

In accordance with law, the district prohibits all persons who have pled guilty or *nolo contendere* to or 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:

- Any of the provisions in Chapter 566 of the Missouri Revised Statutes.
- Incest, § 568.020, RSMo.
- Endangering the welfare of a child in the first degree, § 568.045, RSMo.
- Use of a child in a sexual performance, § 568.080, RSMo.
- Promoting a sexual performance by a child, § 568.090, RSMo.
- Sexual exploitation of a minor, § 573.023, RSMo.
- Promoting child pornography in the first degree, § 573.025, RSMo.
- Furnishing pornographic material to minors, § 573.040, RSMo.
- 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 prohibition 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 other events. Permission will be granted sparingly, if ever, and only in situations where the parent, guardian or custodian will be supervised at all times. 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 school grounds for educational services if the student's presence is necessary to obtain those services. 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 designee may require the visitor to leave. In extreme situations, the superintendent or designee may inform the visitor that he or she is not welcome back on district property or at district events indefinitely or for a specific period of time. During any period of prohibition, the visitor will not be allowed on district property except to attend a meeting of a public governmental body. The superintendent may make exceptions for parents, guardians or custodians of students enrolled in the district if the person's presence is necessary to transport the student, may benefit the student educationally, or in situations where the parent, guardian or custodian will be supervised at all times. 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 grounds and inform the person of the district policy prohibiting his or her presence.

The superintendent, principal or designee 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 request to address the Board on the matter in accordance with Board Policy.

STUDENT ATTENDANCE & TRUANCY

ATTENDANCE/SCHOOL PREMISES/TRUANCY

It is recognized that absence from school may be necessary under certain conditions. However, every effort should be made by students, parents, guardians, teachers, and administrators to keep absences and tardiness to a minimum. The state of Missouri does require compulsory attendance. The state charges the family with the responsibility to ensure that each child attends school regularly.

It is important to note that frequent absences disrupt the continuity of the instructional process. The school cannot teach students who are not present on a daily basis, and the educational opportunities afforded to children cannot be entirely replicated in make-up situations.

As a result, parents and students are strongly advised to limit absences to cases of emergencies, illness, doctor and dental appointments, and occasional family trips for unforeseeable events such as a death in the family.

Parents are requested to call the attendance line if a student is going to be absent from school. The attendance voicemail is accessible 24 hours a day for your convenience. If parents do not call the school or the school cannot make telephone contact with the parents, the student must bring a signed note the next day following the absence. A parent contact via letter or phone call will be made when absences become excessive. Documentation denoting a doctor's visit may be requested after excessive absences.

Students participating in co-curricular activities should be in attendance the entire day. Any student who has an unexcused absence from school on the day of an activity may not attend or participate in that activity. Any student who has an excused absence from school on the day of an activity must seek approval from an administrator in order to attend or participate in that activity.

Students who are absent from school without the knowledge and consent of the parent/guardian and the administration, or students who leave school during the day without the consent of the principal will be considered truant. Every effort will be made to work with the parents and/or guardians. Consequences for truancy are outlined below in the prohibited conduct section.

ATTENDANCE LETTERS

Please be advised that regular school attendance is compulsory, as defined by Missouri Statute 167:031:

“Every parent or guardian having charge, control or custody of a child between the ages of seven and sixteen years of age shall cause the child to attend school regularly...not less than the entire school term.”

Chapter 167 of the Missouri Statutes further defines penalties for violation of compulsory school attendance (167.061).

Attendance letters are sent home to parents when a student has accumulated an excessive number of absences for a course or full day. Letters are sent when a student's attendance is at 90%, 85%, and 80%. It is important that we partner together to improve student attendance. In severe cases, failure to respond and work with the school could result in a referral to the Division of Family Services for Educational Neglect or Clay County Juvenile Center for Truancy.

STUDENT CONDUCT & DISCIPLINE

DISCIPLINE AUTHORITY

The Board of Education has the legal authority to make all needed policies, rules and regulations for organizing and governing the school district. This includes the power to suspend or expel a student for conduct which is prejudicial to good order and discipline in the schools or impairs the morale or good conduct of the students in attendance in district instructional and support programs, as well as at school-sponsored activities and events.

Building principals are responsible for the development of rules and regulations regarding student conduct needed to maintain proper behavior in schools under their supervision. Principals, subject to appropriate due process procedures, may summarily suspend any student for up to ten (10) days for violation of these policies, rules and regulations. Notice of suspension shall be given immediately to the parent or guardian, and to the superintendent.

Flagrant disregard for policies, rules and regulations, or continued truancy may result in suspension by the superintendent or expulsion by the Board, both subject to appropriate due process procedures. The superintendent may suspend a student for up to one hundred eighty (180) days; however, expulsion of students is a function only of the Board of Education.

Teachers shall have the authority to make and enforce necessary rules for the internal governance in the classroom, subject to review by the building principal. The Board expects each teacher to maintain a satisfactory standard of conduct in the classroom.

All employees of the district shall annually receive instruction related to the specific contents of this policy of discipline and its implementation, including methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity for confidentiality.

For the purposes of district policy, "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. Administrators shall report acts of school violence to teachers and other school district employees with a need to know. For purposes of this policy, "need to know" is defined to mean school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties.

School administrators shall report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following felonies or any act which if committed by an adult would be one of the following felonies:

- First degree murder under section 565.020, RSMo.
- Second degree murder under section, 565.021, RSMo.
- Kidnapping under section 565.110, RSMo.
- First degree assault under 565.050, RSMo.
- Forcible rape under section 566.060, RSMo.
- Forcible sodomy under section 566.060, RSMo.
- Burglary in the first degree under section 569.160, RSMo.
- Burglary in the second degree under section 569.170 RSMo.
- Robbery in the first degree under section 569.020, RSMo.
- Distribution of drugs under section 195.211, RSMo.
- Distribution of drugs to a minor under section 195.212, RSMo.
- Arson in the first degree under section 569.040, RSMo.
- Voluntary manslaughter under section 565.023, RSMo.
- Involuntary manslaughter under section 565.024, RSMo.
- Second degree assault under section 565.060, RSMo.

- Sexual assault under section 566.040, RSMo.
- Felonious restraint under section 565.120, RSMo.
- Property damage in the first degree under section 569.100, RSMo.
- The possession of a weapon under chapter 571, RSMo; committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities.
- Third degree assault under section 565.070, RSMo.

Any portion of a student's individualized education program that is related to, demonstrated, or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties.

Any time a referral that warrants formal disciplinary action more serious than detention is submitted, a reasonable effort will be made by the principal to either contact the parent or guardian by written notice delivered by the student, through the mail, or by direct telephone contact.

DISCIPLINE OF STUDENTS WITH DISABILITIES (Board Policy JGE)

It is the goal of the Liberty 53 School District to provide a safe and productive learning environment for all students. The district does not believe in a double standard for misbehavior and holds the welfare and safety of all persons in the district in highest regard. Students with disabilities will be disciplined in accordance with the district's discipline code applicable to all students, subject to the modifications mandated by law. All students, including those with disabilities, will be referred for law enforcement action when required by law and when their conduct constitutes a crime.

The district will comply with all state and federal laws governing the discipline of students with disabilities, including the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, applicable regulations and state and local plans for compliance with the law. In addition to the process outlined in special education law, students with disabilities will receive the same due process afforded other students.

The Board delegates to the superintendent or designee the authority to seek the removal of a student with a disability as allowed by federal or state law to an alternative educational setting through the state hearing process or to seek a court injunction ordering removal or a different educational placement.

The superintendent or designee will provide all district employees training on violence prevention, the district's discipline code and the legal requirements for disciplining students with disabilities. The Board delegates to the superintendent or designee the authority to contact the district's legal counsel for legal advice or training on the district's responsibilities.

If a handicapped student is charged with misconduct for which a suspension may result, the student and the student's parents or guardian shall be given oral or written notice of the charges. If the charges are denied, the student, parent or guardian shall be given an oral or written explanation of the facts, which form the basis of the proposed suspension. The student, with assistance of a parent or guardian, shall then be given an opportunity to present the student's version of the incident.

The principal shall keep a record of all disciplinary action taken against a handicapped student, which, if continued for more than ten consecutive days would amount to a change of placement.

When the proposed OSS will exceed a total of ten (10) days for a given school year, the Director of Special Education will be notified in writing. Notice should include action pending, reasons for such action and previous history of suspension.

Within five (5) days of a receipt of notice, the Director of Special Education will reconvene the student's Individual Education program (IEP) committee. This committee will determine: (1) whether the current placement is in the least restrictive environment, (2) whether the behavior(s) for which action is recommended is/are related to the student's handicapping condition, and (3) whether the student is a danger to himself or herself or others.

The IEP committee will include: (1) the principal, (2) the Director of Special Education or his or her designee, (3) the student's regular and/or special education teacher, (4) the parent(s)/guardian, and (5) the student, when appropriate, and (6) others with relevant information.

The student shall be accorded all procedural rights under federal and state law, including:

- Notice of the proposed action,
- The right to examine the record,
- Re-evaluation if a significant change in placement is proposed,
- A hearing with representation of counsel,
- The right to remain in the current placement during the pendency of the proceedings,
- The right to appeal.

If a handicapped student is found by the district to present a danger to himself or herself or others, and the student's parents or guardian has not consented to an immediate change in placement pending due process procedures, then the district may seek a court order for an immediate change in placement, pending the completion of such procedures. If the court does not determine the nature and extent of services to be provided to such child during this period, the multi-disciplinary committee shall make such determination.

If the discipline would result in a change in placement, the committee shall determine whether the behavior for which discipline is proposed is related to the children's handicap, and whether the child is currently placed in the appropriate least restrictive environment based on a multi-disciplinary evaluation.

If the committee determines that the behavior is unrelated to the handicap, discipline resulting in a change of placement may be imposed, including suspension or expulsion. A determination that the student's behavior is unrelated to the handicap indicates that normal disciplinary measures recommended by the administration are appropriate. The committee's determination may be appealed. The nature and extent of educational services to be provided during any such period of suspension or expulsion, if any, shall be based on recommendations of the multi-disciplinary committee, subject to the right of appeal.

If the committee determines that the behavior is related to the student's handicap, the student shall remain in the current placement pending completion of the administrative process. The committee shall modify the student's placement or IEP as appropriate. If the committee is unable to reach a decision based on the information presented, it may recommend further assessment. In this event, the student will remain in the present placement until assessment is completed and reviewed by the committee.

Due process procedures, applicable to suspension or expulsion under state law, as provided in section 167.161 and 167.171 RSMO shall be provided prior to suspension or expulsion of handicapped students.

EXPULSION

The Board of Education may originate suspension or expulsion proceedings in its own motion for student conduct which is deemed prejudicial to good order and discipline in the schools or which tends to impair the morale or good conduct of the student. However, only the Board has the authority to expel a student from school.

If a student consistently refuses to conform to school policies, rules, regulations, or as otherwise provided herein, the principal or superintendent may recommend to the Board of Education that the student be expelled from school. The Board will review such recommendations and decide whether to proceed with an expulsion hearing. Should an expulsion hearing be deemed necessary, the following points shall serve as the guideposts for the proceedings:

Board action shall begin with a written notice of the charges to the student and his parents/guardians, or others having his custodial care. Such notification will include charges, contemplated action and time and place of a hearing on such charges and that the student, parents/guardians, or others having custodial care shall have the right to attend the hearing and to be represented by counsel.

The hearing will be closed. At said hearing, the Board of Education, or counsel shall present the charges, testimony and evidence as may be deemed necessary to support the charges. The student, parents/guardians, or others having custodial care or counsel, shall have the right to cross-examine witnesses presented in behalf of the charges and to present testimony in defense there against which shall be subject to cross-examination.

At the conclusion of the hearing or in an adjourned meeting, the Board of Education shall render its decision to dismiss the charges, suspend the student for a specified time, or expel the student from the schools of the district. Prompt notice of the decision shall be given to the student, parents/guardians or others having custodial care, and counsel, if applicable.

Complaints and Grievances

Alleged acts of unfairness or any decision made by school personnel, except as otherwise provided for under student suspension and expulsion, which students and/or parents/guardians believe to be unjust or in violation of pertinent policies of the Board or individual school rules, may be appealed to the school principal or a designated representative.

All persons are assured that they may utilize this procedure in accordance with Board Policy JFH without reprisal.

Cases of suspension will be handled on an individual basis in compliance with the policies of the Board of Education and the customs of the school.

It will be the duty of the principal in charge, or his or her representative, to see that order is maintained and the rights of the majority of students to pursue their education are not abridged by those students or individuals who would disrupt that aim.

GENERAL DISCIPLINE INFORMATION

Corporal Punishment

No person employed by or volunteering on behalf of the Liberty 53 School District shall administer or cause to be administered corporal punishment upon a student attending district schools.

A staff member may, however, use reasonable physical force against a student without advance notice to the principal, if it is essential for self-defense, the preservation of order, or for the protection of other persons or the property of the school district.

Detention

Failure to show up on time, work productively, or be compliant with expectations may result in being dismissed, alternate consequences, or no credit given for the detention.

Before and After School Detention will be held 30 minutes before or after school. Students can be assigned to a detention by a teacher or an administrator and will be expected to work on school work or read. Parents are required to provide

transportation. Parents will be contacted by the teacher/administrator via writing or phone call if their child is assigned a detention.

Extended Day School (EDS) or Friday Night School (FNS) will be held for two hours after school. Students will be assigned to an extended day school by an administrator and will be expected to work on homework or read. Sleeping, talking, drawing, and listening to music will not be allowed. Administrators and/or teachers will supervise extended day school. Parents will provide transportation. Parents will be notified with a form sent home or a phone call if their child is assigned extended day school.

Discipline

Keeping schools safe is a responsibility for all staff, students and patrons. If you learn of/or suspect a school violence incident, please help prevent the act before it happens. You can report incidents anonymously by calling:

Missouri School Violence Hotline at 1-866-748-7047 or by reporting on-line at www.schoolviolencehotline.com

The public schools of this nation have the responsibility, conferred on them by the state, to provide public education for children until they graduate or reach the age of 21. To discharge this function effectively and equitably, school authorities and parents must ensure an environment in each school that is conducive to the learning process. While there are many factors which affect the learning environment, perhaps most critical is the problem that results from inappropriate conduct and lack of consistent and effective disciplinary response. A renewed commitment to the establishment of consistent local discipline codes is seen as a way to deal with dropouts, lowered academic achievement, alienated youth, and demoralized teachers.

Federal and state laws confer rights and freedoms to every citizen both in and out of school. At the same time, every citizen has the responsibility to respect the identical rights of others. In the school environment, these rights and responsibilities must be harmonious in maintaining an orderly environment than is generally allowed law enforcement authorities in society, provided they adhere to the requirements of due process and other constitutional standards.

All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school - sponsored activities, or during intermission or recess periods.

Rules that establish discipline serve as guidelines for students and are necessary and basic to their growth and development. Thus, it becomes the responsibility of local school districts to have a discipline policy that reflects the community's standards and expectations for student behavior. The discipline guidelines are important for the maintenance of an atmosphere where orderly learning is possible and encouraged. The consequences contained in Board Policy and student handbooks are suggested guidelines. Administrators have the authority to use discretion and common sense as they enforce the consequences for a particular violation of the rules.

Schools must prepare students for their responsibilities as adults in a democratic society. To accomplish this goal, there must be respect and mutual trust among parent, teacher and student. The discipline policy is the tool. In this regard, the student discipline policy becomes an integral component of the education process and a symbol of the commitment of parents, students and administrators to the maintenance of an effective learning environment.

The discipline policy is designed to notify students as to the type and range of behaviors that are unacceptable; nevertheless, every rule has not been included. Consequently, students should expect to be disciplined for misconduct that interferes with the learning process, whether it is listed in this handbook or not

POSITIVE BEHAVIOR INTERVENTIONS AND SUPPORTS (PBIS)

Schoolwide Positive Behavior Support (SW-PBS)—also known as Positive Behavior Interventions and Supports (PBIS) or Effective Behavioral Supports (EBS)—is a district or school’s process for teaching social and behavioral skills so its focus can be on teaching and learning. Schools have a responsibility to provide an education to students in safe and predictable environments. Establishing a positive, proactive schoolwide discipline plan is a necessary first step for enabling schools to achieve their goals and responsibilities

Schoolwide Positive Behavior Support is an organizational framework for discipline. As a framework or approach, it is not a specific “model” or “program,” but a compilation of research-validated and effective practices, interventions, and systems change strategies. SW-PBS provides the framework for:

- ▶ Improving the social behavioral climate of schools
- ▶ Supporting or enhancing the impact of academic instruction on achievement
- ▶ Increasing proactive, positive, preventive management while decreasing reactive management
- ▶ Integrating academic and behavior supports
- ▶ Improving services for all students, including students at risk and students with identified disabilities

PROHIBITION AGAINST ILLEGAL DISCRIMINATION AND HARASSMENT (Board Policy AC)

General Rule

The Liberty 53 School District 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 Liberty 53 School District is an equal opportunity employer.

The Board also prohibits:

1. Retaliatory actions including, but not limited to, acts of intimidation, threats, coercion or discrimination against those who:
 - a) Make complaints of 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.

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.

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:

Dr. Dwayne Smith
Director of Compliance
8 Victory Lane, Liberty, MO 64068
Phone: 816-736-5300 / Fax: 816-736-5505
E-mail: dwayne.smith@lps53.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:

Dr. Robert Vogelaar
Assistant Superintendent–Human Resources
8 Victory Lane, Liberty, MO 64068
Phone: 816-736-5300 / Fax: 816-736-5505
E-mail: robert.vogelaar@lps53.org

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 Liberty 53 School District.

3. Serve as the district's designated Title IX, Section 504 and Americans with Disabilities Act (ADA) coordinator, as well as the contact person for compliance with other discrimination laws.
4. Investigate or assign persons to investigate grievances; monitor the status of grievances to ensure that additional discrimination, harassment and retaliation do not occur; and recommend consequences.
5. Review all evidence brought in disciplinary matters to determine whether additional remedies are available, such as separating students in the school environment.
6. Determine whether district employees with knowledge of discrimination, harassment or retaliation failed to carry out their reporting duties and recommend disciplinary action, if necessary.
7. Communicate regularly with the district's law enforcement unit to determine whether any reported crimes constitute potential discrimination, harassment or retaliation.
8. Oversee discrimination, harassment or retaliation grievances, including identifying and addressing any patterns or systemic problems and reporting such problems and patterns to the superintendent or the Board.
9. Seek legal advice when necessary to enforce this policy.
10. Report to the superintendent and the Board aggregate information regarding the number and frequency of grievances and compliance with this policy.
11. Make recommendations regarding changing this policy or the implementation of this policy.
12. Coordinate and institute training programs for district staff and supervisors as necessary to meet the goals of this policy, including instruction in recognizing behavior that constitutes discrimination, harassment and retaliation.
13. 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 Liberty 53 School District does not discriminate in its programs, services, activities, facilities or with regard to employment. The district will provide information in alternative formats when necessary to accommodate persons with disabilities.

Reporting

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

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.

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.

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.

PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

Consent before students are required to submit to a survey that concerns one or more of the following protected areas (protected information survey) if the survey is funded in whole or in part by a program of the U.S.

Department of Education (ED)

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents;
8. Income, other than as required by law to determine program eligibility.

Receive notice and an opportunity to opt a student out of

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law;
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Inspect, upon request and before administration or use:

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes;
3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

Liberty Public Schools has policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. Liberty Public Schools will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. Liberty Public Schools will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. Liberty Public Schools will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.

- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5901

PUBLIC COMPLAINTS

The Board recognizes that situations of concern to parents/guardians or the public may arise in the operation of the district. Such concerns are best resolved by addressing them at the level where the concern originated through communication with the appropriate staff members. The administration has developed procedures for addressing those issues, copies of which are available at each building. Any concern regarding federal programs administered by the Missouri Department of Elementary and Secondary Education (DESE) may also be appealed to DESE or the United States Department of Education as permitted or required by law.

If a complaint has been made and appealed in accordance with administrative procedures, the parent/guardian or member of the public may appeal the issue to the Board by submitting a written request to the superintendent or the secretary of the Board. The Board will address the complaint in an appropriate and timely manner.

SEXUAL HARASSMENT UNDER TITLE IX (Board Policy ACA)

The Liberty 53 School District 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 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 to serve as the Title IX coordinator(s) for the Liberty 53 School District and coordinate and implement the district's efforts to comply with the requirements of Title IX.

Dr. Dwayne Smith
District Administration Center, 8 Victory Lane, Liberty, MO 64068
Phone: 816-736-5300
E-mail: dwayne.smith@lps53.org

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 plan (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 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.
7. 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 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. Prior to completion of the investigative report and within 20 business days of the parties receiving notice of the formal complaint, send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or hard copy and provide the parties 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 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 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 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 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 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 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 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 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:

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.

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.

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.

First Offense: Warning slip issued to student and parent/guardian, principal/student conference or detention.

Second Offense: Warning slip issued to student, principal/student conference, notification of parent/guardian and a five day suspension from transportation may occur.

Third Offense: Warning slip issued to student, parental conference will be held and transportation privileges may be suspended or revoked.

Dishonesty

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

First Offense: Nullification of forged document. Principal/Student conference, detention, or in-school suspension.

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

Disrespectful or Disruptive Conduct or Speech (see Board policy AC if illegal harassment or discrimination is involved)

Verbal, written, pictorial or symbolic language or gesture that is directed at any person that is in violation of district policy or is otherwise rude, vulgar, defiant, considered inappropriate in educational settings or that materially and substantially disrupts classroom work, school activities or school functions. Students will not be disciplined for speech in situations where it is protected by law.

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

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

Dress and Personal Appearance

The Board of Education expects student dress and grooming to be neat, clean and in good taste, so that each student may share in promoting a positive, healthy and safe atmosphere within the school district.

Student dress and grooming will be the responsibility of the individual and parents/guardians, within the following guidelines:

1. Dress and grooming will be clean and in keeping with health, sanitary and safety requirements.
2. All students must wear shoes, boots or other types of footwear.
3. Dress and grooming will not disrupt the educational environment. This would include excessively “baggy pants”.
4. Printed wording or pictures or clothing advertising or promoting drugs and/or alcohol or that is obscene or profane in interpretation will not be permitted to be worn. Shirts containing any print or image that is derogatory or disrespectful to any race or ethnic group will be prohibited.
5. No headcoverings or sunglasses are to be worn in the school building, except for religious observances
6. Bare midriffs and inappropriate tank tops are not to be worn.
7. Bermuda shorts, dress shorts, coaching shorts or walking shorts will be permitted. Short shorts are not permitted. No pants that have holes in them above the knee will be allowed.
8. Class activities that present a concern for student safety may require the student to adjust hair and/or clothing during the class period, in the interest of maintaining safety standards.
9. Additional dress guidelines may be imposed upon students participating in certain extracurricular or classroom activities.

When, in the judgment of the principal, a student's appearance or mode of dress does not comply with the above criteria, the student may be required to make modifications. No employee or volunteer shall direct a student to remove an emblem, insignia or garment, including a religious emblem, insignia or garment, as long as it is worn in a manner that does not promote disruptive behavior.

Drugs/Alcohol (see Board policies JFCH and JHCD)

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

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

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

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

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

Subsequent 11-180 days out-of-school suspension or expulsion.
Offense:

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

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

Subsequent 11-180 days out-of-school suspension or expulsion.
Offense:

Electronic Devices

For the purpose of administering policy on the use of electronic devices in schools, on school grounds and on school buses; electronic devices are categorized into two separate categories: Category I - Photography and/or video devices; Category II - Personal electronic devices/CD players/MP3 players/I-Pods/games etc.

1. *Category I (photography and/or video devices)*

Grades K-7 - Personal devices in this category are not allowed to be brought to school. The school will provide these devices as needed for instructional purposes.

Grades 8-12 - These devices are permitted and may be used with proper faculty supervision. However, cameras, video cameras, video phones and/or any other type of photograph or video recording devices are

strictly prohibited at all times from being used in locker rooms, restrooms, dressing rooms, or any other location where students may be changing clothes or have similar expectations of personal privacy.

2. *Category II (personal electronic devices/CD players/MP3 players/I-Pods/games, etc.)*

Grades PreK-7 - These devices are not to be used on school grounds during regular school hours. If students choose to bring these items to school, they must remain out of sight and unused during regular school hours. The school will not be responsible for personal items that are lost, stolen or broken. Electronic devices being used on school grounds during regular school hours may be confiscated by any teacher or administrator and returned at the end of the school day. It is recommended that all personal items be clearly labeled with the student's name in a conspicuous place.

Grades 8-12 - These devices may be used on school grounds during regular school hours and in classrooms at the discretion of the teacher. Misuse of electronic devices on school grounds during regular school hours may result in the confiscation of the device by any teacher or administrator and returned at the end of the school day. It is recommended that all personal items be clearly labeled with the student's name in a conspicuous place. The school will not be responsible for personal items that are lost, stolen or broken.

Category II electronic devices will be allowed on school buses as long as usage does not cause disruption and/or create a safety concern.

Electronic Devices

All students and parents are required to have a signed or electronically accepted Acceptable Use Policy (AUP) on file. The purpose of this policy is to facilitate access to district technology and to create a safe environment in which to use that technology.

For the purpose of administering policy on the use of electronic devices in schools, on school grounds, and on school busses; electronic devices are categorized as any cell phone/communication device/internet accessible personal computing device, gaming, music, photograph and/or video device, etc.

- Electronic devices are not to be used during instructional time, unless specifically allowed for instructional purposes and the school will not be responsible for personal items lost, stolen or broken. Electronic devices being used on school grounds during regular school hours may be confiscated by any teacher or administrator and returned at the end of the school day or to a parent. It is recommended that all personal items be clearly labeled with the student's name in a conspicuous place.
- For the 2021-2022 school year, the District will not have an insurance fee and all students will be able to take the devices home. The only charges for devices will be for intentional damage and lost or stolen devices. Intentional damage will be invoiced at the actual cost to repair or replace the item as referenced in board policy JN for student Fees, Fines and Charges and there will be a \$100 charge for any lost or stolen device. If the device is recovered, the \$100 will be refunded.
- Cameras, video cameras, video phones, and/or other type of photograph or video recording devices are strictly prohibited at all times from being used in locker rooms, restrooms, dressing rooms, or any other location where students may be changing clothes or have similar expectations of personal privacy.
- Electronic devices will be allowed on school buses as long as usage does not cause disruption and/or create a safety concern.

- Liberty Schools does allow students to bring an electronic device that could be connected to the District’s wireless network if there is an instructional need. An additional form must be filled out and the form can be obtained by contacting the building principal.

First Offense: Detention to 180-day suspension, confiscation of item and item returned to parent.

Subsequent Offense: 1 to 180-day suspension, confiscation of item, and item returned to parent.

Extortion

Threatening or intimidating any person for the purpose of obtaining money or anything of value.

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

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

Failure to Care for or Return District Property

Loss of, failure to return, or damage to district property including, but not limited to, books, computers, calculators, uniforms, and sporting and instructional equipment.

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

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

Failure to Meet Conditions of Suspension, Expulsion or Other Disciplinary Consequences

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

As required by law, when the district considers suspending a student for an additional period of time or expelling a student for being on or within 1,000 feet of district property during a suspension, consideration shall be given to

whether the student poses a threat to the safety of any child or school employee and whether the student's presence is disruptive to the educational process or undermines the effectiveness of the district's discipline policy.

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

Subsequent Offense: In-school suspension, 1-180 days out-of-school suspension, or expulsion. Report to law enforcement for trespassing if expelled.

False Alarms (see also "Threats or Verbal Assault")

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

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

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

Fighting (see also, "Assault")

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

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

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

Gambling

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

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

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

Harassment – Other Illegal Discrimination (see Board policy AC)

Unwelcome conduct based on religion, disability or any other characteristic protected by law or based on a belief that such a characteristic exists including, but not limited to: comments, slurs, jokes, insults and name calling; written material including, but not limited to graffiti, notes, epithets, social media, pictures, posters, and cartoons; defacing or damaging personal property and/or district property; physical threats and physical attacks.

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

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

Harassment – Race/Color/National Origin/Ancestry (see Board policy AC)

Unwelcome conduct based on race, color, national origin or ancestry including, but not limited to comments, slurs, jokes, insults and name calling; written material including, but not limited to, graffiti, notes, epithets, social media, pictures, posters, and cartoons; defacing or damaging personal property and/or district property; physical threats and physical attacks.

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

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

Harassment – Sexual (see Board policy AC)

Unwelcome conduct of a sexual nature including, but not limited to, comments, slurs, jokes, insults and name calling; written material including, but not limited to graffiti, notes, epithets, social media pictures, posters and cartoons; defacing or damaging personal property and/or district property; physical threats and physical attacks; touching or fondling of the genital areas, breasts or undergarments, regardless of whether the touching occurred through or under clothing.

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

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

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

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

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

Incendiary Devices or Fireworks

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

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

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

Nuisance Items

Possession or use of items such as toys or games that are not authorized for educational purposes.

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

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

Public Display of Affection

Physical contact that is inappropriate for the school setting including, but not limited to, kissing and groping.

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

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

Sexting and/or Possession of Sexually Explicit, Vulgar or Violent Material

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

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

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

Sexual Activity

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

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

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

Technology Misconduct (See Board policies EHB and and KKB procedure EHB-AP1)

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

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

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

2. Cell phones/Communication Devices/Internet Accessible Hand-held Devices

Grades PreK-9 – These devices are not to be used on school grounds during regular school hours. If students choose to bring these items to school, they must remain out of sight and unused during regular school hours. The school will not be responsible for personal items that are lost, stolen or broken. Electronic devices being used on school grounds during regular school hours may be confiscated by any teacher or administrator and returned at the end of the school day. It is recommended that all personal items be clearly labeled with the student’s name in a conspicuous place.

Grades 10-12 - These devices may be used during regular school hours, but are not to be used during instructional time, unless specifically allowed for instructional purposes. The school will not be responsible for personal items that are lost, stolen or broken. Electronic devices being used on school grounds during regular school hours may be confiscated by any teacher or administrator and returned at the end of the school day. It is recommended that all personal items be clearly labeled with the student’s name in a conspicuous place.

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

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

3. Violations, other than those listed in (1) or (2) above, of Board policy EHB or procedure EHB-AP1.

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

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

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

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

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

Theft

Theft, attempted theft or knowing possession of stolen property.

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

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

Threats or Verbal Assault

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

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

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

Tobacco

1. Possession of any tobacco products (including but not limited to cigarettes, electronic cigarettes, chewing tobacco, or other nicotine-delivery products, lighters or cigarette packages) on district property, district transportation or at any district activity. Nicotine patches or other medications used in a tobacco cessation program may only be possessed in accordance with district policy JHCD.

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

Subsequent Offense: Confiscation of prohibited product. Detention, in-school suspension, or 1-90 days out-of-school suspension.

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

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

Subsequent Offense: Confiscation of prohibited product. In-school suspension or 1-90 days out-of-school suspension.

Truancy or Tardiness (see Board policy JED and procedures JED-AP1 and JED-AP2)

Absence from school without the knowledge and consent of parents/guardians and/or the school administration; excessive non-justifiable absences, even with the consent of parents/guardians; arriving after the expected time class or school begins, as determined by the district.

First Offense: Principal/Student conference, notification to parents/guardians and detention or Saturday school sessions.

Subsequent Offense: Detention or 1-10 days in-school suspension, parent conference, or 11-90 days out-of-school suspension, and removal from extracurricular activities.

Unauthorized Entry

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

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

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

Vandalism (see Board policy ECA)

Willful damage or the attempt to cause damage to real or personal property belonging to the district, staff or students.

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

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

Weapons (see Board policy JFCJ)

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

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

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

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

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

Subsequent Offense: Expulsion.

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

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

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

PUBLIC NOTICES

STANDARD COMPLAINT RESOLUTION PROCEDURE

This complaint resolution procedure applies to all programs administered by the Missouri Department of Elementary and Secondary Education (DESE). A complaint is formal allegation that a specific federal or state law or regulation has been violated, misapplied, or misinterpreted by school district personnel or by DESE. The complaint must be written and signed; provide specific details of the situation and indicate the law or regulation allegedly being violated, misapplied, or misinterpreted. The complaint must be filed, and resolution pursued, in accordance with Liberty's Board of Education Policy KL: Public Complaint Policy. If the issue cannot be resolved at the local level, the complainant may file a complaint with the Missouri DESE. If there is no evidence that local parties have attempted in good faith to resolve the complaint, DESE may require parties to do so and may provide technical assistance to facilitate such resolution. Any persons directly affected by the actions of DESE may file a similarly written complaint if they believe state or federal laws or regulations have been violated, misapplied, or misinterpreted by DESE. For more information, contact the Innovation and Learning Department at 736-5320.

SPECIAL EDUCATION SERVICES: CHILD FIND PUBLIC NOTICE

Liberty Public Schools assures that it will provide a free and appropriate public education (FAPE) to all eligible children with disabilities between the ages of 3 and 21 under its jurisdiction, including those attending private/parochial schools. Disabilities include autism, deaf/blindness, emotional disorders, hearing impairment, orthopedic impairment, intellectual disability, multiple disabilities, other health impairment, specific learning disabilities, speech and/or language impairment, traumatic brain injury, visual impairment/blindness, and young child with a developmental delay (YCDD). The building principal represents the Local Educational Agency (LEA) for each special education team when consideration for special education testing occurs. Each school has support for any student who is experiencing special learning concerns addressed through its School-Based Problem Solving Teams. When all options of general education support are exhausted, a referral for Special Education consideration follows. Specialists who will become important in the consideration for Special Education referral are the School Psychologist, Special Education Case Manager and the District Process Coordinator. For more information, contact Dr. Toni Cook, Director of Special Services, 736- 6742, or write directly to the Special Services Department, Liberty Public Schools, 8 Victory Lane, Liberty, MO 64068.

DIRECTORY INFORMATION

School officials may release Directory Information. This includes print and electronic publications of the school district. Such information is considered a public record, which must be released upon demand to any persons who request it under the Missouri Sunshine Law. Directory information is information designated by the school district that would not generally be considered harmful or an invasion of privacy.

Liberty Public Schools designates the following items as directory information: student's name, parent's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, including audiovisual or photographic records of the openly visible activities thereof (e.g. artistic performances, sporting contests, assemblies, service projects, award ceremonies, etc.), weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent and previous school attended, and photograph, including photos of regular school activities that do not disclose specific academic information about the child and/or would not be considered harmful or an invasion of privacy.

Parents will have ten (10) school days after this annual public notice to view the student's directory information and the school district's opt-out form stating in writing that they choose not to have this information released. Unless notified to

the contrary in writing within the ten (10) school-day period, the school district may disclose any of those items designated as directory information without prior written consent. For more information, contact the Office of Student Services at 736-5310.

§504 CHILD FIND NOTICE

Pursuant to Section 504 of the Rehabilitation Act of 1973, the District has a duty to identify, refer, evaluate and if eligible, provide a free, appropriate public education to disabled students. For additional information about the rights of parents of eligible children, or for answers to any questions you might have about identification, evaluation, and placement into Section 504 programs, please contact the District's Section 504 Coordinator, Dr. Jessica Meisenheimer, at 736-5320, or by mail at 8 Victory Lane, Liberty, MO 64068.

Aviso Sobre La Identificación de Estudiantes Incapacitados bajo la Sección 504

Bajo la Sección 504 del Decreto de Rehabilitación de 1973, el Distrito Escolar está obligado a identificar, referir, evaluar, y proporcionar servicios educativos apropiados y gratuitos a estudiantes incapacitados que califican para recibir servicios bajo esta ley. Si usted desea más información sobre los derechos de padres de niños incapacitados, o si tiene preguntas sobre la identificación, evaluación, y colocación de niños en el programa de Sección 504, favor de ponerse en contacto con el Coordinador de 504 del Distrito, Dr. Jessica Meisenheimer, at 736- 5320, o por correo a la siguiente dirección: 8 Victory Lane, Liberty, MO 64068.

EDUCATING MISSOURI'S HOMELESS CHILDREN

The McKinney-Vento Act guarantees homeless children and youth an education equal to what they would receive if not homeless. Who is homeless? According to the McKinney-Vento Act, homeless children and youth include individuals who lack a fixed, regular and adequate nighttime residence. This includes the following situations:

- Sharing the housing of others (known as doubling-up) due to the loss of housing and economic hardship
- Living in motels, hotels, trailer parks or camping grounds
- Living in emergency or transitional shelters
- Abandoned in hospitals
- Living in a nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation
- Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, or similar settings

The McKinney-Vento Act also recognizes unaccompanied youth who are homeless. According to this Act, an unaccompanied youth is a youth not in the physical custody of a parent or legal guardian. The Liberty Public Schools Homeless Coordinator is Rebecca Bressman, Director of Student Services, 736-5310, 8 Victory Lane, Liberty, MO 64068.

PROHIBITION AGAINST ILLEGAL DISCRIMINATION AND HARASSMENT

The Liberty 53 School District Board of Education is committed to maintaining a workplace and educational environment that is free from illegal discrimination or harassment in admission or access to, or treatment or employment in, its programs, activities, and facilities. Discrimination or harassment against employees, students, or others on the basis of race, color, religion, sex, national origin, ancestry, disability, age, or any other characteristic protected by law is strictly prohibited in accordance with law. For more information, contact Dr. Dwayne Smith, Director of Compliance, 736-5300, 8 Victory Lane, Liberty, MO 64068.

TITLE IX NOTICE

The Liberty 53 School District Board of Education will maintain a workplace and educational environment free from discrimination and harassment in admission or access to, or treatment or employment in, its programs, services, activities, and facilities. 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, including sexual harassment as defined in Title IX regulations.

Pursuant to the Department of Education's Title IX regulations, the District has appointed the Director of Compliance as the District's Title IX Coordinator. The Title IX Coordinator may be reached at: Director of Compliance/Title IX Coordinator, 816-736-5300 (Dwayne.Smith@lps53.org).