

MEMO

TO: Board of Education
CC: Central Office Administrators
FROM: Sarah Riss *SR*
DATE: December 9, 2015
RE: BOE Policy Subcommittee Report

Following is the report from the BOE Policy Subcommittee. These changes will be presented during our December 14th meeting and then put on the agenda for approval on the January 9th meeting. Please feel free to contact one of the committee members with any questions.

WEBSTER GROVES SCHOOL DISTRICT
BOARD OF EDUCATION ITEM OF CONSIDERATION

DATE: December 14, 2015

TOPIC/PROPOSAL:

Approval of proposed policy changes recommended by the Board Policy Subcommittee
Policies: BDDDB-2, DLC, DLCA, GBBDA and KI.

BACKGROUND INFORMATION:

The Board Policy Subcommittee has reviewed the policy changes recommended by MSBA for policies BDDDB-2, DLC, DLCA, GBBDA, KI and as part of our regular policy review discussions. A summary of the proposed changes for selected policies is attached for your review. These will be shared during the December 14th and voted on during the January 9th Board of Education meeting.

INSTRUCTIONAL IMPACT/RATIONALE:

The proposed policy changes will better reflect the current practices of WGSD and improve the practices of WGSD.

CSIP/DISTRICT GOAL ADDRESSED: All

FISCAL NOTE: NA

ADMINISTRATIVE RECOMMENDATION:

- Action Requested: ____
- Information: X____
- Proposed Motion for Approval (if applicable):

Will be put on agenda for approval on January 9, 2016.

PREPARED BY: Sarah Booth Riss

Motion: _____ **Second:** _____

Board Vote: ____ (yes) ____ (no) ____ (abstain) ____ (Consent Agenda)

Policy Subcommittee Notes

November 23, 2015

Policy	Title	Type of Change	Recommended Change
BDDDB-2	Agendas	Minor	Clarifies expectations for distribution of materials at Board meetings Ask for BOE approval in January
DLC	Expense Reimbursements	Minor	Ok as presented by MSBA Ask for BOE approval in January
DLCA	Travel Expenses	Minor	OK as presented by MSBA Ask for BOE approval in January
GBBDA	Family and Medical Leave	Minor	OK as presented by MSBA Ask for BOE approval in January
KI	Public Solicitations/Advertising in District Facilities	Minor	Clarifies expectations

The subcommittee decided to include the recommended changes for policies DGA and DK on the December 14th agenda for approval. Information on these changes is included in this document.

Next Meeting Date: Monday, December 14th at 5:00 p.m.

Types of Changes:

Grammar	Grammatical
Minor	Minimal word changes not impacting current practice
Major	Major change that impacts current practice
Current	Changes that better reflect current practice

Any additional materials requested by an administrator or Board member to be distributed to Board members must relate directly to an agenda item and must be submitted to the Board president for approval at least 24 hours (when practicable) in advance of the Board meeting in order to be distributed to Board members at that meeting.

**Policy
AGENDAS**

Descriptor Code: BDDDB-2

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

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

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

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

The agenda at regular meetings of the Board will include:

- ▶ Call to Order
- ▶ Communication/Recognitions
- ▶ Public Comments
- ▶ Board Liaison Activities
- ▶ Reports from Superintendent and Staff
- ▶ Approval of Minutes

- ▶ Financial Reports
- ▶ Other

The agenda may include:

- ▶ Project or special reports, discussion of relevant issues.
- ▶ Motion to close meetings, records or votes.
- ▶ Any motion or resolution which may properly come before the Board.

Consent Agenda

The School Board also makes use of a consent agenda, whenever appropriate, to use time within the Board meetings more efficiently. Items placed on the consent agenda are items routine in nature or are among the many decisions that the Board has already determined are in the domain of the administration.

If the consent agenda is used, the Board president asks when presenting the agenda if any member of the Board wishes to discuss or remove any item from it. If so, the item would be taken from the consent agenda and be appropriately placed on the regular agenda or removed from the agenda entirely, depending upon the request of the Board member and the Board's agreement. Items on a consent agenda are approved by a single motion. The minutes of the School Board meeting would include the approved motion and list all the items which appeared on the consent agenda.

* * * * *

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

Webster Groves

Date Adopted: 9/13/1993
Last Revised: 11/14/2011

State Reference	Description
§§ 610.010-.030, RSMo.	<u>State Statute</u>

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

2000, Missouri School Boards' Association, Registered in U.S. Copyright Office.
For Office Use Only: [0]

REFERENCE COPY

FILE: DLC
Basic

EXPLANATION: EXPENSE REIMBURSEMENTS

MSBA has revised this policy for clarity. Because federal law now requires the district to have a separate Board-adopted policy regarding travel expenses, including reimbursement for travel expenses, MSBA has moved some language to policy DLCA.

In addition, MSBA has revised this policy to clarify that direct payment is the district's preferred method and that expense reimbursements should be kept to a minimum and used only in unique situations.

<i>MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.</i>					
X	Board Secretary	X	Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
X	Human Resources		Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

Diane : #4 - The State of MO is a "Good Faith State" & a vendor in MO does not have to accept a tax exempt status. (There is no state statute requiring this.)

FILE: DLC
Basic

REFERENCE COPY

REFERENCE COPY

FILE: DLC
Basic

EXPENSE REIMBURSEMENTS

Board members, the administrative staff and all other employees who incur expenses in carrying out their authorized duties will be reimbursed if the expense is eligible for reimbursement pursuant to district policies and procedures, if the expense was authorized and if proper documentation of the expense is provided.

Because expenses are reimbursed from public funds, all persons traveling at the district's expense are expected to use good judgment, differentiate between expenditures for business and those for personal convenience and avoid unnecessary fees and excessive charges. Specific limits on food, travel and lodging may be established by the superintendent or designee. Board members and district employees are required to use the district's regular purchasing procedures to ensure that the:

1. District pays for products and services directly.
2. Expense is clearly authorized and within the district's budget.
3. Expense is appropriately documented and coded.
4. District receives the benefit of its tax-exempt status.

In unique or emergency situations, Board members and district staff might incur expenses when carrying out their authorized duties. When this occurs, the district will reimburse the Board member or employee if the expense was authorized, is properly documented and is eligible for reimbursement pursuant to district policies and procedures.

The superintendent or designee is directed to create reasonable procedures to implement this policy.

* * * * *

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

Adopted:

Revised:

Webster Groves School District, St. Louis, Missouri

REFERENCE COPY

FILE: DLCA
Critical

EXPLANATION: TRAVEL EXPENSES

This is a NEW policy for the district's consideration. In an effort to reduce waste and prevent fraud, the federal government has implemented new regulations governing the use of federal funds. These regulations are often collectively referred to as Omni or the Omni Circular. Federal law now requires school districts and other recipients of federal funds to adopt specific policies and procedures as a condition of receiving those funds. Federal law also now requires school districts to have a Board-adopted policy on travel costs. Much of the information in this policy traditionally would have belonged in an administrative procedure, but districts must include the information in policy because the federal law requires a Board-adopted policy in this area.

The rules for payment of the costs for Board member travel and employee travel should be the same, so MSBA has included both in this policy and recommends that districts rescind policy BHD (included in this update).

Federal law does not dictate the specifics of this policy, and districts are encouraged to carefully review this policy and customize it to match the district's actual practices.

MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

X	Board Secretary	X	Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
X	Human Resources	X	Principals		Library/Media Center
	Health Services		Counselor		Special Education
X	Transportation		Public Info/Communications		Technology

FILE: DLCA
Critical

REFERENCE COPY

*Diane: * Vendors are not required to accept tax
exempt certificate per the MO State Tax Division
of MO Dept. of Revenue*

REFERENCE COPY

FILE: DLCA
Critical

TRAVEL EXPENSES

* The district will pay for travel expenses for district employees and Board members who travel outside the district for training, professional development, attendance at district-related meetings or for other approved reasons related to their positions with the district, unless such travel would cause the total meeting expense for that fiscal year to exceed the budgeted amount. All persons traveling at the district's expense are expected to use good judgment, differentiate between expenditures for business and those for personal convenience and avoid unnecessary fees and excessive charges. Specific limits on food, travel and lodging may be established by the superintendent or designee. The district is tax exempt and will not pay Missouri sales or use tax to any vendor or reimburse an employee or Board member for Missouri sales or use tax.

The following rules will apply to district employees unless the superintendent or designee determines that unusual circumstances justify an exception. Board members will follow this policy as well unless the Board or the Board president determines that unusual circumstances justify an exception. All exceptions will be documented in writing for auditing purposes.

Authorization for Travel

District employees must obtain prior authorization from a supervisor for district-related travel before the employee is allowed to incur travel expenses. Travel costs that are charged to a federal grant or fund award must first be approved in writing by the superintendent or designee who oversees that particular federal program and, when required, the state or federal contact overseeing the federal funds at the Missouri Department of Elementary and Secondary Education (DESE).

In general, the Board authorizes the superintendent to attend meetings and conferences in Missouri as long as the travel expenses are within the district's budget. However, the Board reserves the right to question all travel expenditures and, if necessary, limit future travel. The Board or the Board president must first approve the superintendent's out-of-state travel if such travel is at the district's expense unless the issue is otherwise addressed in the superintendent's contract.

Payment Method

1. *Direct Payment by District* – Board members and employees are required to register for meetings and make travel arrangements through the district whenever possible so that vendors are receiving payment directly from the district or through a district-issued purchasing card when available and authorized.
2. *Reimbursement* – Board members and employees should only pay for travel costs and seek reimbursement from the district in situations where direct payment by the district is not possible or practical, such as mileage reimbursements or payment for parking fees. Under

no circumstances will a Board member or employee be reimbursed above the amount authorized by the Internal Revenue Service (IRS) as reimbursable non-income for an employee.

3. *Per Diem* – In order to avoid claims that the Board member is receiving compensation in violation of state law, the district will not pay Board members a per diem amount for travel expenses. Employees will only be paid per diem amounts if other methods are not available and the payment is authorized by the superintendent or designee.

Documentation

Original itemized receipts are required for all travel reimbursements with the exception of mileage. All documentation must be submitted to the superintendent or designee within 30 days of the end of the travel.

Documentation for Use of Federal Funds

When federal funds are used for travel, the district must be able to justify the necessity of the travel to the federal program and demonstrate that the costs incurred were reasonable and consistent with the district's travel policy. Therefore, district staff or Board members using federal funds for travel must provide sufficient documentation to the superintendent or designee who oversees the applicable federal program. Such documentation may include, but is not limited to, the following:

1. An agenda of the event attended.
2. A list of attendees at the event.
3. A written statement justifying the expense.
4. Evidence of prior written approval for the expense.

The superintendent or designee may require additional information when he or she determines it is necessary.

Specific Travel Rules

Traveling by Personal Vehicle

The district will pay for mileage when employees or Board members travel using their personal vehicles, but only for the actual distance necessary to attend the event and only if the employee or Board member is appropriately licensed to drive the vehicle and insured as required by law. The vehicle must be licensed as required by law. Employees and Board members transporting students will be reimbursed only if laws and district policies regarding the transportation of students are followed.

REFERENCE COPY

encouraged
FILE: DLCA
Critical

Individuals who are traveling to the same destination are ~~required to share transportation unless an exception is granted by the superintendent or designee or unless the employee or Board member is willing to travel at his or her own expense.~~ When sharing transportation, only the person whose vehicle is used may claim mileage.

The mileage allowance rate represents full compensation for the costs of operating the vehicle, including fuel costs. The district will not cover physical damage to the private vehicle or loss of its personal property contents. Employees and Board members who choose to drive in lieu of flying when flying is considered more economical shall be reimbursed up to the amount of the air travel. Likewise, employees and Board members who choose to fly when driving is more economical will only be reimbursed for the amount that would have been incurred if the employee or Board member had driven. *and/or efficient*

Traveling by District-Owned Vehicles or Rental Vehicles

Employees and Board members may drive district-owned vehicles or rental vehicles only if they are appropriately licensed to drive the vehicle and insured as required by law. Employees and Board members transporting students must follow the laws and district policies regarding the transportation of students.

Employees and Board members are expected to use safe but inexpensive transportation services. Rental vehicles should be limited to mid-class or smaller economy vehicles unless a larger vehicle is needed to accommodate the number of persons attending or the price is the same or less to use a larger vehicle.

Employees and Board members who have been issued a purchasing card are required to use the card when purchasing fuel for district-related travel expenses using district-owned or rental vehicles; otherwise, the district will reimburse them for fuel purchased. The beginning and ending odometer reading for the trip must be included with the reimbursement request.

Parking and Other Travel Expenses

The district will reimburse employees and Board members for reasonable parking fees and road tolls incurred as a necessary part of the travel, as long as proper documentation is provided.

Airplane or Other Transportation

Employees and Board members are required to secure the lowest available fares for commercial airplane, train or other transportation services unless the fare would:

1. Require circuitous routing.
2. Require travel during unreasonable hours.
3. Excessively prolong the travel.
4. Result in additional costs that would offset the transportation savings.
5. Not meet the reasonable medical needs of the employee or Board member.
6. *Other if approved by the Board extenuating circumstances*

If a Board member or employee relies on one of the listed exceptions, that exception must be approved and documented.

Business Travel Requiring Overnight Accommodations

The district will not pay for hotel expenses unless an overnight stay is necessary to attend the function or returning to the district would be unsafe or cause the Board member or employee to travel late at night.

In general, lodging arrangements must be made prior to departure and paid by the district directly or through the use of a district purchasing card. If advanced planning is not possible, the district will reimburse employees and Board members for the reasonable cost of single occupancy hotel accommodations and a reasonable amount of gratuities. Conference or corporate rates must be utilized when available. Additional costs associated with higher-than-single-occupancy rates (spouse, children or guest) are not reimbursable and must be paid by the employee or Board member prior to check out.

Meals

Employees and Board members are expected to limit meals to a reasonable expense amount. The district will reimburse for gratuity of up to 20 percent of the meal cost. The district will not reimburse employees or Board members for alcoholic beverages, nor will the district reimburse employees or Board members for the cost of meals that will be paid for or reimbursed by the district as part of the registration fees.

Seminar and Registration Fees

Employees and Board members should register for seminars and conferences in advance so that the district may pay directly for the registration. In unusual situations where an employee or Board member must pay directly for such expenses, the district will reimburse at the lowest rate available if an adequate reason is provided. Requests for reimbursement must be accompanied by a receipt. The district will only pay for late registration fees when there is a valid reason the Board member or employee did not register earlier.

REFERENCE COPY

FILE: DLCA
Critical

Unauthorized Expenses

The district prohibits any expense that is unauthorized, excessive or unnecessary as determined by the superintendent or designee. Unauthorized expenses include, but are not limited to:

1. Costs associated with the travel of a spouse, child or other person accompanying an employee or Board member.
2. Care of a dependent of a Board member or employee during the course of the travel.
3. Alcoholic beverages.
4. Snacks in addition to regular meals.
5. Personal expenses, including personal telephone calls.
6. Entertainment, unless the entertainment expense is part of the registration for the event in which the employee or Board member is participating and the expense is business related and typical for the event. These expenses should be approved by the employee's supervisor before the trip begins.
7. Expenses for travel extending beyond the time required for the meeting or business unless it is in the district's financial interest to extend the travel to obtain rate advantages.
8. Expenses incurred by non-employees traveling with the staff member or Board member, including room surcharges.
9. Fines for parking or traffic violations.

* * * * *

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

Adopted:

Cross Refs: BHA, Board Training and Development
GBCC, Staff Use of Communication Devices

FILE: DLCA
Critical

REFERENCE COPY

Legal Refs: 5 C.S.R. 30-261.045
2 C.F.R. § 200.474

Webster Groves School District, St. Louis, Missouri

REFERENCE COPY

FILE: GBBDA
Critical

EXPLANATION: FAMILY AND MEDICAL LEAVE

Preface

Changes in this policy are based on regulations released before the U.S. Supreme Court validated same-sex marriage in all states. At this time, the regulations integrated into this policy are law and must be followed by Missouri school districts. It is unclear whether additional changes will be forthcoming. Similarly, this explanation was written prior to the decision and uses examples that, while consistent with the law at the time of the decision, are not as generally applicable now. However, given that some states have indicated they may not be providing marriage licenses to same-sex couples for some time, MSBA has decided to use the examples as originally written. The regulations integrated here only apply to eligibility for Family and Medical Leave Act (FMLA) leave and do not address any of the other rights that accompany marriage.

This policy is being updated because the federal regulations interpreting the FMLA have been amended. The federal regulations were amended primarily to ensure that employers recognize same-sex marriages when applying the FMLA, even if the employee lives in a state in which those marriages are not performed. This amendment also allows for the recognition of common law marriages in some circumstances.

Previously the regulations defined a "spouse" based on the definition of marriage in the state where the employee lived. Now the federal regulations define "spouse" as the "other person with whom an individual entered into marriage" as defined in the state in which the marriage took place. If the marriage takes place outside the United States, the marriage will be recognized if it is recognized in the country in which it was entered into and would also be recognized in at least one state in the United States.

This means that if an employee of a Missouri school district goes to Iowa to marry his or her same-sex partner, the Missouri school district must recognize the marriage for FMLA purposes.

Likewise, if an employee entered into a common law marriage in a state that recognizes such marriages, the district would also be required to recognize that marriage even though Missouri does not currently recognize common law marriages. Washington, DC, and the following states recognize common law marriages:

FILE: GBBDA
Critical

REFERENCE COPY

Alabama
Colorado
Georgia (if created before 1/1/97)
Idaho (if created before 1/1/96)
Iowa
Kansas
Montana
New Hampshire (for inheritance purposes only)
Ohio (if created before 10/10/91)
Oklahoma
Pennsylvania (if created before 1/1/05)
Rhode Island
South Carolina
Texas
Utah

The regulations have also removed references to "mother" and "father" and now reference "parents" or "expectant mother" to be more inclusive.

MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

	Board Secretary	X	Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
X	Human Resources	X	Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

REFERENCE COPY

FILE: GBBDA
Critical

FAMILY AND MEDICAL LEAVE

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

Definitions

The following definitions apply to FMLA leave:

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

Armed Forces – Army, Navy, Air Force, Marine Corps and Coast Guard, including the National Guard and Reserves.

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

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

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

Covered Servicemember (for military caregiver leave) – The employee's spouse, child, parent or next of kin who is 1) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or 2) a veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness

and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date the eligible employee takes FMLA leave to care for the veteran.

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

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

Outpatient Status – Covered servicemember assigned to a military medical treatment facility or a unit established for the purpose of providing command and control of members of the Armed Forces as outpatients.

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

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

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

Serious Illness or Injury (for military caregiver leave) – 1) In the case of a current member of the Armed Forces, an injury or illness incurred in the line of duty on active duty in the Armed Forces (including the National Guard or Reserves) or that existed before the beginning of the servicemember's active duty and was aggravated by service in the line of duty, that may render the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank or rating; and 2) in the case of a veteran, an injury or illness that meets one or more of the standards listed in 29 C.F.R. § 825.127 and that was incurred in the line of duty on active duty in the Armed Forces, or that existed before the beginning of the servicemember's active duty and was aggravated by service in the line of duty, and that manifested itself before or after the servicemember became a veteran.

REFERENCE COPY

FILE: GBBDA

Critical

Spouse – Husband or wife as defined or recognized under the state law in the state in which the employee resides. In accordance with law and for the purposes of this policy, this includes the other person with whom an individual entered into marriage as defined or recognized under state law in the state in which the marriage was entered into. If the marriage was entered into outside of any state, the marriage will be recognized if it is valid in the place where it was entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage.

Veteran – An individual who was a member of the Armed Forces (including a member of the National Guard or Reserves) and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the veteran. For veterans discharged or released prior to March 8, 2013, the period between October 28, 2009, and March 8, 2013, does not count toward the determination of the five-year period mentioned in the previous sentence.

Eligibility

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

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

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

1. Birth and first-year care of the employee's child.
2. Adoption or foster placement of a child with the employee.
3. Serious health condition of the employee that makes the employee unable to perform one or more of the essential functions of his or her job or the serious health condition of the employee's spouse, child or parent.
4. Care of a spouse, child, parent or next of kin who is a covered servicemember (including some veterans) with a serious illness or injury (military caregiver leave).

5. A qualifying exigency arising out of the fact that the spouse, child or parent of the employee is on covered active duty, or has been notified of an impending call or order to covered active duty, in the Armed Forces.

Notice to Employees

General Notice

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

Eligibility and Rights and Responsibilities Notices

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

Designation Notice

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

Employee Notice to the District

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

REFERENCE COPY

FILE: GBBDA
Critical

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

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

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

"As soon as practicable" means as soon as both possible and practical under all the facts and circumstances of the individual case.

Leave Use

For all FMLA purposes except military caregiver leave, the district adopts a 12-month leave year beginning on July 1 and ending the following June 30.

1. All eligible employees are entitled to leave for a period not to exceed 12 workweeks per leave year for:
 - ▶ The birth and first-year care of the employee's child.
 - ▶ The adoption or foster placement of a child with the employee.
 - ▶ A serious health condition of the employee that makes the employee unable to perform one or more of the essential functions of his or her job or the serious health condition of the employee's spouse, child or parent.
 - ▶ A qualifying exigency arising out of the fact that the spouse, child or parent of the employee is on covered active duty, or has been notified of an impending call or order to covered active duty, in the Armed Forces. The amount of leave available for a particular type of qualifying exigency may be limited by law.

2. The FMLA leave year for military caregiver leave begins on the first day that such leave is taken and runs for the following 12 months. All eligible employees are entitled to military caregiver leave for a period not to exceed 26 workweeks of leave per single 12-month period for the care of a spouse, child, parent or next of kin who is a covered servicemember. Twenty-six weeks of leave are available per covered servicemember, per injury/illness; however, no more than 26 weeks of leave may be used during each single 12-month period.
3. An eligible employee is entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during a single 12-month period, provided that the employee is entitled to no more than 12 workweeks of leave for one or more of the following: the birth of the employee's child or to care for such child; the placement of a child with the employee for adoption or foster care; in order to care for the employee's spouse, son, daughter or parent with a serious health condition; for the employee's own serious health condition; or because of a qualifying exigency. For example, an employee could take 16 weeks of military caregiver leave and still have ten weeks available for the birth of a child. However, an employee who used ten weeks of military caregiver leave could not take 14 weeks for the birth of a child because that exceeds the 12 weeks allowed for such leave. Leave that qualifies as both military caregiver leave and leave for the serious health condition of a parent, spouse or child will be designated first as military caregiver leave.
4. ~~When a husband and wife entitled to FMLA leave are both~~ spouses are employed by the district and ~~both wish to use FMLA leave for the same qualifying event, both employees eligible for FMLA leave, the leave will be limited to an aggregate total of 12 workweeks during a 12-month period in cases where the leave is taken for the birth or first-year care of the employees' child, adoption or foster placement of a child with the employees, or to care for a parent with a serious health condition. However, where the husband and wife both~~ spouses use a portion of the total 12-week FMLA leave entitlement for the same qualifying event, the husband and wife spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for another qualifying purpose. When ~~a husband and wife are both~~ spouses are employed by the district and ~~both wish to use military caregiver leave or a combination of military caregiver leave and leave for the birth or first-year care of their child, adoption or foster placement of a child with the employees, or to care for a parent with a serious health condition, both employees will be limited to an aggregate total of 26 workweeks of leave.~~
5. The district shall apply all appropriate paid leave to an FMLA absence to the extent allowed by law and policy, giving proper notice to the employee. If an employee's accrued paid leave is exhausted, but an FMLA-qualifying reason for absence persists or a new FMLA-qualifying reason for absence occurs, the resulting absences will continue to be protected FMLA leave until allowable FMLA leave has been used, but such absences will be unpaid.

REFERENCE COPY

FILE: GBBDA
Critical

6. When an employee has an absence that meets the criteria to be an FMLA-qualified absence, the district will designate such absence as part of the employee's total annual FMLA entitlement, even if the employee has not requested FMLA leave and/or is absent under paid or unpaid leave in accordance with law or district policy. If an employee is on a Workers' Compensation absence due to an injury or illness that would also qualify as a serious health condition under the FMLA, the same absence will also be designated as an FMLA-qualifying absence and charged against the employee's FMLA-protected time entitlement.
7. FMLA leave may be taken intermittently as required for the health of the employee or family member or as reduced-schedule leave in increments no greater than the shortest period of time that the district uses to account for use of other forms of leave, provided that it is not greater than one hour and provided that the FMLA entitlement is not reduced by more than the amount of leave actually taken. Instructional employees may take intermittent or reduced-schedule leave to be with a healthy newborn only when the district and the employee have reached agreement for how the leave will be used.
8. The district reserves the right to require adequate certification and recertification of any FMLA-qualifying event or condition of the employee or employee's spouse, child, parent or next of kin and authentication or clarification of such certification as the district deems necessary. Failure to provide such certification when requested will result in denial of the leave, and may result in discipline or termination of employment. Employees on FMLA-designated leave must periodically report on their status and intent to return to work. The district may also require that an employee present a certification of fitness to return to work.

Instructional Employees

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

Leave Protections

The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of the employee's leave. Eligible employees are entitled to continued participation in the

district's health plan as long as they are entitled to FMLA leave protection; however, an employee who fails to return to work after the expiration of his or her allowed leave time will be expected to reimburse the district for those benefits paid, as required by law.

Eligible employees who are absent for an FMLA-qualifying reason generally may return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave, in accordance with law. However, the district has the discretion to assign employees taking intermittent leave or returning from FMLA leave to a different position or a position in a different building, grade level or classroom as long as the employee has the appropriate certification or license for the position. Depending on the circumstances, instructional employees may be assigned to substitute teacher positions, positions as in-school suspension supervisors or other district positions for which they are certificated if the district determines that such placement is necessary to ensure consistency of instruction.

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

Recordkeeping

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

Enforcement

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

* * * * *

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

Reviewed: 08/20/2012; 04/13/2015

REFERENCE COPY

FILE: GBBDA
Critical

Adopted: 02/14/2011

Revised:

Cross Refs: DLB, Salary Deductions

Legal Refs: 10 U.S.C. § 101(a)(13)
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2611 - 2619
29 C.F.R. §§ 825.100 - .702

Webster Groves School District, St. Louis, Missouri

Policy
PUBLIC SOLICITATIONS/ADVERTISING IN DISTRICT FACILITIES

Descriptor Code: KI

It is the intent of the district to operate a nonpublic forum and, except as allowed in this policy, advertisement is prohibited on district property. For the purposes of this policy, advertisement includes, but is not limited to, in-person solicitation; signage; verbal announcements using communication equipment; pamphlets; handouts; distribution through district technology; ~~other distribution of information regarding products or services available or for sale, or the solicitation of information including, but not limited to, political campaigning.~~ *and* This policy does not prohibit speech in circumstances where it is protected by law.

General Rule

or solicitation
 The district may control the content of advertising as allowed by law. Minimally, advertisement on district property or at district events may not include information or materials that:

1. Are obscene to minors.
 2. Are libelous.
 3. Contain any indecent or vulgar language.
 4. Advertise any product or service not permitted to minors by law.
 5. Constitute insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, religion, sex, national origin, ancestry, disability, age, socioeconomic level, gender identity or sexual orientation).
 6. Present a clear and present likelihood that, either because of their content or their manner of distribution, they will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities or will cause the commission of unlawful acts or the violation of lawful school procedures.
- as defined above,*

District-Sponsored Advertisement

This policy is not intended to limit the use of district resources or forums by district personnel to distribute district-sponsored information or advertisements. District-sponsored groups may distribute advertisement to employees and students and their parents or guardians as determined appropriate by the superintendent or designee and school principal. Materials from extracurricular organizations or groups created by the district are considered district sponsored.

Groups Affiliated with the District

The district may allow groups affiliated with the district to advertise on district property in the same manner and to the same extent that district-sponsored groups are allowed to advertise. For the purpose of this policy, a group is affiliated with the district if it is recognized by the Board and 1) working collaboratively with the district, such as a business partner, or 2) is a group that is created solely to work with the district, its staff, students and parents and to raise funds for district activities such as parent-teacher associations or booster clubs. The superintendent shall maintain a list of all affiliated groups.

Curriculum-Related Advertisement

District staff may use resources with reasonable advertising content when such resources are consistent with and related to the district's curriculum and compliant with the district's wellness policy and procedures. District staff may distribute advertisements regarding programs, events, contests and other activities that are not sponsored by the district when those events are consistent with and related to the district's curriculum. District staff may invite companies, organizations or individuals to advertise during school hours or school events if the school principal determines that the information provided is consistent with and related to the district's curriculum.

Distribution Directly to Students

Only curriculum-related advertisement, district-sponsored advertisement and advertisement by groups affiliated with the district may be distributed directly to students by placing the item in the student's backpack, folder or other conveyance; handing the material to students; placing the material at the student's assigned place; or instructing the student to pick up material at a designated location. Placing items in a designated location where they are available to students is not direct distribution if students are not instructed to pick up the materials.

Distribution to Staff

The district's intercampus mail, staff mailboxes and district e-mail are reserved for communication between employees regarding district business or for distribution of district-sponsored advertisement or advertisement from groups affiliated with the district.

Advertising from any other person or group will be made available to staff by placement in staff work areas or on designated bulletin boards not easily accessible to students. Such advertising must be provided first to the school principal and must clearly state that the district does not sponsor or endorse the information. School principals may establish uniform rules about the length of time an advertisement will be available and may limit the number of advertisements available at one time.

Distribution by Students

Students may distribute district-sponsored advertisements on district property during noninstructional time as allowed by the school principal and group sponsor. Students may distribute noncurricular student publications and other advertisements not sponsored by the district during noninstructional time only in accordance with Board policy IGDBA.

Distribution by Student-Initiated Noncurricular Groups

Student-initiated noncurricular groups that meet in district facilities shall have the same access to district communication tools and media, including publications, websites and intercom, and are subject to the same provisions on the distribution and content of materials as district-sponsored noncurricular groups. The district may require these groups to clearly state on any advertisement or information that the group is not sponsored by the district.

Advertisement in Designated Locations

~~School principals~~ ^{administrators} may designate a bulletin board, table or other specific location where information regarding nonprofit community events targeting students and parents may be posted or otherwise

advised. All groups fitting this description will be allowed to submit advertising to be placed at the designated location. Such advertising must be provided to the school principal first and must clearly state that the district does not sponsor or endorse the information. School principals may establish uniform rules about the length of time an advertisement will be available and may limit the number of advertisements available at one time.

Districtwide Community Electronic Bulletin Board

The superintendent may establish a community bulletin board accessible through the district's website where information regarding nonprofit community events targeting students and parents may be posted or otherwise advertised. All groups fitting this description will be allowed to submit advertising to be placed on the community bulletin board. Such advertising must be provided to the superintendent or the superintendent's designee first, and must clearly state that the district does not sponsor or endorse the information. The superintendent may establish rules about the length of time an advertisement will be available and may limit the number of advertisements available at one time, and may organize and categorize advertising to facilitate ease of access by students and parents. School principals may include a link to the district's community bulletin board on the website for the principal's school.

Distribution at District Events and Meetings

Only district-sponsored advertisement and advertisement from groups affiliated with the district may be distributed at district events, unless the district sells advertisement opportunities as described below.

Groups Using District Facilities

Boy Scouts, Girl Scouts and other Title 36 youth groups and their official affiliates who meet in district facilities pursuant to the Board's policy on use of facilities may distribute advertising during any meeting, activity or event held in accordance with that policy and applicable procedures but otherwise have no greater ability to advertise or distribute information in schools than groups not using district facilities.

Revenue-Generating Advertising on District Property or in District Publications

The district may accept or solicit advertising for use on the district's website and in gymnasiums, athletic fields and other facilities primarily used for extracurricular activities. Any such advertising will be limited to the name, address, phone number, Internet address and logo of the advertiser.

The district may accept or solicit advertising on extracurricular activity schedules, programs, newspapers, yearbooks or other district-sponsored publications at the discretion of the principal of the school involved. Advertising generally will be limited to the name, address, phone number, Internet address and logo of the advertiser except that publications may also provide the advertiser with a selection of greetings, phrases or graphics that can be included if the advertiser so chooses.

Student publications and the advertising in those publications are district-sponsored speech subject to editorial control over content in accordance with law.

All such advertising must be compliant with the district's wellness policy and procedures.

Collecting, Disclosing or Using Information for Marketing

In general, the district will not collect, disclose or use personal information from students for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose unless required by law. For the purposes of this policy, "personal information" means individually identifiable information, including a student's or parent's first and last name, a home or other physical address, a telephone number and Social Security number.

In the rare case where the district may collect or disclose students' personal information or allow another group or entity to collect or disclose students' personal information for the purpose of

marketing or selling that information, the district will directly notify the parents/guardians in accordance with law at least annually at the beginning of the school year of the specific or approximate dates when such information will be collected. Parents/Guardians, upon request, may inspect any instrument used to collect personal information for the purpose of marketing or selling that information before the instrument is administered or distributed to a student. All parents/guardians and students of appropriate age may decline to provide the information requested.

This portion of the policy does not apply to the collection, disclosure or use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services for or to students or educational institutions, to the extent allowed by law and Board policy.

* * * * *

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

Webster Groves

Date Adopted: 6/11/2001
Last Revised: 2/9/2015

State Reference	Description
§§ 610.010-.030, RSMo.	<u>State Statute</u>
Federal Reference	Description
20 U.S.C. § 1232g	<u>Family Educational Rights and Privacy Act</u>
20 U.S.C. § 1232h	<u>Protection of Pupil Rights Amendment</u>
20 U.S.C. § 7905	<u>Boy Scout Equal Access Act</u>
34 C.F.R Part 108	<u>Boy Scout Equal Access Act</u>
36 U.S.C. Subtitle II	<u>Federal Statute</u>
FED COURT	<u>Embry v. Lewis, 215 F.3d 884 (8th Cir. 2000)</u>
Policy Reference	Description
ADF	<u>DISTRICT WELLNESS PROGRAM</u>
DCB	<u>POLITICAL CAMPAIGNS</u>
GBCB	<u>STAFF CONDUCT</u>
IGBC	<u>PARENT/FAMILY INVOLVEMENT IN INSTRUCTIONAL AND OTHER PROGRAMS</u>
IGDA	<u>STUDENT-INITIATED GROUP USE OF DISTRICT FACILITIES</u>
IGDBA	<u>DISTRIBUTION OF NONCURRICULAR STUDENT PUBLICATIONS</u>
JHDA	<u>SURVEYING, ANALYZING OR EVALUATING STUDENTS</u>
JO	<u>STUDENT RECORDS</u>

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Portions 2007 (5/07), Missouri School Boards' Association, Registered in U.S. Copyright Office.

For Office Use Only: [KI-C.WEB]