

Policy KK: VISITORS TO DISTRICT PROPERTY AND EVENTS

Status: DRAFT

Original Adopted Date: 04/15/2002 | Last Revised Date: 02/26/2024

25B UPDATE EXPLANATION

MSBA has updated this policy to address a district's responsibilities in providing notice and an opportunity to be heard to those individuals who have been excluded and/or banned from district property. These changes reflect legal requirements that were recently outlined in a federal court case that examined free speech issues and the limits of restrictions that school boards may place on visitors to district property.

The case arose after the plaintiff, a community member, was banned from district properties, including school board meetings and committees, for a year. The district allegedly implemented the ban after a series of interactions between the plaintiff and district officials, including speaking out of turn at school board meetings, expressing frustration with the superintendent, and confronting the superintendent about particular policies. The plaintiff was not provided with any appeals process.

The excluded community member sued the district, the board of education, and the district's superintendent, asserting violations of the First Amendment and procedural due process rights. The court found that the ban violated the First Amendment because the community member was excluded from the school board meetings and committees without evidence of actual threat or disruption.

The court also held that the ban deprived the plaintiff of his procedural due process rights. Here, the plaintiff had a liberty interest in engaging in free speech at the school board meeting, as it is a limited public forum. As such, the court held that the district must provide an appeals process before restricting a person's access to speak in these settings. Furthermore, the court emphasized that any appeal of such a ban must not be directed to the same individual who initially imposed it, ensuring an impartial review.

Based on this case, if a district wishes to ban individuals from school board meetings or other limited public forums, it must include an appeals process. Please note that this appeals process does not necessarily need to be used in all circumstances, but it should be used in situations where individuals are banned from school board meetings, committees, and other places where the public is allowed to speak.

See *Vollmecke v. Independence School District*, 2024 WL 4524547 (W.D. Mo. 2024) for more information.

District Property

Parents/Guardians and patrons of the district are welcome to visit district schools and attend district events. All visitors during business hours, including board members, must sign or check in at the building office prior to proceeding elsewhere in the building. The building principal or designee will post appropriate signs to direct visitors to designated doors nearest the building office. It is the responsibility of all district employees to direct visitors to the office and report any person in violation of district rules.

Student Visitation

In general, visitors to district property are not allowed to speak directly with students unless it is part of the district's education program or a parent/guardian has given permission. The district understands that parents/guardians sometimes need to briefly communicate with a student during the school day or during a school activity and will accommodate such communications when possible. However, the district refuses to mediate visitation and custody disputes among parents/guardians and other relatives or accommodate visits that the district determines could be distracting to a student. The district discourages parents/guardians, grandparents, and other relatives from visiting students during school hours or school activities. The superintendent or designee has the discretion to prohibit a parent/guardian or other relative from, for example, eating lunch with a student, attending class parties or field trips, or pulling a student out of class if such a visit could interfere with the education program or be disruptive; if one of the parents/guardians objects; if there is a current dispute regarding custody or visitation of the student; or if district employees are uncertain as to whether a person may legally have contact with a student.

Classroom Observations

Parental involvement with school activities is encouraged, and the district provides opportunities for such

involvement. However, because classroom visits can be disruptive to the educational process, the district does not permit parents/guardians or others to visit classrooms during instructional time for the purpose of observing students unless the principal has approved the visit in advance after consulting with the teacher.

Service Providers

The district does not permit outside entities to provide services to students on district property unless the service providers are working with the students in conjunction with the district's student health services program or pursuant to an agreement with the district.

Prohibited Items

Visitors to district property may not possess weapons, including concealed weapons, on district property, on district transportation, or at any district function or activity sponsored or sanctioned by the district unless the visitor is an authorized law enforcement official or is otherwise authorized by board policy. Visitors to district property may not possess or use alcohol or any substances that are illegal under state or federal law on district property, on district transportation, or at any district function or activity sponsored or sanctioned by the district. This prohibition includes the distribution, possession, and use of marijuana even if the visitor has a valid, Missouri-issued medical marijuana card. Visitors who are under the influence will be asked to leave and may be removed from district property.

Appropriate Behavior

The district believes that district events are a vital part of the total educational program and should be used as a means for developing positive social interaction, good sportsmanship, and appropriate behavior, in addition to knowledge and skills. Well-organized and well-conducted programs contribute to the morale of the student body and strengthen school-community relations. To this end, the board encourages district patrons to exhibit good sportsmanship, citizenship, ethics, and integrity at all district events and at all times while on district property. The district will work with the Missouri State High School Activities Association (MSHSAA) and other organizations to promote good behavior by patrons at athletic and other events. The board will work with parents/guardians, alumni associations, and local service organizations to keep appropriate behavior a top priority. The superintendent will establish procedures for crowd control at district events consistent with this policy.

Registered Sex Offenders and Persons Prohibited on or Near District Property

Sex offenders required to be listed on the Missouri Highway Patrol's sex offender registry, or who have pled guilty, pled *nolo contendere*, or been convicted of crimes for which the law currently requires offenders to be listed, regardless of when those crimes were committed, are not allowed on district property or transportation or at district activities, regardless of whether those activities are held on or off district property, unless access is required by law. In accordance with law, the district also prohibits all persons who have pled guilty or *nolo contendere* to or who have been convicted of or found guilty of violating the following provisions from being on or within 500 feet of any school building, district property, district activity, or any vehicle used to transport students:

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

Despite the prohibitions in this section, the superintendent may grant permission for a parent, guardian, or custodian of a student to be on district property for the limited purpose of attending meetings with district staff or in other situations where the student may benefit. Permission will be granted sparingly, if ever, and only in situations where the parent, guardian, or custodian will be supervised at all times or will not be alone with a child. If the superintendent does not grant permission, the parent, guardian, or custodian may seek permission from the board. The superintendent will inform the principal and other relevant district staff of the scope of the permission granted. This section may not apply to a student entitled by law to be on district property for educational services if the student's presence is necessary to obtain those services and the student is not otherwise prohibited by law from being on district property. The exceptions cited in this section do not apply if the person is otherwise prohibited or banned from district property by other sections of this policy.

Disruptive Conduct

If a visitor's conduct becomes disruptive, threatening, or violent, the superintendent, principal, or a designee of either may require the visitor to leave. The superintendent or designee may prohibit the visitor from all or parts of district property or district events, indefinitely or for a specific period of time. ~~During any period of prohibition, the visitor will not be allowed on district property.~~

The superintendent may make exceptions ~~or adjust an exclusion~~ for parents, guardians, or custodians of students enrolled in the district if the person's presence is necessary to transport the student or may benefit the student educationally, or in situations where the parent, guardian, or custodian will be supervised at all times. The superintendent may make an exception for visitors to attend a meeting of the board or its committees but is not obligated to do so. This paragraph does not apply if the person is otherwise prohibited or banned from district property by other sections of this policy.

Enforcement

If a visitor prohibited from district property or events under this policy is on district property, district staff will contact law enforcement and/or escort the person from district property and inform them of the district policy prohibiting their presence. The superintendent, principal, or a designee of either may file a report or sign a complaint with law enforcement on behalf of the district. The board grants the superintendent or designee the authority to consult an attorney for guidance or to seek a court order banning the visitor from district property. A visitor denied access to district property may communicate with the board in writing but will not be allowed back onto district property unless allowed by the board.

Appeals

When required by law, the district will provide an appropriate appeal process for persons under restriction to present their case to the school board. The board will determine whether the appeal will be through written materials, virtual conferencing, or physical attendance. After the appellant has presented their case, the board shall deliberate and shall render a decision to affirm, remove, or amend the restrictions. The administration or its counsel, by direction of the board of education, shall promptly prepare and transmit the board's decision to the individual.

Policy KB: PUBLIC INFORMATION PROGRAM

Status: DRAFT

Original Adopted Date: 04/15/2002 | Last Revised Date: 02/25/2019

25B UPDATE EXPLANATION

This policy has been revised to more closely align with the expectations in the Missouri School Improvement Plan, Version 6, Standards and Indicators, which includes the following:

Communication

L8 - The school system provides for two-way, reliable, and representative communication with all stakeholders.

A. The school system implements and annually reviews a communications plan that outlines multiple methods for two-way, reliable communication with all stakeholders.

B. The school system regularly communicates to all stakeholders the progress in attainment of the system's mission, vision, and goals.

MSBA has also removed the section titled "Specific Information." There are many, many state statutes that require specific communications to the public, parents/guardians, and staff. Because it would be quite burdensome to list these in board policy, MSBA's administrative procedure KB-AP1 will list all the requirements with statutory references. For this reason, the "Specific Information" section in this policy is no longer necessary. Please refer to KB-AP1 for more information on required communications.

Open communication with the district's students, parents/guardians, employees, and the public is essential for the school district to operate effectively and maintain public trust. The board of education places high importance on conveying information concerning the district's goals, achievements, activities and operations to these groups. The district will regularly communicate to all district stakeholders the progress toward the district's mission, vision, and goals, as well as other information about the use of taxpayer funds and district operations.

The district will make a systematic effort to communicate with the public using a variety of communication channels. The board of education authorizes the expenditure of funds for the purpose of preparing and distributing information to the general public. Employees and board members will maintain an effective working relationship with the news media.

Spokespersons

The superintendent, board president, or designee will serve as official spokespersons for the district. All employees and board members will direct public or media requests for official statements about district business from the public or members of the media to the district's spokespersons. Board members should emphasize to the media and members of the public that they may only speak only as individual board members unless empowered by the board to speak on its behalf.

Communications Plan

The board directs the superintendent or designee to create a written communications plan that outlines multiple methods for two-way, reliable communication with all stakeholders. The superintendent or designee will review this plan on a regular basis and present it to the board.

The board directs the superintendent or designee to develop and disseminate written guidelines to staff to further the goals of this policy, including a communications plan that aligns with relevant board policies and administrative procedures and addresses the communications plan, including:

1. Guidelines for employees communicating with the media.
2. Communicating during emergency situations.
3. Use of the district's website and social media.

4. Sharing information within the district.
5. Sharing information with the public.

Effective Communications

The district recognizes that board members and employees have regular contact with students, parents/guardians, and the public in general. When interacting with the public, all district employees and board members are responsible for communicating accurate information about district policies and programs and promoting effective school-home-community partnerships. **District employees will not be disciplined for speech that is protected by law.**

In all communications, the board and its employees will:

1. Disseminate accurate and timely information about district policies, programs, procedures, achievements, decisions, and critical issues.
2. Eliminate rumors and misinformation.
3. Observe confidentiality and other restrictions imposed by law and board policy.
4. Promote a climate of trust.

District employees will not be disciplined for speech that is protected by law.

Specific Information

The district will provide parents/guardians and members of the public information as required by law. Board policies and related documents, including current versions of district handbooks, will be posted on the district's website. School and district report cards may be posted on the district's website and will be distributed to the public as determined by the superintendent or designee. The district will post notice of board meetings and make copies of these notices available to representatives of the news media upon request. Other public information will be available in the district's buildings or administrative offices for viewing by the public during the office's normal business hours, as required by law and in accordance with policy BDDL.

The superintendent or designee will develop a communication system for the exchange of information between the district and staff, students, parents/guardians and others when school or school activities are canceled. Notice of the closing and reopening of school or cancellation of activities will be publicized through local media, the district's website and other district information dissemination options.

Policy IGBB: PROGRAMS FOR GIFTED STUDENTS

Status: DRAFT

Original Adopted Date: 04/15/2002 | Last Revised Date: 02/25/2019

25B UPDATE EXPLANATION

MSBA has amended this policy for clarity and brevity. Many of the details have been removed from the policy not because they are unimportant, but because the requirements and recommendations for gifted programs change. To ensure that the policy remains current, MSBA is simply referencing guidance from the Department of Elementary and Secondary Education. The most current guidance can be found at <https://dese.mo.gov/quality-schools/gifted-education>. The details of the district's gifted program are best left to the administrative procedure IGBB-AP, which district staff can amend as needed.

Districts should be aware that although gifted programs were previously optional, § 162.720, RSMo., has made them mandatory if three percent or more of students enrolled in the district are "identified as gifted and their development requires programs or services beyond the level of those ordinarily provided in regular public school programs."

The law requires that teachers providing gifted services in districts of more than 350 students must be certified in gifted education but does not address what the consequences might be if the district cannot find suitable staff with those qualifications. School districts with 350 or fewer students are not required to have a teacher with a gifted education certificate. Another certificated staff member may provide gifted instruction in these schools, but the law does require that teacher to annually receive at least six hours of district-paid professional development focused on gifted instruction.

What if my district does not have a gifted program?

If your district does not have a gifted program, then a gifted policy is not required. However, please be aware that state law requires school districts to establish a gifted program if three percent or more of students enrolled in the district are identified as gifted and the district's programs do not meet those students' needs. See § 162.720, RSMo.

The board of education is committed to improving student learning opportunities for all students in the district and authorizes a program for meeting the educational needs of identified gifted students in an educational environment beyond that offered in the regular classroom. The board of education will make every effort to provide the level of monetary support necessary to sustain the gifted program.

The superintendent will designate a coordinator to operate the gifted education program in accordance with law and guidance issued by the Department of Elementary and Secondary Education.

The program will:

1. Provide a minimum of 150 minutes per week of contact time in which gifted program personnel work exclusively with identified gifted students.
2. Include a systematic process for the identification and selection of gifted students at all grade levels. The identification process will include alternative identification plans designed to identify gifted students who are traditionally underidentified and underserved, such as students with language differences, cultural differences, special educational needs and those from families living in poverty.
3. Utilize instructional personnel with the appropriate certification for the gifted program services they are providing.
4. Have class sizes and caseloads in accordance with Missouri Department of Elementary and Secondary Education (DESE) guidelines.
5. Include activities beyond the level usually provided in regular school programs that particularly contribute toward meeting the identified unmet needs of participating students.

The superintendent will designate a member of the district's professional staff to serve as the coordinator of gifted education. The coordinator is responsible for:

1. Overseeing the gifted education program.

2. Facilitating the process by which parents/guardians may request a review of the decision that determined their student did not qualify to receive services through the district's gifted education program.
3. Completing and submitting the application for a gifted education program through Core Data in a timely manner.
4. Reporting instructional positions and assignments of gifted program personnel through Core Data in a timely manner.
5. Completing an annual evaluation report before June 30 of each year that will be available in the central office.
6. Maintaining in the central office a description of the program's goals, learner objectives and activities as well as the annual program evaluation report.

Identification

The gifted education coordinator will create a systematic process for the identification of gifted students that includes universal screening and evaluation and will notify district staff and parents/guardians of the process. The identification process is open to students living in the district who are not currently enrolled in the district or who are enrolled on a part-time basis. The process will address the re-evaluation and services provided to transfer students previously identified as gifted, including children in foster care and children of military families.

Parent/Guardian Request for Review

The district will inform parents/guardians who receive notice that their student has not met the eligibility requirements to receive gifted services will be informed that they may request a review of that decision by contacting the district's coordinator for gifted education or an administrator in the school the student attends. If the request is made to an administrator, the administrator will forward the request to the coordinator.

The coordinator will arrange a conference with the parents/guardians to explain the identification process used by the district, including the benchmarks and standards used by the district to identify the students eligible for services.

The coordinator will provide the parents/guardians with information specific to their student, including the results of any testing, assessment, or evaluation of the student results, and will assist the help parents/guardians in interpreting the results.

The coordinator is not permitted to discuss any information about other identifiable students but may share aggregated information, such as how many students were considered for the program and how many were accepted.

The coordinator will share information with the parents/guardians regarding about any enrichment activities, clubs, and student groups available to all students that, based on the student's results, might be of interest to their student. The coordinator will also share information about the district options for student acceleration, when applicable.

If, during the review, the coordinator identifies any error in the eligibility determination process that may have resulted in an incorrect determination, the coordinator will arrange to have the student re-evaluated for eligibility. Otherwise, the initial eligibility decision will stand.

Policy GBE: STAFF HEALTH AND SAFETY

Status: DRAFT

Original Adopted Date: 04/15/2002 | Last Revised Date: 02/24/2025

25B UPDATE EXPLANATION

MSBA has revised this policy to remove details about medical examinations for drivers from this policy. It is unnecessary to have this language in board policy.

Section 162.064, RSMo., requires that bus drivers receive a medical examination prior to operating a school bus and every other year thereafter. This provision is covered under this policy's statement that district will require physical examinations "only in accordance with law."

Staff health and safety are of vital importance to the school district. The board will seek to provide safe working conditions for all staff members and will give prompt consideration to conditions that may present a threat to staff health and safety. The district will respond to employee requests for reasonable accommodations under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act (ADA) and for known limitations related to pregnancy, childbirth, or related medical conditions under the Pregnant Workers Fairness Act.

The district will make medical inquiries, require physical exams, and keep medical information on employees only in accordance with law. Medical records must be maintained on separate forms in separate medical files and shall be kept confidential.

All employees will receive annual training on universal precautions and the district's communicable disease policy.

Individuals employed by the district or through a contracted service to drive district transportation must annually provide the district with a statement from a medical examiner that indicates that they are physically qualified to operate district transportation for the purpose of transporting students. New drivers must file this statement prior to their initial operation of district transportation.

Policy EGAA: COPYRIGHT COMPLIANCE

Status: DRAFT

Original Adopted Date: Pending

25B UPDATE EXPLANATION

MSBA has retitled this policy, recoded it from EGAAA to EGAA, and updated it to align with the federal TEACH Act.

Digital Class Materials, Copyright, and the TEACH Act

Showing or playing pieces of copyrighted works not otherwise licensed by the district in the traditional classroom setting has long been covered by the "fair use" provisions of § 107 of the Copyright Act. Fair use for instructional and all other listed purposes remains in the statute.

In 2002, Congress amended § 110 of the Copyright Act to deal with, among other things, instructional uses of copyrighted works in remote education, distance learning, and digital spaces. The amendments are known as the "TEACH Act." These issues did not generate much buzz when the prevalent model for student exposure to a copyrighted work was in a traditional classroom, but the COVID-19 pandemic caused a surge in remote instruction.

Two trends are highlighting these amendments now. First, "one-to-one" instructional programs with digital instructional materials are increasingly common. Second, COVID-19 accelerated a trend where supplementary instructional materials formerly kept on classroom walls or bookshelves, for example, are now shared in a virtual space. When bits of unlicensed copyrighted works long used in the classroom without incident began to migrate to devices and servers, new issues arose.

Requirements

Congress established a "safe harbor" for instructional use of protected works to help avoid the guesswork of what constitutes instructional fair use. Instructional fair use still exists, but the TEACH Act avoids a debate (and hence a dispute with a copyright holder) over what is considered "fair." Under the TEACH amendments to § 110 of the Copyright Act:

1. A nondramatic literary work;
2. A musical work;
3. "Limited portions" of any other work; or
4. The "display of a work in an amount comparable to that which is typically displayed in the course of a live classroom session."

are all permissibly used for "transmitted" (in the Act's words) instructional purposes when the following limits are observed:

1. It cannot be a work produced or marketed primarily for performance or display as part of mediated instructional activities—in other words, it is not a product (such as the digital "textbook" for that subject)—where distribution of copies via seat licenses or group licenses is the commercial model for the work.
2. The performance or display is made by, at the direction of, or under the actual supervision of an instructor as an integral part of the class session.
3. The performance or display is directly related and of material assistance to the teaching content of the course being delivered.
4. Receipt of the content is limited, to the extent feasible, to district employees as part of their official duties and students officially enrolled in the course. This can usually be accomplished through typical security protections, such as passwords, to the course itself.
5. The district institutes policies regarding copyright and provides informational materials to faculty, students, and relevant staff members concerning and promoting copyright compliance.
6. The district:

- Adopts technology measures for digital materials that prevent retention of the copyrighted work in accessible form by recipients for longer than the applicable course session and prevent unauthorized further dissemination of the work by the recipients to others; and
- Does not engage in conduct that could reasonably be expected to interfere with copyright owners' own anti-piracy measures.

School districts are responsible—on their own and through their technology vendors—for ensuring that:

1. Students using copyrighted materials in a remote instructional context are forbidden from sharing the work outside the context of the course; and
2. Copyrighted materials shared for these instructional purposes are removed or otherwise inaccessible to students after they are no longer needed for instruction in the course for which the materials were shared.

Districts should ensure that students in courses where copyrighted materials are used under these provisions receive notice of these requirements, limitations, and the students' limited-use access to covered work within the course.

Some of this functionality can be included in the virtual instruction technology tools, and some of it may need to be handled by instructors as they manage their online course content. Reasonable steps could include removing covered content if or when it is no longer needed to assist in conveying the instruction it supports (which will vary by the subject), closing access to courses upon the end of term, watermarking materials, and including robust copyright reminders and acknowledgments when making devices and content available for school use.

In exchange for this category of "free" use of otherwise copyrighted content, Congress expects the schools to be proactive in promoting and monitoring copyright protections.

It is the intent of the board to The Carl Junction R-I School District will abide by the provisions of current copyright and intellectual property laws as they affect the school district and its employees. The superintendent or designee will create procedures to train employees on the law, which will be posted at each machine, and monitor district compliance.

Copyrighted materials, whether they are print or nonprint, will not be duplicated, reproduced, distributed, or displayed for district-sponsored activities or by using district equipment except in accordance with law.

The superintendent or designee will monitor district compliance. The district will provide all employees with details about "fair use" for instructional use for in-person and virtual education settings and other relevant information regarding copyright law will be made available to all employees. The district will post a summary of these standards will be posted or otherwise make them easily available at each machine used for making copies and in conjunction with instructional technology resources provided to staff and students.

The board does not sanction or condone illegal duplication, reproduction, or distribution of copyrighted material in any form. It is the responsibility of all district staff are required to notify the superintendent or designee of any potential violation of law or policy. Once notified of a violation, the superintendent or designee will take reasonable steps to remedy the violation. Employees who violate this policy may be disciplined or terminated. Students who violate this policy may be disciplined. All persons who use district resources in violation of law may be prohibited from using district resources in the future and will assume liability for their actions. The district may also seek other legal remedies.

Copyright Infringement Using District Technology

All persons are prohibited from using district technology in violation of any law, including copyright law. Only appropriately licensed programs or software, or material otherwise permitted by limited instructional use authorizations under copyright law, may be used with district technology. Further, no person will use the district's technology to post, publicize, or duplicate information in violation of copyright law. The board directs the superintendent and/or designee to take all reasonable measures to prevent the use of district technology in violation of the misuse that violates law. All persons using district technology in violation of law may lose their user privileges in addition to other sanctions.

If a content owner reasonably believes that the district's technology has been used to infringe upon a copyright, the owner is encouraged to notify the following designated agent immediately:

- Individual building principals

The district will notify the U.S. Copyright Office of the designated agent's identity. Further, the district's website will include information on how to contact the district's designated agent and a copy of the district's copyright policy. Upon notification, the district's designated agent will take all actions necessary to remedy any violation. The district will provide the designated agent appropriate training and resources necessary to protect the district.