friday immediately preceding the election day in order for the votes to be counted. If no candidates have filed for the position, filing a declaration of intent to be a write-in candidate is not necessary but is recommended.

No Election Held

No election will be held if, after the last date of candidate filing, the number of candidates who have filed is equal to the number of positions for each office to be filled by the election. However, if the number of candidates filing for a particular office exceeds the number of positions to be filled in the election, the election will be held even if a sufficient number of candidates withdraw so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled. If, in addition to Board candidates, the district has an issue on the ballot, such as a bond or levy issue, the ballot will include the ballot issue and the names of all candidates even if the number of candidates who filed for each position is equal to the number of open positions.

* * * * *

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

Adopted:

Revised:

Cross Refs: AA, School District Legal Status

Legal Refs: §§ 105.470, .483 - .487, .973, 115.121 - .127, .355, .453, 162.261, .291, .341, .371, .381, .459, 493.050, RSMo.
Ch. 130, RSMo.
Jackson Election Committee v. Paluka, 13 S.W.3d 684 (Mo.App.W.D. 2000)

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

BOARD MEMBER QUALIFICATIONS

All Board members should have an interest in the welfare and education opportunities of students, a desire to honestly represent the public and the commitment to be a good steward of taxpayer resources. All persons interested in serving on the Southwest Livingston Co. R-I School Dist Board of Education, whether elected or appointed, will meet all legal requirements for candidates in School Board elections, including the following:

1. Be citizens of the United States of America. Mo. Const. art. VII, § 8; § 162.291, RSMo.
2. Be resident taxpayers of the Southwest Livingston Co. R-I School Dist. A "taxpayer" is an individual who has paid taxes to the state or any subdivision thereof within the immediately preceding 12-month period, or the spouse of such individual. § 162.291, RSMo.
3. Have resided in Missouri for a minimum of one year immediately preceding their election or appointment. Mo. Const. art. VII, § 8; § 162.291, RSMo.
4. Be at least 24 years of age. § 162.291, RSMo.
5. Not be delinquent in the payment of any state income taxes, personal property taxes, municipal taxes or real property taxes on their place of residence. If an applicant is a past or present corporate officer of any fee office, that office cannot be delinquent in the payment of any taxes owed the state. § 115.306, RSMo.
6. Have not been found guilty of nor pled guilty to a felony under the federal laws of the United States of America or to a felony under Missouri law or an offense committed in another state that would be considered a felony in Missouri. § 115.306, RSMo.
7. Not be registered or required to be registered as a sex offender pursuant to § 162.014, RSMo.
8. Have filed, or the treasurer of an existing candidate committee has filed, all required campaign disclosure reports with the Missouri Ethics Commission, when applicable, for all previous elections in which they were candidates. § 130.071, RSMo.

Oath of Office

Newly elected or appointed members of the Board officially qualify as Board members when they take the oath of office and sign the oath, as required by law.

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Note: The reader is encouraged to check the index located at the beginning of this section

FILE: BBBA
Critical

for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Revised:

Cross Refs: AA, School District Legal Status

Legal Refs: Mo. Const. art. VII, §§ 8, 11
§§ 115.306, 130.071, 160.011, 162.014, .203, .291, .301, 561.021, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

SCHOOL BOARD BALLOT ISSUES

The School Board of the Southwest Livingston Co. R-I School Dist may place issues on the ballot as needed or as required by law.

Certification of Ballot Language

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

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

Accepting Election Results

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

Types of Ballot Issues Submitted by the District

Bond Issues

When the Board deems it necessary to raise capital funds, the Board may vote to submit a bond issue to the voters. All bond issues must be in furtherance of the district's facility plan and should only be submitted after careful study of the district's needs and after consultation with members of the public and the professionals necessary to accurately determine the cost and feasibility of the project. A bond issue passes with a four-sevenths vote at the general municipal election (April), primary election (August of even-numbered years) or a general election (November of even-numbered years). A two-thirds majority is required for all other elections. Following approval by the voters, the disposition of the bonded indebtedness will be in accordance with law.

FILE: BBBB
Critical

Levy Issues

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

Waiver of Proposition C Rollback

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

Transportation of Students Living Less than One Mile from School

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

Boundary Change

The Board must submit a proposition to change the boundary of the school district if it receives a written petition signed by voters requesting the proposition. The petition must include voter signatures numbering at least ten percent of the votes cast for School Board members in the last annual school election in the district. A petition meeting this criteria must be submitted to the school boards of all districts affected by the proposed boundary change. Once the Board has received a petition meeting this criteria, the question will be submitted at the next election, except as allowed by law. If a board of arbitration appointed by the State Board of Education has previously rejected a boundary change, a petition to change the same or substantially same boundary cannot be filed with the district until the expiration of two years from the date of the election at which the previous boundary change was submitted to the voters of the district.

The boundary will be immediately changed if a majority of those voting in all districts affected vote for the boundary change. If the voters in one of the districts approve the change and voters in another do not, any of the districts affected or a majority of the signers of the petition may appeal in

writing to the State Board of Education within 15 calendar days of the election. The State Board will appoint a board of arbitration to settle the matter.

The board of arbitration will base its decision on the following factors:

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

Consolidation

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

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

A plat of the proposed new district will be published and posted with the notices of election. The results of the election will be certified to the state commissioner of education by the board secretary of each district or by the election authority charged with conducting the elections. If the measure passes with a majority vote in each affected district, the state commissioner will declare the new district formed as of July 1 following the submission of the question.

Annexation to One or More Adjacent Districts

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

FILE: BBBB
Critical

Alternatively, the Board may, by a majority vote, submit a plan to the voters of the to attach the to one or more adjacent districts and call for an election.

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

Expanding a Community College District to Include the School District Boundaries

If the Board receives a petition to expand the boundaries of a community college district to include the boundaries of the school district, and the petition has received a sufficient number of signatures, the Board will submit the question to voters as required by law. The petition must be signed by voters equal in number to ten percent of those voting in the last school election at which Board members were elected or must be signed by a majority of the voters of the district, whichever is the lesser.

Dissolution

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

Elections Not Restricted by Date

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

1. Bond elections necessitated by fire, vandalism or natural disaster.
2. Special elections to decide tie votes or election contests.
3. Tax elections necessitated by a financial hardship due to a five percent or greater decline in per-pupil state revenue to a school district from the previous year.

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Note: The reader is encouraged to check the index located at the beginning of this section

for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Revised:

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

Legal Refs: Mo. Const. art. VI, § 26(b); art. X, § 11(c)
§§ 115.123, .125, .646, 162.223, .431, .441, .451, 164.013, .031, .121, .151, 167.231,
RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

BOARD MEMBER RESIGNATION

The Board believes that any citizen who seeks election or appointment to the Board of Education should do so with full knowledge of and appreciation for the investment of time, effort and dedication expected of all Board members and the intention to serve a full term of office.

If a Board member decides to resign prior to the end of the term of office for reasons of health, relocation outside the district or any other compelling reason, the Board requests the earliest possible notification of intent to resign so that it may plan to fill the vacant seat.

A Board member who resigns shall file a letter of resignation with the Board secretary, who shall forward it to the Board and list the issue on the agenda for the next Board meeting. The Board shall declare a vacancy exists when the resignation letter is officially presented to the Board at a Board meeting.

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

Adopted:

Revised:

Legal Refs: Mo. Const. art. VII, § 12
§§ 162.261, .471, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

BOARD MEMBER REMOVAL FROM OFFICE

Any member of the Board of Education failing to attend three consecutive regular meetings of the Board, unless excused by the Board for reasons satisfactory to the Board, shall be deemed to have vacated the position on the Board. The secretary of the Board shall certify to the Board that a vacancy exists. The vacancy shall then be filled in the same manner as other vacancies occurring on the Board.

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

Adopted:

Revised:

Legal Refs: § 162.303, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

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SCHOOL BOARD VACANCIES

If a vacancy occurs on the Board of Education, the remaining members shall appoint a person to serve until the next school board election when a director shall be elected for the unexpired term. In a case of resignation, a vacancy shall be declared to exist when the resignation letter is officially presented to the Board at a Board meeting. In a case of removal from office for excessive absences, a vacancy shall be declared to exist when the secretary of the Board certifies to the Board that a Board member has missed three consecutive Board meetings, and the Board has not excused the absences.

If there are more than two vacancies at any one time, the county commission, upon receiving written notice of the vacancies from the Board secretary, shall fill the vacancies by appointment. If the district is located in a county without a county commission, the county executive, upon receiving written notice of the vacancies, shall fill the vacancies by appointment, with the advice and consent of the county council. The persons appointed shall hold office until the next school board election, when directors shall be elected for the unexpired terms.

When it is the Board's responsibility to fill a vacancy, the following process will be used unless the Board votes to use a different process due to the timing of the vacancy or other relevant reasons:

1. *Notification Process* – The vacancy will be announced at a Board meeting, and the district will notify local newspapers and advertise the vacancy on the district's website. The superintendent or designee is directed to advertise the vacancy in other effective ways, such as sending e-mails or other electronic communication to the community or posting notice in district buildings or publications. Residents who wish to be appointed to the vacancy must apply as directed in the notification(s). The district will allow residents a minimum of two weeks from the date the district publicizes the vacancy on its website to apply for the vacant position.
2. *Review/Interview Process* – The Board will review all applications at a regularly scheduled Board meeting or at a special meeting called for that purpose. The Board may select final candidates to interview in open session, or the Board may decide not to interview candidates and make a final selection from the applications. The Board will discuss applications and interview candidates in open session.
3. *Selection Process* – The Board will make appointments in an open session Board meeting through a formal motion that is seconded and confirmed with an affirmative vote by a majority of the Board. A Board member who is resigning from or otherwise leaving the Board shall not participate in choosing a successor.
4. *Swearing In* – Once appointed, a person becomes a Board member by taking and signing the oath of office.

FILE: BBE
Critical

5. *Notification of Legal Responsibilities* – All appointed Board members will receive a notice of their obligation to file a personal financial disclosure statement and will be notified of the requirement to complete state-mandated training.

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

Adopted:

Revised:

Cross Refs: AA, School District Legal Status

Legal Refs: Mo. Const. art. VII, § 11
§§ 162.203, .261, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

SCHOOL BOARD MEMBER ETHICS

Members of the Southwest Livingston Co. R-I School Dist Board of Education accept the responsibility to improve public education in the Southwest Livingston Co. R-I School Dist. To that end, all Board members will:

1. Remember that the first and greatest concern must be the educational welfare of all students attending the public schools.
2. Obey the laws of Missouri and the United States.
3. Recognize that individual Board members have no authority to speak or act for the Board.
4. Work with other Board members to establish effective Board policies.
5. Delegate authority for the administration of the schools to the superintendent.
6. Encourage ongoing communications between Board members and stakeholders.
7. Render all decisions based on the available facts and independent judgment rather than succumbing to the influence of individuals or special interest groups.
8. Make every effort to attend all Board meetings.
9. Become informed concerning the issues to be considered at each meeting.
10. Improve boardmanship by studying educational issues and by participating in in-service programs and training.
11. Support the employment of staff members based on qualifications and not as a result of influence.
12. Maintain a process of regular and systematic assessment of the educational system, in order to provide accountability for the school district.
13. Avoid conflicts of interest or the appearance thereof.
14. Refrain from using their Board position for the benefit of family members, business associates or themselves.
15. Express personal opinions but, once the Board has acted, accept the will of the majority.
16. Refrain from divulging confidential information presented during closed sessions, except when required by law.

* * * * *

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

Adopted:

Revised:

Cross Ref: DA, Fiscal Responsibility

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

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BOARD MEMBER CONFLICT OF INTEREST AND FINANCIAL DISCLOSURE

All directors of the Southwest Livingston Co. R-I School Dist Board of Education shall adhere to the laws regarding conflict of interest and avoid situations where their decisions or actions in their capacity as Board members conflict with the mission of the district.

Purchases Involving Federal Funds

In addition to the requirements of this policy, Board members must follow the provisions of policy DJFA and related procedures and are also subject to the conflict of interest provisions of federal law.

Definitions

Business with Which a Board Member Is Associated – For the purposes of this policy:

1. A sole proprietorship owned by the Board member, his or her spouse or any dependent children in the Board member's custody;
2. A partnership or joint venture in which the Board member or his or her spouse is a partner, other than as a limited partner of a limited partnership, and any corporation or limited partnership in which the Board member is an officer or director or of which the Board member or his or her spouse or dependent children in the Board member's custody, whether singularly or collectively, own more than ten percent of the outstanding shares of any class of stock or partnership units; or
3. Any trust in which the Board member is the trustee or settlor or in which the Board member or his or her spouse or dependent children in his or her custody, whether singularly or collectively, are beneficiaries or holders of a reversionary interest of ten percent or more of the corpus of the trust.

Fourth Degree of Consanguinity or Affinity – Includes parents, grandparents, great-grandparents, great-great-grandparents, spouse, children, siblings, grandchildren, great-grandchildren, great-great-grandchildren, nieces, nephews, grand-nieces, grand-nephews, aunts, uncles, great-aunts, great-uncles, and first cousins by virtue of a blood relationship or marriage.

Special Monetary Benefit – Being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.

Substantial Interest – A substantial interest exists when the Board member or his or her spouse or dependent children in his or her custody, either singularly or collectively, directly or indirectly:

1. Own(s) ten percent or more of any business entity; or

2. Own(s) an interest having a value of \$10,000 or more in any business entity; or
3. Receive(s) a salary, gratuity or other compensation or remuneration of \$5,000 or more from any individual, partnership, organization or association within any calendar year.

Sale, Rental or Lease of Personal Property (Property Other Than Real Estate)

No elected or appointed official of the district shall sell, rent or lease any personal property to the school district for consideration in excess of five hundred dollars' value per transaction or five thousand dollars' value per year to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received.

Sale, Rental or Lease of Real Property (Real Estate)

No elected or appointed official of the district shall perform a service or sell, rent or lease any real property to the school district for consideration in excess of five hundred dollars' value per transaction or five thousand dollars' value per year to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice.

Employment

The district shall not employ Board members for compensation even on a substitute or part-time basis. The district will not accept applications of employment from Board members, consider Board members for employment or decide to employ Board members while they remain on the School Board. Board members may provide services on a volunteer basis.

Independent Contractor Services

No elected or appointed official of the district shall perform service as an independent contractor for consideration in excess of five hundred dollars' value per transaction or five thousand dollars' value per year to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received.

Businesses That Employ Board Members

A Board member may participate in discussions and vote on motions for the district to do business with entities that employ the Board member as long as the business is not owned by the Board member and the Board member will not receive any financial benefit from the transaction. The Board member may need to submit a statement of interest as described below.

Statement of Interest

Before voting, Board members who have a substantial personal or private interest in a decision before the Board shall provide a written report of the nature of the interest to the Board secretary. The written statement will be recorded in the minutes. Board members who have disclosed the interest in a financial interest statement filed or amended prior to the vote will be in compliance with this requirement.

Self-Dealing

1. Board members may not act or refrain from acting by reason of any payment, offer to pay, promise to pay or receipt of anything of actual pecuniary value, whether received or not, to themselves or any third person. This includes a gift or campaign contribution made or received in relationship to or as a condition of the performance of an official act.
2. Board members shall not favorably act on any matter that is specifically designed to provide a special monetary benefit to them, their spouses or dependent children in their custody.
3. Board members will not use their decision-making authority for the purpose of obtaining a financial gain that materially enriches them, their spouses or dependent children in their custody by acting or refraining from acting for the purpose of coercing or extorting anything of actual pecuniary value.
4. Board members shall not offer, promote or advocate for a political appointment in exchange for anything of value to any political subdivision.
5. A Board member will not attempt to directly or indirectly influence or vote on a decision when the Board member knows the result of the decision may be the acceptance by the district of a service or the sale, rental or lease of property to the district and the Board member, his or her spouse, dependent children in his or her custody or any business with which the Board member is associated will benefit financially. If such a transaction is presented to the Board, the Board member will abstain and leave the room during any deliberation.

Gifts and Gratuities

Board members and others who are subject to this policy are prohibited from accepting gifts or gratuities in excess of the amount established by the Board from any vendor, vendor's representative or person who does or is attempting to do business with the district. Gifts and gratuities include, but are not limited to, money, personal property, free meals, tickets to events, travel expenditures and games of golf. Door prizes and other randomly awarded prizes, such as those awarded from raffles or other fundraising events, are not considered a gift or gratuity.

Use of Confidential Information

Board members shall not use or disclose confidential information obtained in the course of or by reason of their official capacities in any manner with intent to result in financial gain for themselves, their spouses, dependent children in their custody, any business with which the Board member is associated or any other person.

Even when there is no financial gain involved, failure to keep information confidential violates Board ethics and Board policy and could also violate state and federal law.

Nepotism

Board members shall not vote to employ or appoint any person who is related to them within the fourth degree by consanguinity or affinity. In the event that an individual is recommended for employment or appointment and the individual is related within the fourth degree to a Board member, the related Board member shall abstain from voting and shall leave the room during consideration of the question and the vote, unless the motion is part of a consent agenda and there is no discussion, in which case, the member need not leave the room but will refrain from voting.

For the purposes of this section, to "employ" includes hiring persons to be employees of the district and approving independent contractors who provide services to the district.

Financial Interest Statements

The Southwest Livingston Co. R-I School Dist Board of Education hereby adopts a policy establishing and making public its own method of disclosing financial interests of Board members, candidates and specified administrators, in accordance with law. Financial interest statements (also known as personal financial disclosure statements) as described below shall be filed with the Missouri Ethics Commission (MEC) and the Southwest Livingston Co. R-I School Dist Board of Education on or before May 1 for the preceding calendar year, unless the person filing is a Board candidate. Candidates must file their reports within 14 days after the last day to file for office. The reports will be made available for public inspection and copying during normal business hours.

This portion of the policy dealing with the financial interest statement will be adopted in an open meeting at least once every other year by September 15. A certified copy of this policy shall be sent to the MEC within ten days of adoption.

Board Member Disclosure

All School Board members and candidates for School Board will file the short-form version of the MEC's financial interest statement each year. This form is also known as the "Financial Disclosure Statement for Political Subdivisions." School Board members and candidates will report the following transactions if they occurred during the previous calendar year. If no such

transactions occurred, the Board member or candidate will still file, but will mark the items as not applicable.

1. Each transaction in excess of \$500 per year between the district and the individual or any person related within the first degree by consanguinity or affinity to the individual. The statement does not need to include compensation received as an employee or payment of any tax, fee or penalty due the district and other transfers for no consideration to the district. The statement shall include the dates and identities of the parties in the transaction.

"First degree of consanguinity or affinity" includes parents, spouse or children by virtue of a blood relationship or marriage.

2. Each transaction in excess of \$500 between the district and any business entity in which the individual has a substantial interest. The statement does not need to include any payment of tax, fee or penalty due the district or payment for providing utility service to the district and other transfers for no consideration to the district. The statement shall include the dates and identities of the parties in the transactions.

Superintendent, Chief Purchasing Officer and General Counsel Disclosure

The superintendent, chief purchasing officer and general counsel, if employed full-time, will file the short-form version of the MEC's financial interest statement each year. This form is also known as the "Financial Disclosure Statement for Political Subdivisions." These employees will report the following transactions if they occurred during the previous calendar year. If no such transactions occurred, these employees will still file, but will mark the items as not applicable.

These employees will disclose in writing the information required in 1) and 2) above. In addition, these employees will disclose the following information for themselves, their spouses and dependent children in their custody:

1. The name and address of each employer from whom income of \$1,000 or more was received during the year covered by the statement.
2. The name and address of each sole proprietorship the individual owned.
3. The name, address and general nature of business conducted by each general partnership or joint venture in which he or she was a partner or participant.
4. The name and address of each partner or coparticipant in the partnership or joint venture unless the information is already filed with the secretary of state.
5. The name, address and general nature of business of any closely held corporation or limited partnership in which the individual owned ten percent or more of any class of the outstanding stock or limited partners' units.

FILE: BBFA
Critical

6. The name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the individual owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests.
7. The names and addresses of each corporation for which the individual served in the capacity of director, officer or receiver.

* * * * *

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

Readopted:

Adopted:

Revised:

Cross Refs: DA, Fiscal Responsibility
DD, Grants
DJF, Purchasing
DJFA, Federal Programs and Projects
FEF, Construction Contracts Bidding and Awards
GBCA, Staff Conflict of Interest
GBL, Personnel Records
GCD, Professional Staff Recruiting and Hiring
GDC, Support Staff Recruiting and Hiring
JO, Student Records

Legal Refs: Mo. Const. art. VII, § 6
§§ 105.450 - .458, .461, .462, .466, .467, .472, .476 - .492, 162.261, .391,
168.126, 171.181, RSMo.
2 C.F.R. § 200.22, .23, .38, .92, .112, .113, .317, .318, .338
State v. Rhoads, 399 S.W.3d 905 (Mo.App.W.D. 2013)

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

BOARD ORGANIZATIONAL MEETING

According to state law, the annual organizational meeting of the Board of Education shall be held within 14 days after the annual Board election. The newly elected members shall qualify by taking the oath of office as prescribed in Article VII, Section 11, of the Constitution of Missouri. The Board secretary shall administer the oath to the new members.

Following the administration of the oath of office, the superintendent, serving as temporary chairperson, shall conduct the election of the president and vice president. Once the president and vice president have been elected, the president will preside over the remainder of the meeting. The Board shall, on or before July 15 of each year, elect a secretary and a treasurer who shall assume their respective duties on July 15. The secretary and treasurer may or may not be members of the Board. All votes will be taken by voice vote, show of hands or another method of voting that clearly reveals each member's vote. Secret ballots are not permitted by law.

In addition, the Board will appoint one of its members to serve as the Missouri School Boards' Association delegate and one to serve as an alternate. If, pursuant to MSBA bylaws, the district is entitled to more than one delegate, the Board will appoint the number of delegates to which the district is entitled and an alternate delegate. Appointed delegates will perform the duties as outlined in policy BCCA.

* * * * *

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

Adopted:

Revised:

Legal Refs: Mo. Const. Art. VII, § 11
§§ 162.301, 610.010 - .028, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

APPOINTED BOARD OFFICIALS
(Seven-Director Districts)

The Board shall elect a secretary and treasurer on or before July 15 of each year. The Board may also elect an alternate secretary and treasurer to serve in situations where the elected secretary or treasurer is absent or unable to perform the duties of the position. The secretary and treasurer may or may not be Board members. Secretaries and treasurers who are not Board members may receive reasonable compensation for services. The Board shall elect replacements when either office is vacated or when the Board determines that the individual needs to be replaced.

Duties of the Board Secretary

The secretary of the Board of Education shall perform or, when permitted by this policy, cause another person to perform the following duties:

1. Be present at all regular and special Board meetings and, at the request of a committee chair, attend committee meetings. If the Board requests the Board secretary to leave or not attend a meeting, the alternate secretary will serve as the Board secretary, or the Board will designate a temporary secretary for the meeting.
2. Keep accurate records of Board member attendance at Board meetings and inform the Board when a member has missed three consecutive regular meetings.
3. Maintain complete and accurate minutes of all regular and special Board meetings and maintain other records of the Board in accordance with the requirements of Missouri law.
4. Implement the Board member election process, including posting required notices, accepting filings and submitting candidate names to the election authority.
5. Maintain the records of all Board elections, including the election of Board members and the results of all propositions submitted to voters.
6. Administer oaths or affirmations unless the duty is delegated to another person by the Board or by law.
7. Notify all members of regular, executive or special Board meetings.
8. Post all notices required by law or as directed by the Board or the superintendent acting on behalf of the Board.
9. Preside at Board meetings in the absence of both the president and vice president of the Board unless and until the Board appoints another member to serve as a temporary chair.

FILE: BCC
Critical

10. Issue and/or sign, attest to or certify reports, orders and official documents when such are required by law or as directed by the Board.
11. Unless this duty is assigned to another district official, maintain a correct plat map of the district boundaries and notify the Department of Elementary and Secondary Education (DESE) and the county clerk of any boundary changes.
12. Receive correspondence and official notifications directed to the Board and distribute to all Board members.
13. File the annual secretary of the Board report (ASBR) in accordance with law.
14. Perform all duties in a manner that maintains the trust of the Board and the confidentiality of information received in the course of performing these duties.
15. Perform such additional functions as may be required by law or authorized by the Board either directly or through the superintendent.

Duties of the Board Treasurer

The treasurer of the Board of Education shall perform or, when permitted by this policy, cause another person to perform the following duties:

1. Obtain a bond of security with one or more sureties prior to performing the treasurer's duties.
2. Receive district moneys and deposit them into the proper accounts.
3. Serve as custodian of all bonds and other securities belonging to the district.
4. Assist the Board in choosing a depository for district funds.
5. If the treasurer is the district-designated investment officer, invest surplus funds in accordance with the district's investment policy.
6. Pay out money from district funds by order of the Board by electronic funds transfer or upon checks signed by the president and treasurer. The Board provides authorization for signatures to be affixed in facsimile.
7. Monitor the budget, continually compare actual expenses against budgeted expenses and propose budget amendments as necessary.

8. Report budget irregularities and overruns.
9. Be available to participate in audits.
10. Keep complete, accurate and legal records of all moneys collected and expended in accordance with accounting procedures established by DESE.
11. Submit a monthly report to the Board reflecting the current balance in district funds, disbursements and receipts for the preceding month and any other financial information the Board requests.
12. Develop and make reports as directed by the Board.
13. Keep a calendar of important dates and filing deadlines to assist in complying with reporting requirements.
14. Sign all legal documents as required by law.
15. Make records available for Board inspection upon request.
16. Promptly deliver to any successor in office all district books, moneys or other property in his or her possession.
17. Perform other duties required by law and/or assigned by the Board.

Delegation

Elected Board members who serve as a Board secretary or treasurer are responsible for ensuring that the duties of the office are properly completed even when those duties have been delegated to a district employee. When the treasurer is an elected Board member, both the elected treasurer and any employee performing the duties of the treasurer will be bonded.

* * * * *

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

Adopted:

Revised:

FILE: BCC
Critical

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
DED, Disposition of Unbudgeted Revenue
DFA, Revenues from Investments/Use of Surplus Funds
DG, Depository of Funds
DGA, Authorized Signatures
DH, Bonded Employees and Officers
DI, Fiscal Accounting and Reporting/Accounting System
DIE, Audits
DJFA, Federal Programs and Projects
DK, Payment Process
DN, Surplus District Property
GBM, Staff Grievances
JGD, Student Suspension and Expulsion
KL, Public Concerns and Complaints
KLA, Concerns and Complaints Regarding Federal Programs

Legal Refs: §§ 105.273 - .276, 108.260, 162.071, .223, .301, .303, .371, .391, .401, .431, .441,
.821, .841, .856, .867, .910, 163.081, 164.181, .221, 165.021, .061, .071,
.081, .091, .101, .111, .131, .141, .211, .231, .291, 168.108, .126, 177.073,
.091, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

MSBA DELEGATE AND ALTERNATE

At its annual organizational meeting, the Board of Education shall appoint a Missouri School Boards' Association (MSBA) delegate and alternate. If, pursuant to MSBA bylaws, the district is entitled to more than one delegate, the Board will appoint the number of delegates to which the district is entitled and an alternate delegate. The Board prefers to appoint a member who has at least two years of experience as a Board member. The Board secretary or designee will forward the name(s) of the delegate(s) and alternate as well as their contact information, including e-mail address, to MSBA.

Duties of the MSBA Delegate

The MSBA delegate shall:

1. Serve as the liaison between MSBA and the Board of Education.
2. Serve as the contact for communications from the Regional Executive Committee (REC) chair, the MSBA Board of Directors and MSBA staff. The delegate will provide MSBA an e-mail account to receive those communications and regularly monitor it for this purpose.
3. Share information received from the REC chair, MSBA Board of Directors and MSBA staff with the Board. Agendas for regular open Board meetings will include an opportunity for a delegate report. The report will include information about state and national issues impacting public education, opportunities and concerns related to public schools, and other specific information important to boards of education and the school districts they represent.
4. Serve as a member of the Regional Action Committee (RAC).
5. Actively participate in the development of MSBA advocacy positions.
6. Serve as an advocate for public education by maintaining a working relationship with elected officials who represent the district at the local, state and federal levels.
7. Attend and participate in the MSBA Delegate Assemblies.
8. Attend and participate in the RAC meetings.

Duties of the MSBA Alternate

The MSBA alternate delegate will assume the role of delegate if the delegate is unable to serve.

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

Adopted:

Revised:

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

BOARD COMMITTEES/ADVISORY COMMITTEES TO THE BOARD

The Board shall act as a committee-of-the-whole on all matters pertaining to the business and educational policies of the district. The Board may appoint standing committees; however, no individual member or group comprised of less than the full membership of the Board shall exercise the powers of the full Board unless otherwise authorized by law and Board policy.

With the approval or at the direction of the Board, the president of the Board may appoint temporary ad hoc and/or special lay committees to assist the Board.

Committees must follow the instructions given to them by the Board and may be terminated at any time by a majority vote of the membership of the Board. If the committee is required by state or federal law, its composition and appointment shall meet all guidelines established for that purpose. Committees shall be advised of the:

1. Purpose to be served.
2. Length of time each member is being asked to serve.
3. Resources the Board will provide.
4. Date a report should be made to the Board or superintendent.

Final authority in the decision-making process will reside with the Board.

Any committee appointed by or at the direction of the Board and that is authorized to report to the Board or any advisory committee appointed by or at the direction of the Board for the specific purpose of recommending directly to the Board or the superintendent any policies, policy revisions or expenditure of public funds, will follow the Missouri Open Meetings and Records Act. The custodian of records will maintain a list of all such committees.

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

Adopted:

Revised:

Cross Refs: DA, Fiscal Responsibility

KC, Community Involvement in Decision Making

Legal Refs: §§ 167.171, 610.010 - .028, RSMo.

Jackson v. Board of Directors, 9 S.W.3d 68 (Mo. Ct. App. 2000)

FILE: BCE
Critical

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

BOARD OFFICERS

The Board of Education shall elect a president and vice president at its organizational meeting. Vacancies in Board officer positions shall be filled by holding another Board election to fill the vacant positions.

Duties of the Board President

The president of the Board, in addition to duties prescribed by law, will exercise such powers as properly pertain to the office according to *Robert's Rules of Order, Revised*. He or she shall have the right, as shall other members of the Board, to offer resolutions, to discuss questions and to vote thereon. The president will fulfill the responsibilities of the office as follows:

1. Preside, when present, at all meetings of the Board and be responsible for the orderly conduct of such Board meetings.
2. Sign all legal documents as required by law, which includes all checks or warrants of items ordered for payment by the Board, contracts approved by the Board, bonds and deeds of conveyance issued by and/or for the district, and the district's annual financial statement. The Board provides authorization for signatures to be affixed in facsimile.
3. Bring before the Board matters which, in his or her judgment, may require the attention of the Board.
4. Appear on behalf of the Board in all actions brought by or against it, unless individually a party, in which case this duty will be assigned by the Board.
5. Consult with the superintendent in planning agendas.
6. Confer with the superintendent on crucial matters that may occur between Board meetings.
7. Call special meetings of the Board as found necessary.
8. Appoint special committees subject to the approval of the Board.
9. Act as public spokesperson for the Board unless this responsibility is delegated to others.
10. Perform any other duty formally allocated by the Board of Education, the Missouri State Board of Education and/or the Missouri Department of Elementary and Secondary Education or by legislative enactment.

Duties of the Board Vice President

It shall be the duty of the vice president of the Board to perform all the duties assigned to the president in the event of the latter's disability or absence. The vice president shall also assume other duties, which the Board of Education may assign.

* * * * *

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

Adopted:

Revised:

Legal Refs: §§ 162.051, .301, 164.191, 165.021, .111, .131, 168.101, .126, 177.091,
RSMo.

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CLOSED MEETINGS, RECORDS AND VOTES

The Board will conduct closed meetings, maintain records and hold votes in accordance with the Missouri Sunshine Law.

Closed Meeting Notice

Public notice of closed meetings shall be given in accordance with Board policy and law. The motion and the vote to authorize closed session must occur in open session. The motion must include the specific reason for closing the meeting with reference to a specific section of the statute, and the vote on the motion must be taken by roll call and entered into the minutes. The motion will pass if a majority votes in the affirmative.

Posted notice of a closed meeting will include the time, date and place of the closed meeting and the reasons for holding the meeting with reference to the specific statutory exemption under which the meeting will be closed. Only business directly related to the specific statutory exemptions provided may be discussed or voted upon at a closed meeting.

Objection

In the event a motion is made to close a meeting, record or vote, and a Board member believes that the motion would violate the Missouri Sunshine Law if passed, the Board member may state his or her objection to the motion before or at the time the vote is taken. The Board secretary will enter the objection in the minutes. Once the objection has been made, the Board member shall be allowed to fully participate in the meeting, record or vote even if it is closed over the member's objection. If the Board member voted against the motion to close the meeting, record or vote, the recorded objection and the vote constitute an absolute defense to any claim filed against the Board member pursuant to the Missouri Sunshine Law.

Meeting Location

The Board shall only close that portion of the meeting facility needed to house the Board in closed session. Members of the public must be allowed to remain in the meeting facility so that they may attend any open meeting that follows the closed meeting.

Confidentiality

The Board members, employees and others in attendance are honor bound not to disclose the details or discussions of the closed meetings, records or votes or any other information that is deemed confidential by law, Board policy or district procedures. It is an essential job function of every employee in the district to follow confidentiality laws and the district's policies and procedures regarding confidential information. District employees who fail to keep closed information or closed

FILE: BDC
Critical

meetings confidential may be disciplined or terminated. District employees are required to report to their supervisors when they accidentally disclose confidential information or reasonably believe another person is disclosing confidential information in violation of law, Board policy or district procedures.

Board members who violate the law, Board policy or district procedures regarding confidentiality may be removed from all district committees and publicly admonished by the Board, and the Board may take legal action against the member by seeking an injunction or monetary damages. The Board may also seek legal action from the local prosecutor or the Missouri Attorney General's Office. In addition, it is a crime, punishable by a fine of up to \$500 or a year in jail, for any School Board member or employee of a school district to willfully neglect or refuse to perform a duty imposed by certain state statutes applicable to school districts, some of which contain confidentiality requirements.

Closed Topics

Pursuant to the Missouri Sunshine Law, the Board of Education hereby closes all meetings, records and votes pertaining to:

1. Legal actions, causes of action or litigation involving the district and any confidential or privileged communication between the district or its representatives and its attorneys. Any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving the district or an agent or entity representing the district, including any insurance company acting on the district's behalf, shall become available to the public upon final disposition of the matter voted upon or upon the signing of a settlement agreement by the parties. A settlement agreement may be ordered closed by a court; however, the amount of any moneys paid by or on behalf of the school district, pursuant to the settlement agreement, must be available to the public. When the district makes a decision involving the exercise of eminent domain, the vote shall become public immediately following the meeting in which the vote was taken to authorize institution of such legal matter. Legal work product is considered a closed record. § 610.021(1), RSMo.
2. The lease, purchase or sale of real estate by the district where public knowledge of the transaction might adversely affect the amount to be received or spent by the district. Any minutes, vote or public record approving such a contract shall become available to the public upon execution of the lease, purchase or sale of the real estate. § 610.021(2), RSMo.
3. Hiring, firing, disciplining or promoting of particular employees by the district when personal information about the employee is discussed or recorded. Any vote on a final decision to hire, fire, promote or discipline an employee must be made available, with a record of how each member voted, to the public within 72 hours of the close of the meeting where the action occurred. The district will attempt to notify the affected employee during

the 72-hour period before the decision is made available to the public. The term "personal information" means information relating to the performance or merit of individual employees. § 610.021(3), RSMo.

4. Proceedings involving the mental or physical health of an identifiable individual. § 610.021(5), RSMo.
5. Scholastic probation, expulsion or graduation of identifiable persons, including records of individual tests or examination scores. However, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of 18 and by the parents, guardian or other custodian and the student if the student is over 18. § 610.021(6), RSMo.
6. Testing and examination materials until the test or examination is given for the final time. § 610.021(7), RSMo.
7. Welfare cases of identifiable individuals. § 610.021(8), RSMo.
8. Preparations on behalf of the district or its representatives for negotiations with employee groups, including any discussion or work product. § 610.021(9), RSMo.
9. Software codes for electronic data processing and documentation thereof. § 610.021(10), RSMo.
10. Competitive bidding specifications until officially approved or published. § 610.021(11), RSMo.
11. Sealed bids and related documents until the bids are opened; sealed proposals and related documents until all proposals are rejected; or any documents related to a negotiated contract until a contract is executed. § 610.021(12), RSMo.
12. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment. However, the names, positions, salaries and lengths of service of district officers and employees shall be available to the public. § 610.021(13), RSMo.
13. Records protected from disclosure by law. § 610.021(14), RSMo.
14. Scientific and technological innovations in which the owner has a proprietary interest. § 610.021(15), RSMo.

FILE: BDC
Critical

15. Records relating to municipal hotlines established for reporting abuse and wrongdoing. § 610.021(16), RSMo.
16. Confidential or privileged communications between the Board and its auditor, including all auditor work product. However, all final audit reports issued by the auditor are to be considered open records. § 610.021(17), RSMo.
17. Operational guidelines, policies and specific response plans developed, adopted or maintained by the district for use in responding to or preventing any critical incident that is or appears to be terrorist in nature and that has the potential to endanger individuals or public health or safety. The Board affirmatively states that disclosure would impair its ability to protect the health or safety of persons and that the public interest in nondisclosure outweighs the public interest in disclosure of the records. Financial records related to procurement or expenditures related to operational guidelines, policies or plans shall be open records. § 610.021(18), RSMo.
18. Existing or proposed security systems and structural plans of real property owned or leased by the district where public disclosure would threaten public safety. Procurement records or expenditures relating to security systems purchased with public funds shall be open. The Board affirmatively states that disclosure would impair the district's ability to protect the security or safety of persons or real property and that the public interest in nondisclosure outweighs the public interest in disclosure of the records. § 610.021(19), RSMo.
19. The portion of a record that identifies security systems, access codes or authorization codes for security systems of real property. § 610.021(20), RSMo.
20. Records that identify and would allow unauthorized access to or unlawful disruption of the configuration of components or the operation of a computer, computer system, computer network or telecommunications network of the district if released. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures for such computer, computer system, computer network or telecommunications network shall be open. § 610.021(21), RSMo.
21. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between the district and a person or entity doing business with the district. However, the record of a person or entity using a district credit card or any record of a transaction that is reimbursed by the district will be open. § 610.021(22), RSMo.

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

Adopted:

Revised:

Cross Refs: DIE, Audits
ECA, Building and Grounds Security
EHBC, Privacy Protection
GBLB, References
KBA, Public's Right to Know
KDA, Custodial and Noncustodial Parents
KKB, Audio and Visual Recording

Legal Refs: §§ 162.091, 610.010 - .029, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

SCHOOL ATTORNEY/LEGAL SERVICES

The Board recognizes that the increasing complexity of school district operations frequently requires procurement of professional legal services. Consequently, the Board may select an attorney and/or law firm for purposes of systematically providing such services. The Board shall prescribe the duties, compensation and term of service for the attorney and/or law firm. It shall be the duty of the counsel to advise the Board and to make recommendations concerning specific legal problems submitted. Districts including one (1) or more cities or towns having a total population of at least 30,000 may retain an attorney on an annual basis.

A decision to seek legal counsel or advice on behalf of the school district shall normally be made by the superintendent or by persons specifically authorized by the superintendent. It may also take place as a consequence of formal Board direction.

Many types of legal assistance to the district may be considered routine and may not require specific Board approval or prior notice. However, when the administration concludes that unusual types or amounts of professional legal service may be required, the Board directs the administration to so advise it, and to expeditiously seek either initial or continuing authorization for such service.

* * * * *

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

Adopted:

Revised:

Legal Refs: § 162.411, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

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BOARD MEETINGS

General

A quorum must be present, whether physically or electronically, in order to conduct an official meeting. A quorum shall consist of four members of the Board of Education.

Meetings may be held in person or by means of communication equipment including, but not limited to, conference calls, video conferences, Internet chats or Internet message boards.

Meetings of the Board of Education shall be open to the public and the press unless closed as authorized by law.

All Board meetings shall be held at a place of sufficient size to accommodate the anticipated members of the public and at a time that is reasonably convenient. In addition, reasonable efforts shall be made to make the meeting accessible to individuals with disabilities. If any of these statutory requirements are not met, the nature of the cause for noncompliance for the meeting will be stated in the Board minutes.

Audio, video and other electronic recordings of open meetings are allowed by law, but the Board may establish guidelines regarding the manner in which such recordings are conducted to minimize disruption to the meeting. Recording a closed meeting is prohibited unless permission has been granted by the Board by resolution. By passing this policy the Board grants permission to the Board secretary to record closed meetings as necessary to fulfill his or her duties.

Meeting Notice

Public notice of all meetings shall be given in accordance with Board policy and law.

Regular Board Meetings

The Board of Education shall hold regular meetings throughout the year to transact such business as deemed necessary for the smooth operation of the school district.

The Board will hold its regular meeting on the 3rd Monday of each month at 6:00PM at the Central Office Board Room unless otherwise specified in the publicized notice of the meeting.

Special Board Meetings

Special Board meetings may be held from time to time as circumstances may demand. Special meetings of the Board may be held at a time fixed by the Board or on the call of the president. A special meeting may also be called by at least four members of the Board. Each member shall be

FILE: BDA
Critical

notified of the time, place and purpose of the meeting a reasonable amount of time in advance of the meeting.

Electronic Participation

The Board will allow members to participate electronically in meetings where other Board members are physically present, and the Board may hold meetings where all Board members participate electronically. This participation may occur by telephone, video conference or other electronic means. Board members may not simply vote electronically, but must: 1) be connected with the meeting throughout the discussion of business; 2) be able to hear or receive the same information as Board members physically present; and 3) participate in the discussion. If a Board member electronically joins the meeting after an item of business has been opened, the remotely located member shall not participate until the next item of business is opened.

Any Board members participating electronically will be considered present. The members shall be counted present for the purpose of establishing a quorum. If a Board member participates in a meeting electronically, the Board secretary will document this fact in the minutes. In accordance with law, Board members participating electronically may only vote in roll call votes if they are participating by videoconference or another legal exception applies.

Board members who wish to participate in a meeting electronically must notify the Board president and superintendent as early as possible. The superintendent will arrange for the meeting to take place in a location with the appropriate equipment so that Board members participating in the meeting electronically may interact and the public may observe or hear the comments made in open session. The superintendent will take measures to verify the identity of any remotely located participants if necessary. Board members participating electronically in a closed-session meeting must take measures to protect the confidentiality of the meeting and ensure that other persons will not overhear the discussion and votes. If the Board is not confident that appropriate measures have been or will be taken, the Board may refuse to allow a Board member to participate electronically in closed session.

* * * * *

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

Adopted:

Revised:

Cross Refs: KKB, Audio and Visual Recording

Legal Refs: §§ 162.301, .303, .511, 610.010 - .028, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

NOTIFICATION OF BOARD MEETINGS

It is the policy of the Southwest Livingston Co. R-I School Dist to inform the public of School Board meetings in accordance with law.

The Board secretary has the responsibility to post notice of Board meetings, subject to direction by the superintendent. Each individual Board member has the responsibility to notify the Board secretary of items to be included on the agenda so that the item may be included in the legal posting.

All Meetings

In addition to the criteria listed below, notice of all Board meetings shall be given at least 24 hours in advance of the meeting, exclusive of weekends and holidays when school is closed, unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. The nature of the good cause must be stated in the minutes.

The notice shall be posted on a bulletin board or other easily accessible public place clearly designated for that purpose at the principal office of the Board or, if no such office exists, at the building where the meeting will be held.

All interested news media organizations will be notified concurrently with members of the Board, upon request, of all meetings of the Board of Education. To be notified of these meetings, a news media organization should make a request to the secretary of the Board of Education.

Open Meetings

Public notice of an open meeting will include the time, date, place and a tentative agenda advising the public of the matters to be considered.

Closed Meetings

Public notice of a closed meeting will include the time, date and place of the meeting and the specific statutory exemption under which the meeting will be closed.

Electronic Meetings

If the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting, if open. If the meeting will be conducted by Internet chat, Internet message board or other computer link, the district shall post a notice of the meeting on its website, in addition to other postings, and shall notify the public how to access that meeting, if open.

FILE: BDDA
Critical

Committees

A formal subcommittee of the Board may conduct a meeting without advance notice during a lawful meeting of the Board, a recess of that meeting or immediately following that meeting. The subcommittee's meeting must be announced at the Board meeting, and the subject of the meeting must reasonably coincide with the subjects discussed at the Board meeting.

* * * * *

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

Adopted:

Revised:

Cross Refs: IC, Academic Calendar/Year/Day

Legal Refs: §§ 610.010 - .029, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

AGENDAS

A tentative agenda for each meeting of the Board shall be prepared by the superintendent, in consultation with the Board president, and shall be included in the public notice of such meetings. The tentative agenda must reasonably inform the public of matters to be considered. Any member of the Board may request items to be placed on the agenda. The tentative agenda, related materials and minutes of the previous meeting shall be mailed to each member at least four (4) days prior to the stated meeting.

The agenda for each meeting of the Board shall be adopted or modified by motion of a majority of those Board members present. Once the agenda is approved, it shall require a vote of a majority of the Board members present to make additional modifications.

Any patron or group of patrons desiring to be included on the agenda for the purpose of addressing the Board shall make a request to the superintendent five (5) days prior to the regular Board meeting. The request shall be submitted in writing, and shall provide sufficient detail to explain fully the issue(s) to be discussed. The Board reserves the right to limit the number of and speaking time of spokespersons appearing before the Board. Unless unusual circumstances dictate otherwise, the Board will not make a decision on an issue(s) presented by an individual or group during that particular meeting. The Board reserves the right to waive formalities in emergency situations, within the limitations of state statutes.

The superintendent shall cause a sufficient number of copies of the tentative agenda to be prepared and distributed to persons in attendance at the Board meeting.

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

Adopted:

Revised:

Cross Refs: IC, Academic Calendar/Year/Day

Legal Refs: §§ 610.010 - .028, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

VOTING METHOD

All motions and votes will be recorded in the minutes. Minimally, the number of members voting in the affirmative and in the negative on any question shall be recorded in the minutes unless a roll call vote is required by law. When a member abstains from voting, such abstention shall not be counted as a vote either for or against the proposal, but shall be entered in the minutes as an abstention. The president may vote on all questions.

Any member, upon request, may submit a written explanation of his or her vote that will be attached to the minutes or stored with the minutes. Any member may also change his or her vote up to the time the result of the vote is announced.

A motion shall pass if a majority of those members present vote in favor of the motion, provided that a quorum is present, unless otherwise prescribed by law or policy. An affirmative vote of the majority of the whole Board is required to enter into a contract, employ a person, approve a bill or issue a warrant.

Voting in Open Session

Voting in open session must be conducted in a manner that allows the public attending the meeting to observe how each person voted and in a manner that allows the Board secretary to accurately discern and record the number of persons voting for or against the motion as well as the persons abstaining from the motion.

The Board may decide to vote by roll call in open session. When an open public vote is not to be taken by roll call, any member may request that the Board be polled on any issue requiring a vote. When voting to adjourn to closed session, the specific reason for closing the meeting must be announced publicly by reference to a specific section of the law, and the vote must be taken by roll call.

In the event a motion is made to close a meeting, record or vote and a Board member believes that the motion, if passed, would violate the Missouri Sunshine Law, the Board member may state his or her objection to the motion before or at the time the vote is taken. The Board secretary will enter the objection in the minutes. Once the objection has been made the Board member shall be allowed to fully participate in the meeting, record or vote even if it is closed over the member's objection. If the Board member voted against the motion to close the meeting, record or vote, the recorded objection and the vote is an absolute defense to any claim filed against the Board member pursuant to the Missouri Sunshine Law.

FILE: BDDF
Critical

Voting in Closed Session

All votes taken in closed session shall be taken by roll call, including the vote to adjourn. The minutes will reflect how each individual Board member voted or that the Board member abstained.

Voting Electronically

The Board will allow members to participate electronically in meetings where other Board members are physically present, and the Board may hold meetings where all Board members participate electronically. The participation may occur by telephone, videoconference or other electronic means. Board members may not simply vote electronically, but must be connected with the meeting throughout the discussion of business and must be able to both hear and participate in the discussion.

If a Board member electronically joins the meeting after an item of business has been opened, the remotely located member shall not participate until the next item of business is opened.

In accordance with law, Board members who participate in a meeting by videoconferencing may discuss and vote on issues in both open and closed sessions, regardless of the method by which the vote is taken. Board members participating electronically by other means, such as by telephone, may discuss issues and vote as long as the vote is not made by roll call. Board members participating electronically using methods other than videoconferencing may not cast roll call votes, regardless of whether those votes occur in open or closed session, unless a district emergency exists and a quorum of the Board is physically present at the meeting. If such an emergency exists, the nature of the district emergency shall be stated in the minutes.

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

Adopted:

Revised:

Cross Refs: GCPF, Renewal of Professional Staff Members

Legal Refs: §§ 162.301, .303, 610.010(7), .015, .020, .022, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

MINUTES

Whereas it is recognized that the Board of Education speaks through its minutes, the Board shall direct the secretary of the Board to take, or cause to be taken, the minutes of each Board meeting. The minutes of all Board meetings shall be accurate, complete and meet all legal requirements. The superintendent shall be responsible for their safe keeping. The minutes of meetings of the Board of Education will include but are not limited to the following:

1. The nature of the meeting (regular, special, open, closed, etc.), the time, the date, the place of the meeting and the Board members present and absent.
2. A record of all motions made, together with the names of the members making and seconding the motions, and a numerical record of the members voting "yea" and "nay," unless each member's vote is recorded due to a roll call vote or required by law. If a roll call vote is taken, the vote shall be attributed to the name of the member. Special notation should be made of abstaining members, and their vote should be recorded as an abstention.

The minutes will be signed by the president and attested by the secretary of the Board following their approval by the Board.

The closing of executive session votes and records shall be determined by a majority vote of the quorum of the Board in a public session. Minutes and portions thereof shall be kept in a separate minute book used solely for the purpose of executive sessions. Executive session minutes shall be confidential material, and shall not be available to the public except as provided by law.

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

Adopted:

Revised:

Cross Refs: KBA, Public's Right to Know

Legal Refs: §§ 109.180 - .190, 610.010 - .028, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

BOARD MEETING MINUTES

Since the official minutes of the Board are the only basic legal record, it is important that they be recorded with extreme care and completeness. The Board secretary shall adhere to the following guidelines in recording Board minutes:

- ▶ The minutes should be typewritten and pages numbered.
- ▶ All minutes should be signed by the proper officers of the Board.
- ▶ An accurate copy of all contracts approved, policies adopted and the content of consent agendas voted on shall be attached to the typewritten minutes or kept with a direct reference to the minutes addressing that item.
- ▶ Once the minutes are approved, all handwritten notes can be destroyed. Any magnetic tapes must be retained for one (1) year after being recorded in the official minutes. Tapes not recorded in the official minutes must be retained permanently.
- ▶ The original minutes book and supplemental information should be secured in a fireproof safe, vault or file in the central administration office.
- ▶ A duplicate set of minutes should be kept in a designated place in the central administration office or be otherwise readily available for inspection following approval by the Board.

* * * * *

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

Adopted:

Revised:

Legal Refs: §§ 109.180 - .195, 610.010 - .035, RSMo.
Public School District Retention Manual

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

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PUBLIC PARTICIPATION AT BOARD MEETINGS
(Districts Designating a Public Comment Period)

To provide for full and open communication between the public and the Board of Education, the Board authorizes the following avenues for the exchange of information, ideas and opinions.

Grievance through Established Policy and Procedure

Students, employees and any members of the public are encouraged to utilize established policies and procedures for offering suggestions or addressing concerns and complaints prior to bringing the issue before the Board. The Board believes that many issues can be resolved by communication with teachers, administrators and other staff and may refuse to address an issue if the individual presenting it has not first attempted to resolve the matter through established procedures and policies.

Written Correspondence

Written correspondence may be directed to the Board, through the superintendent, for consideration at a meeting. Copies of all correspondence directed to the Board will be made available to all Board members. Statements of two (2) pages or less are encouraged.

Agenda Items

Any member of the public who wishes to have an item placed on the agenda will present the request in writing to the superintendent or designee. The request must be submitted pursuant to Board policy and received five (5) business days prior to the scheduled meeting. The item will then be appropriately placed on the agenda. The Board reserves the right to impose reasonable restrictions on the number of items to be considered, the number of spokespersons and the speaking time of spokespersons appearing before the Board. If the meeting agenda is full, the Board reserves the right to reschedule an item for the next regular meeting. The Board may refuse to address an issue that has not gone through the appropriate grievance procedure. The Board reserves the right to waive formalities in emergency situations, within the limitations of the law.

Public Hearings

From time to time, the Board will schedule a public hearing to receive input on matters of concern to the community, such as setting the district's tax rate. The public will be provided notice of such hearings as required by law.

Public Comment

A specifically designated time will be set aside for public comments at regular meetings of the Board of Education. The following rules will be applied to the public comment portion of the meeting:

- ▶ The Board will establish a time limit for the public comment period.

- ▶ No individual will be permitted to speak more than once during this period.
- ▶ The Board will establish a uniform time limit for each speaker.
- ▶ Only items from the posted agenda may be discussed.

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

Adopted:

Revised:

Cross Refs: GBM, Staff Grievances
KC, Community Involvement in Decision Making
KK, Visitors to District Property/Events
KL, Public Concerns and Complaints
KLB, Public Questions, Comments or Concerns Regarding District
Instructional/ Media/Library Materials

Legal Refs: §§ 610.010 - .035, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

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RELEASE OF INFORMATION

The Southwest Livingston Co. R-I School Dist believes that local control of public education is best served when the patrons of the district and other members of the public have access to the meetings, records and votes of the Board of Education. In limited situations, important considerations of public policy require meetings of the Board, including any record or vote, to be closed to the public. Meetings, records and votes shall be closed to the public to the extent allowed by law.

The following provisions shall govern the release of information concerning the meetings, records and votes of the Board:

1. The custodian of records is responsible for responding to requests for district records. Requests for records will be directed to the custodian, whose identity will be made available on request and will be advertised as appropriate. The Board appoints the following person as custodian of records:

Carrie Gilliland
4944 Highway DD Ludlow, MO 64656
(660) 738 4433

In addition, the district will train at least one (1) additional employee to serve as custodian of records in the absence of the official custodian.

2. The custodian of records shall:
 - ▶ Respond to each request for inspection or copying as soon as possible but no later than the end of the third business day following the date the request is received by the custodian. The three-day requirement may be exceeded for reasonable cause.
 - ▶ Give a detailed explanation of the cause for delay and the place and earliest time and date the record will be available if access is not granted immediately.
 - ▶ If access is denied, upon request provide a written statement of specific statutory grounds for such denial no later than the third business day following the date that the request for the record is received.
3. Except as otherwise provided by law, the custodian of records shall provide access to, and upon request furnish copies of, public records subject to the following:
 - ▶ If records are requested in a certain format, the custodian of records will provide the records in the requested format if such format is available.
 - ▶ The district may charge fees for copying, duplicating time and research time. Copying fees shall not exceed ten (10) cents per page for a paper copy not

larger than nine (9) by 14 inches. The hourly fee for duplicating time will not exceed the average hourly rate of pay for clerical staff of the district. Research time required for fulfilling records requests may be charged at the actual cost of the research time. The district will produce the copies using the employees that result in the lowest amount of charges for search, research and duplication time.

- ▶ Fees for providing access to computer records, recorded tapes, disks, videotapes, films, pictures, maps, slide graphics, illustrations or similar audio or visual items shall include only the cost of copies, staff time and the cost of the disk, tape or other medium used for the duplication. Charges for staff time will not exceed the average hourly rate of pay for staff of the district required for making copies and programming, if necessary. Fees may include the actual costs of programming if programming is required beyond the customary and usual level to comply with a request for records or information.
 - ▶ Payment of copy fees may be requested prior to copying. The person requesting the records may request an estimate of the cost prior to copying.
 - ▶ Copies may be furnished free or at a reduced rate if the Board determines that it is in the public interest because it is likely to contribute to public understanding of the operations or activities of the district and is not primarily based on commercial interests.
 - ▶ The custodian of records shall inform the district staff of the mandated retention schedules from the Secretary of State's office and will work closely with district technology staff on the retention of computer records.
 - ▶ Once the district has been served with a summons, petition, complaint, counterclaim or cross-claim in a civil action to enforce the Sunshine Law, the custodian of records shall not transfer custody, alter, destroy or otherwise dispose of the public record sought to be inspected and examined until the court directs otherwise, regardless of the applicability of an exemption or the assertion that the requested record is not a public record.
4. If a Board member or a member of a district committee subject to the Missouri Sunshine Law transmits any message to enough members that, when counting the sender, a majority of the Board or committee members receive the message, the message shall also be concurrently transmitted to the custodian of records or the member's district office computer, if applicable, in the same format. The message shall be considered an open record unless it is a closed record in accordance with law.

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

Adopted:

Revised:

Cross Refs: CH, Policy Implementation and Dissemination /
GBLB, References
KB, Public Information Program
KBA, Public's Right to Know
KKB, Audio and Visual Recording

Legal Refs: §§ 610.023, .025 - .028, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

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SCHOOL BOARD POLICY PROCESS

The Board of Education shall determine the policies to serve as a basis for the administration of the school district. The formulation, development, adoption and revision of written policies is a Board function, and adopted policies are among the Board's governing documents.

The district's policies shall be consistent with the philosophy, goals and objectives of the district. In the event of a discrepancy between written materials in the district, Board policy will take precedence.

The term "policy" includes any Board regulations.

Policy Proposals

Proposals for new policies or revisions of current policies may be initiated by anyone interested in or connected with the district and must be presented in writing to the superintendent. The superintendent and administration will review the proposal and make appropriate recommendations to the Board. In addition, the district may utilize an outside entity that provides sample policies, service and support.

Policy Adoption

Policies may be adopted, amended or rescinded only upon a majority vote of the members of the Board present at a legally constituted meeting in which the proposed policy or amendment has been included on the agenda and described in writing. Information about proposed policies or amendments will be provided to Board members in advance of the meeting where the policies will be discussed to permit time for study.

The formal adoption, revision or repeal of policies will be recorded in the minutes of the Board meeting. Only those written statements so adopted or revised and so recorded will be regarded as official policies of the Board. Policies may become effective immediately upon adoption or at a specific effective date established by the Board and provided in the motion to adopt.

Alternative Adoption Procedures

When an updating service, such as that provided by the Missouri School Boards' Association, recommends adopting, amending or rescinding policies, the Board may vote to accept the recommendations after Board review. The recommended changes will then be considered immediately adopted and will be regarded as official Board policy.

FILE: BF
Critical

The Board can adopt, amend or rescind a policy after any number of readings; however, if the Board determines that an emergency exists, the Board may adopt, amend or rescind a policy immediately. The fact that such policy change is adopted as an emergency measure shall be stated in the minutes.

Suspension of Policies

Policies of the Board may only be suspended at an official meeting of the Board by one of the following procedures:

1. A majority vote of all Board members when the proposed suspension has been described in writing.
2. A unanimous vote of all Board members when the proposed suspension has not been described in writing.

Administration in Policy Absence

The superintendent shall have the power to implement action within the school district if an emergency situation should develop for which the Board has provided no policy guidelines. However, the superintendent's decision shall be subject to review by the Board at its next regular meeting. It is the superintendent's duty to inform the Board of any such action and of the need for an official policy statement.

Policy Review

The Board will review its policies on a continual basis in an effort to ensure that they are current and in compliance with the most recent federal and state regulations, statutes and court decisions.

The superintendent shall be responsible for the administration of the policies adopted by the Board of Education and is responsible for calling the Board's attention to all policies that are out of date or appear to need revision. The superintendent may designate a specific employee or contract with an outside entity for assistance with updating policies and maintaining an online version of the policy manual, as required by law. For the purpose of this policy, the term "manual" refers to the district's collected policies, whether in print or electronic formats.

If the district maintains multiple copies of paper manuals, the superintendent or designee shall make every effort to ensure that each copy of the policy manual or any excerpt therefrom is identical. Only the copy designated "official copy" and kept at all times in the office of the superintendent shall be recognized as authoritative.

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

Adopted:

Revised:

Cross Refs: CH, Policy Implementation and Dissemination
GBB, Staff Involvement in Decision Making
KC, Community Involvement in Decision Making

Legal Refs: § 171.011, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

BOARD TRAINING AND DEVELOPMENT

The Board strongly believes that Board development and ongoing education on the Board's roles and responsibilities result in a stronger education institution and set a good example for district employees and students. All Board members are expected to complete legally required training and participate in additional learning opportunities throughout their years of Board service.

New Board Member Orientation

The superintendent and Board president will provide each new Board member with the training and resources necessary for the new member to understand and actively participate in Board service from the beginning. New Board members will be provided access to the district's Comprehensive School Improvement Plan, district policies, the budget and all other governing documents. In addition, new members will be provided the district's most recent Annual Performance Report, test scores and other information regarding the district's performance. The Board president and superintendent shall set aside such time as is necessary to answer any questions arising from the study of these documents and shall cooperate fully in assisting the new member to become an informed and active Board member.

Legally Required Training

Board members must successfully complete 18.5 hours of orientation and training requirements (initial training) within one year of the date of their election or appointment, as required by law. After completing this initial training, Board members must complete at least one hour of qualifying refresher training each additional year of any term in office they serve after August 28, 2019.

Board members who have completed the required initial training before August 28, 2019, are not required to attend additional initial training but are required to obtain refresher training each year they continue to serve on the Board after that date.

In accordance with law, the training must be provided by a statewide association organized for the benefit of members of boards of education or approved by the State Board of Education. The district will pay for the necessary training and travel expenses associated with this training.

Board members who fail to complete this training are in violation of state law and could impact the district's accreditation review process. For this reason, any Board member who fails to complete the required training without being excused by the Board will be removed from Board committees and will not be allowed to hold a Board office or represent the full Board as an official spokesperson or in any other capacity. In extreme circumstances where the Board member willfully refuses to complete the training, the Board may inform the public of the Board member's refusal to follow the law.

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Critical

The Board recommends that any former Board member returning to Board service after a service gap of more than three years complete initial training again to remain current on information essential for good board governance.

Individual Board Training and Education

Board members are encouraged to seek out opportunities to learn by attending conferences and meetings, participating in webinars and online learning opportunities, and reading books and publications relevant to Board service. The Board will annually designate part of the annual budget for costs associated with these learning opportunities. The Board president and district superintendent may periodically recommend or forward education opportunities to Board members.

Full Board Training

The Board will periodically designate training opportunities for the full Board and the Board strongly encourages the participation of all Board members. All Board members are encouraged to identify areas of improvement for the Board to focus on and request training that may be beneficial to the entire Board.

Board Member Expectations

Board members are expected to be good stewards of taxpayer dollars. When district funds are used to register a Board member in a conference or learning opportunity and pay for travel expenses, the Board member is expected to fully participate and may be required to provide a report to the full Board regarding the information received. If a Board member fails to attend a learning opportunity, fails to cancel a registration in time for the district to receive a full refund of expenses incurred or otherwise causes the district to incur excess fees or expenses, the Board may require the Board member to fully reimburse the district and may refuse to pay future fees or expenses on behalf of the Board member until reimbursement is received. Exceptions will be made in emergency situations.

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

Adopted:

Revised:

Cross Refs: DLCA, Travel Expenses
JHG, Reporting and Investigating Child Abuse and Neglect

Legal Refs: §§ 162.091, .203, RSMo.

Southwest Livingston Co. R-I School Dist, Ludlow, Missouri

BOARD MEMBER LIABILITY/INSURANCE

Because they are members of an agency of government whose powers and duties can only be exercised by a decision of the majority of the Board when the Board is officially in session, the members of the Board and its employees act as agents of the Board. None of these individuals should be placed in a position of personal liability for the performance of the responsibilities vested in them by the voters of the district.

Therefore, in order to protect the individual members of the Board, its agents, and the educational interests of the district, the Board may purchase, in the absence of governmental immunity or in addition to sovereign or governmental tort immunity, with public school funds, adequate errors and omissions liability insurance and/or other types of insurance necessary to indemnify Board members and agents of the Board for their official actions in the service of the district's schools.

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

Adopted:

Revised:

Cross Refs: EIA, Property and Liability Insurance

Legal Refs: §§ 537.600 - .650, RSMo.

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SCHOOL BOARD LEGISLATIVE PROGRAM

The Board, as an agent of the state, must operate within the bounds of state and federal law affecting public education. If the Board is to meet its inherent responsibility to the residents and students of the community, it must work vigorously for the passage of new laws designed to advance the cause of good schools and for the repeal or modification of existing laws that impede this cause. To this end, the Board will act accordingly as follows:

- ▶ Seek both direct and indirect representation of its position on pending legislation with appropriate state and federal legislators and legislative committees.
- ▶ Be knowledgeable of the annual legislative program of the Missouri and National School Boards' Associations.
- ▶ Work for the achievement of legislative objectives through the Missouri and National School Boards' Associations and with other concerned groups.

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

Adopted:

Revised:

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SCHOOL BOARD MEMBERSHIPS

It may be the policy of the Board to maintain membership in the Missouri School Boards' Association. Through this membership in the state association, the School Board maintains indirect membership in the National School Boards' Association. The Board shall seek to participate as fully as possible in the activities of these organizations.

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

Adopted:

Revised:

Legal Refs: § 162.011, RSMo.

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