

MEMO TO: BOARD MEMBERS

FROM: JOHN SIMPSON

DATE: JANUARY 20, 2017

RE: BOE Policy Subcommittee Item of Consideration

Following are an item of consideration and recommendations from the BOE Policy Subcommittee. These changes will be presented during our January 23rd meeting and then placed on the agenda for approval at the February 13th meeting. No action is required at this time. Please feel free to contact one of the committee members with any questions.

Policy	Title	Type of Change	Recommended Change
CGC	State and Federal Programs Administration	Current	Accept MSBA Recommendation (eliminate policy with approval of DJFA)
DID	Inventory Management	Current	Accept Policy Committee Revisions Noted on Attached Draft Policy
DJFA	Federal Programs and Projects	Current	Accept MSBA Recommendation (new policy)
JFBB	Student Advisor to the Board	Major	Accept Policy Committee Recommendation on New Policy
JFCF	Bullying	Minor	Accept Policy Committee Revisions Noted on Attached Draft Policy and MSBA Recommendations

JFCG	Hazing	Minor	Accept Policy Committee Revisions Noted on Attached Draft Policy and MSBA Recommendations (new policy)
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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

RECOMMENDED BOARD ACTION....none at this time.

REFERENCE COPY

FILE: CGC
Critical

EXPLANATION: STATE AND FEDERAL PROGRAMS ADMINISTRATION

Districts should **RESCIND** this policy. Relevant content has been revised and moved to the Federal Programs Administration section of new policy DJFA.

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
	Human Resources		Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

FILE: CGC
Critical

REFERENCE COPY

REFERENCE COPY

FILE: CGC
Critical

~~STATE AND FEDERAL PROGRAMS ADMINISTRATION~~

~~The Webster Groves School District, with the approval of the Board, may operate various specially funded programs that must be administered in accordance with particular federal and/or state laws, regulations and other conditions for use of such funds. The Board of Education, through its approval of such programs and acceptance of funds, is ultimately responsible for them, even though many of the regulations governing the programs are established by other governmental agencies/departments.~~

~~The superintendent or designee shall be responsible for coordinating funded projects, administering programs and ensuring that the various departments operating these programs do so within the guidelines of the particular program. The Board requests that the administration keep accurate and separate records, as required by state and federal programs, to enable the district to verify program compliance and success.~~

~~In order to ensure that federal funds are used to provide services that are in addition to the regular services normally provided for children, the Board directs that the following fiscal requirements related to the expenditure of regular state and local funds be met for applicable federal programs:~~

- ~~➤ Current state and local spending will be maintained in those areas receiving federal programs funding.~~
- ~~➤ Services will be provided with state and local funds in areas receiving federal funding that are at least comparable to services provided in areas not receiving federal funding.~~
- ~~➤ Federal funding for applicable programs will be used to supplement the funds that would be made available from state and local sources and not to take the place of those funds.~~

~~Both staff and parents will be involved in the development of state and federal programs as consistent with state and federal guidelines.~~

~~*****~~

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: 12/12/2011~~

~~Adopted: 09/13/1993~~

FILE: CGC
Critical

REFERENCE COPY

Revised: ~~12/14/1998~~

Cross Refs: ~~DB, Annual Budget~~
~~DEA, Revenues from Tax Sources~~
~~IGBC, Parent/Family Involvement in Instruction and Other Programs~~
~~IGBCB, Programs for Migrant Students~~
~~IGBH, Programs for English Language Learners~~

Legal Refs: ~~P.L. 99-272, The Consolidated Omnibus Budget Reconciliation Act~~
~~2 C.F.R. Part 200~~

~~Webster Groves School District, St. Louis County, Missouri~~

REFERENCE COPY

FILE: DID
Critical

EXPLANATION: INVENTORY MANAGEMENT

This is a NEW policy. In addition to the other written policies and procedures required by the new federal Uniform Grant Guidance (UGG), school districts must have written procedures for tracking and using equipment purchased with federal funds. While the requirement for a procedure was not in the original implementation guidance, it was part of the most recent training materials. As a result, auditors from DESE Federal Programs are requiring that districts have an inventory management policy. Because of the procedural nature of this subject, MSBA has created both this policy and procedure DID-AP1.

Many districts may already have an inventory policy; however, the UGG requires the policy to include specific provisions that are unlikely to be in an older version.

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	Facility Maintenance		Food Service		Gifted
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	Transportation		Public Info/Communications		Technology

FILE: DID
Critical

REFERENCE COPY

REFERENCE COPY

FILE: DID
Critical

INVENTORY MANAGEMENT

The Webster Groves School District will purchase property, such as equipment and supplies, to further the district's education mission as needed. The superintendent or designee will create procedures to prevent excessive, duplicative or unnecessary purchases and to properly track, maintain and dispose of property as required by law and in accordance with sound business practices.

The committee recommends placing these 3 sentences

Inventory back in the policy once the inventory at each school and in each department has been accounted for.

~~The superintendent or designee shall maintain one master inventory list of district equipment. Equipment will be added to the master inventory list at the time of purchase. The superintendent may require principals to maintain current inventories of equipment and other property in their buildings, but all building-level inventories must be provided to the superintendent or designee for inclusion in the master inventory.~~ The superintendent or designee will ensure that a physical inventory of all equipment is completed and the results reconciled with equipment documentation at least every two years.

Use and Maintenance

All programs, buildings and departments are directed to work together to ensure that district property is used to the maximum benefit of the students. Any disputes regarding the use of district equipment will be settled by the superintendent.

Equipment and supplies purchased with district funds are to be used for district purposes. Personal or other uses are prohibited unless otherwise authorized by district policies or procedures. District equipment and supplies will remain on district property and will not be removed unless it is for a district purpose and the removal has been authorized by the superintendent or designee or the employee's supervisor.

Equipment purchased with federal funds will be used first for the program or project for which it was purchased. When the equipment is not needed, the district may use it for other district programs or purposes in accordance with federal law and district procedures.

All district employees are required to care for, protect and properly use district equipment and supplies to minimize damage, waste and replacement costs. The superintendent or designee will ~~schedule maintenance when recommended by the manufacturer~~ and will arrange for repairs, rather than replacement of equipment, when it is practically and economically more beneficial to the district than replacing the equipment.

properly maintain equipment in good working condition

FILE: DID
Critical

REFERENCE COPY

Loss, Damage and Theft

The superintendent or designee will establish controls to prevent the loss, damage or theft of equipment and supplies and will develop procedures to ensure that equipment is properly stored and maintained. All district employees must report missing or damaged equipment and supplies to their supervisors as soon as they become aware that equipment is missing or damaged. All reports of missing or damaged equipment will be investigated.

Disposition

All property no longer of use to the district will be disposed of in accordance with state and federal law, Board policy DN and procedure DN-AP1.

* * * * *

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: ECA, Buildings and Grounds Security

Legal Refs: 2 C.F.R. 200.33, .313(d)

Webster Groves School District, St. Louis, Missouri

REFERENCE COPY

FILE: DJFA
Critical

EXPLANATION: FEDERAL PROGRAMS AND PROJECTS

MSBA created this NEW policy to comply with new regulations governing the receipt of federal funds, currently referred to as the Uniform Grant Guidance (UGG). School districts must adopt written procedures on procurement, conflict of interest and the acceptance of gratuities by July 1, 2016. MSBA has created this policy in order to satisfy this requirement. Because the law sets specific limitations on Board members, MSBA has included this requirement in policy rather than an administrative procedure. MSBA has moved relevant, revised content from policy CGC to the Federal Programs Administration section of this policy. Districts should now rescind policy CGC.

Procurement

Federal rules require that, when procuring property and services under a federal award, the district use "its own documented procurement procedures, which reflect applicable state, local and tribal laws and regulations, *provided that the procurements conform to applicable Federal law. . . .*" When using federal funds, districts must adhere to the Board's purchasing policy (MSBA policy DJF), administrative procedures (MSBA procedure DJF-AP1), state law and federal law.

DJF and DJF-AP1 already incorporate state law, so MSBA has developed this policy to address the specific federal laws that apply. DJF and DJF-AP1 have been modified as well to include some of the more generic federal requirements. See the explanations on DJF and DJF-AP1 in this update for more information. The district may choose not to apply these changes to purchases other than for federal programs.

This new policy includes the following federal requirements:

1. Pursuant to federal regulations, districts must take steps to use small and minority businesses as well as women's business enterprises. This provision is legally required.
2. Federal regulations also require the district to use firms located in Labor Surplus Areas (LSAs) when possible. An LSA is a civil jurisdiction that has a civilian average annual unemployment rate during the previous two calendar years of 20 percent or more above the average annual civilian unemployment rate for all states during the same 24-month reference period. Only official unemployment estimates provided to the Employment and Training Administration (ETA) by the Bureau of Labor Statistics are used in making these classifications. The average unemployment rate for all states includes data for the Commonwealth of Puerto Rico. The basic LSA classification criteria include a "floor unemployment rate." A civil jurisdiction must have an

unemployment rate of six percent or higher to be classified as an LSA and a "ceiling unemployment rate" (10 percent). Any civil jurisdiction that has an unemployment rate of ten percent or higher is classified as an LSA. The ETA is responsible for annually designating LSAs. The following counties in Missouri are LSAs for the 2016 federal fiscal year: Camden, Carter, Douglas, Dunklin, Hickory, Iron, Jackson, Laclede, Linn, Morgan, Ozark, Pemiscot, Reynolds, Ripley, Shannon, Stone, Taney and Washington.

3. The district must adhere to certain environmental rules when using federal funds. These include using a solid waste management service that maximizes resource recovery, purchasing items made with recycled materials and using recovered materials.
4. Bid specifications must be accurate and cannot be written in such a way as to favor one contractor over another.
5. Contractors who assist the district in preparing bid specifications or Request for Proposal (RFP) content are not permitted to bid on the contract.
6. One of the federally required items is about handling "contractual and administrative issues" arising out of procurement. Specifically, the regulation states that the district "alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual administrative issues arising out of procurement." While the federal regulation is not specific, this language may be an attempt to remind districts that the federal or state awarding agency is not responsible for disputes between the district and its contractors.

The regulations include the following provisions that do not appear to be required. For this reason, MSBA has chosen to make these practices optional. The regulations encourage, but do not require, the district to:

1. Include a value engineering clause in construction contracts. Value engineering is a systematic method for analyzing the costs of various contract provisions, with the goal of making sure that each part of a project provides value at the lowest price.
2. Use federal surplus property.

REFERENCE COPY

FILE: DJFA
Critical

Conflict of Interest

MSBA currently provides districts with model conflict of interest policies based on Missouri conflict of interest laws—see MSBA policies BBFA and GBCA. The conflict of interest rules adopted by the federal government do not align well with Missouri law. For this reason, MSBA has chosen to address this requirement in a separate policy. Missouri conflict of interest rules are still applicable to all district transactions; however, where the federal rule is more restrictive, the federal rule must be followed.

1. Specifically, federal regulation 2 C.F.R. § 200.112 requires school districts that receive federal grants to disclose any potential conflict of interest to the federal awarding agency or a pass-through entity in accordance with the adopted policies of the federal agency. The source for most federal awards in Missouri is the U.S. Department of Education (ED), and the Missouri Department of Elementary and Secondary Education (DESE) is the pass-through entity; however, districts may receive awards from other federal agencies. For example, many districts have received funding for safe rooms and tornado shelters from the Federal Emergency Management Agency (FEMA). The pass-through entity for those awards was the State Emergency Management Agency (SEMA). ED and FEMA may have adopted different policies governing how conflicts will be reported. Because the federal law requires Board members, employees and agents of the district to report potential conflicts of interest (as defined in this new policy) to these entities, districts need to be familiar with how these agencies want to receive such reports.
2. A second regulation, 2 C.F.R. § 200.318 requires that schools maintain "written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award or administrations of contracts" funded by federal awards. The regulation specifically states that:

. . . no employee, officer or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary

actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

Please note that § 200.112 does not define what constitutes a conflict of interest, but § 200.318 does. It is not clear how these two sections of the regulations interact. The first addresses "potential conflicts" and the second prohibits participation by anyone with "a real or apparent" conflict. MSBA is taking the position that a "potential conflict" is the same as an "apparent conflict" and is using the same definition for both the reporting requirements in § 200.112 and the exclusion from participation requirements in § 200.318.

- 3. The conflict of interest definition uses the terms "immediate family" and "partner" without explanation as to what constitutes immediate family or whether the reference to partner is a domestic or business partner. Because MSBA could not find any definitive guidance on whether the rule was intended to impact business or domestic partners, MSBA has taken the conservative position that the intention was to include both. Therefore, the definition of immediate family created by MSBA includes specific family members as well as others living in the household of the employee, officer or agent, which would include domestic partners.**
- 4. The federal definition of conflict of interest allows for exclusions in situations where a financial interest is not "substantial." In addition, the federal law allows for exclusions in situations where a gift is unsolicited and is of "nominal" value. Unfortunately, the federal regulations do not define what constitutes a "nominal" gift, nor do they explain when a financial interest is not substantial. In MSBA's standard policies BBFA and GBCA, MSBA included language that would allow Board members and employees to accept gifts of up to \$100 from vendors. However, DESE has informed MSBA that this amount is too high to satisfy the federal requirements for purchases involving federal funds. Therefore, MSBA has defined \$25 as a nominal or not substantial amount based on the internal policy adopted by DESE.**

The regulations require the district to include a discipline provision for those who violate the provisions of these conflict of interest rules. Actions that violate federal standards may not violate state standards, so MSBA has included a variety of consequences for districts to use.

- 5. Regulation 2 C.F.R § 200.113 requires districts to "disclose, in a timely manner, in writing, to the federal awarding agency or pass-through entity all violations of federal criminal law involving fraud, bribery or gratuity violations potentially affecting the federal award." Failure to make these disclosures may result in a reduction or loss of funding. MSBA has included this requirement in the "Consequences" section.**

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FILE: DJFA
Critical

Because the district may be reporting suspected criminal activity, MSBA is recommending the district consult with counsel before making the report.

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FILE: DJFA
Critical

REFERENCE COPY

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FILE: DJFA
Critical

FEDERAL PROGRAMS AND PROJECTS

The purpose of this policy is to ensure that federally funded programs and projects in the district are administered in accordance with federal laws. Specifically, this policy governs all purchases of goods and services using federal funds and reflects federal conflict of interest rules applicable to Board members, employees and agents involved with the selection of contractors and the approval and administration of contracts for federal programs and projects.

Definitions

Agent – A person or entity acting on behalf of the district who is not an employee of the district.

Contract – As used in this policy, a legal instrument by which the district purchases property or services needed to carry out a program or project funded by a federal award.

Contractor – A person or entity with which the district has an executed contract to carry out a federal program or project. A contractor does not include an entity with which the district contracts that received a federal award or subaward directly from a federal or state agency.

Gratuity – A favor, gift or anything of monetary value.

Immediate Family – A spouse or dependent child of a Board member, employee or agent or any person living in the household of a Board member, employee or agent.

Labor Surplus Area (LSA) Firm – A business located in a civil jurisdiction, such as a county or city, which is designated as an LSA by the U.S. Department of Labor's Employment and Training Administration.

Real, Apparent or Potential Conflict of Interest – A situation in which a Board member, employee or agent; any member of a Board member's, employee's or agent's immediate family; any business partner of a Board member, employee or agent; or any organization that employs or is about to employ a Board member, employee or agent has a financial or other interest in a firm the district is considering contracting with or would receive a tangible personal benefit from a firm considered by the district for contracting. A financial interest does not exist if the value of the interest is less than \$25.

Federal Programs Administration

The superintendent shall be responsible for coordinating and administering federally funded programs and projects. The superintendent will ensure that the various departments operating these programs and projects do so in accordance with the requirements of the federal award and keep

accurate and separate records, as required by Board policy and in accordance with administrative procedures. The superintendent may delegate one or more of his or her duties to appropriate employees.

If the superintendent is not the purchasing officer for the district, the superintendent will work with the purchasing officer to ensure that goods and services purchased through federal awards comply with state and federal requirements.

Procurement

In addition to following the requirements of state law, Board policy and district procedures, the purchasing officer will ensure that all supplies, equipment and services purchased with federal funds are purchased in accordance with federal law. No purchase will be made unless the purchase was authorized in the approved budget for administration of the grant. Every purchase will be identified in district accounts in accordance with the federal program under which the purchase was made.

Bids and Requests for Proposals

Bid specifications and requests for proposals will include a clear and accurate description of the technical requirements for the material, product or service desired and will identify all requirements and all other factors that will be used in evaluating bids or proposals.

Bid specifications will not contain features that unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used to define the performance or other requirements. The specific features of the named brand that must be met must be clearly stated.

Pursuant to federal law, the district will not use local or state purchasing preferences when purchasing goods or services related to a federal contract.

Contractors who develop or draft specification requirements, statements of work or invitations for bids or requests for proposals for the district must be excluded from bidding on the project.

In addition to the purchasing preferences required or permitted pursuant to state law, when making purchases with federal funds the district will:

REFERENCE COPY

FILE: DJFA
Critical

1. Take all necessary affirmative steps to ensure that small businesses, minority businesses, women's business enterprises and LSA firms are used when possible. To that end, the district will:
 - ▶ Place qualified small businesses, minority businesses and women's business enterprises on solicitation lists.
 - ▶ Solicit bids from small businesses, minority businesses and women's business enterprises when they are potential sources.
 - ▶ Divide total project requirements into smaller tasks or quantities, when economically feasible, to permit maximum participation by small businesses, minority businesses and women's business enterprises. This provision shall not be used to artificially divide purchases to avoid bidding requirements or design bid specifications to favor a particular provider.
 - ▶ When conducive with the program or project, establish performance and delivery schedules that encourage small businesses, minority businesses and women's business enterprises to participate.
2. Purchase only items that contain the highest practicable percentage of recovered materials, as defined by the Environmental Protection Agency (EPA), consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000.
3. Use solid waste management services in a manner that maximizes energy and resource recovery.

The purchasing officer or designee may search state and federal surplus property offerings to determine whether any items the district needs are available at a lower cost without sacrificing quality.

Contracts

When making purchases using federal funds, the district will not use a time and materials contract unless there is a determination that no other contract is suitable and the district includes a ceiling price and oversees the project to ensure efficiency.

The district may use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions.

The purchasing officer or designee will resolve contract and procurement disputes in accordance with good administrative practice and sound business judgment. The purchasing officer is authorized to contact the district's legal counsel for assistance in resolving disputes.

Conflict of Interest

In addition to acting in accordance with Missouri laws governing conflicts of interest and financial disclosures, Board members, employees and agents participating in the procurement of property and services using federal funds must comply with federal requirements. In cases where federal requirements are more restrictive than state requirements, federal requirements will be followed.

1. Board members, employees and agents who are or may be involved in the selection, award or administration of a contract supported by a federal award will submit, in writing, any real, apparent or potential conflict of interest to the superintendent or designee or the Board secretary. The recipient of the report will forward any disclosures to the awarding state or federal agency in accordance with the reporting policy of the agency.
2. No Board member, employee or agent will participate in the selection, award or administration of a contract supported by a federal award if he or she has a real, apparent or potential conflict of interest.
3. Board members, employees and agents will not solicit or accept gratuities, favors or anything of monetary value from contractors, parties to subcontracts or any vendor who is attempting to be a contractor for a federal program or project, but may accept unsolicited gifts of nominal value. For the purposes of this policy, a gift of nominal value is defined as an unsolicited gift of \$25 or less.

Consequences

Board members, employees and agents are required to immediately report any violation of this policy to the superintendent or Board president. In accordance with federal law, Board members, employees and agents will, within five days of the violation, report all violations of federal criminal law involving fraud, bribery or a gratuity violation potentially affecting the federal award, even if no charges have been filed, to the superintendent, designee or Board president. The superintendent, designee or Board president will submit information about the violation to the federal awarding entity and will contact the district's attorney for assistance in making that report. See 2 C.F.R. § 200.113.

Board members who violate the provisions of this policy will be prohibited from holding a Board office or representing the full Board, as an official spokesperson or otherwise, in the community unless excused by the Board. Employees who violate this policy will be disciplined or terminated,

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FILE: DJFA
Critical

and the district will reconsider and potentially end business relationships with agents who violate this policy. In addition, violations of this policy or the laws it references may be reported to law enforcement, the Missouri Ethics Commission, the Attorney General's Office or DESE and other applicable funding agencies.

* * * * *

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: BBFA, Board Member Conflict of Interest and Financial Disclosure
GBCA, Staff Conflict of Interest
IGBC, Parent/Family Involvement in Instructional and Other Programs
IGBCB, Programs for Migrant Students
IGBH, Programs for English Language Learners

Legal Refs: §§ 8.285 - .291, .675 - .687, 34.073 - .080, .350 - .359, .375, 105.450 - .458, 162.301, 170.041, 171.181, 177.082 - .086, 285.530, 292.675, 393.310, 432.070 - .080, RSMo.
5 C.S.R. 30-4.030, 680.010
2 C.F.R. § 200.22, .23, .38, .92, 112, .113, .317, .318, .338
7 C.F.R. §§ 210.16, .21, 220.16
40 C.F.R. Part 247
47 C.F.R. § 54.503

Webster Groves School District, St. Louis, Missouri

REFERENCE COPY

FILE: JFBB
Basic

STUDENT ADVISOR TO THE BOARD

The Webster Groves Board of Education recognizes the unique perspectives held by students on issues impacting the school district. Therefore, a high school student of the Webster Groves School District may serve as a nonvoting advisor to the Board pursuant to this policy.

The high school principal or designee will develop a process to elect a student advisor as well as an alternate for a one-year term. The Board reserves the right to remove a student as student advisor for any reason including, but not limited to, situations where the student is suspended from school, violates the law, fails to attend the necessary meetings or is no longer enrolled in school.

The student advisor is expected to attend public Board meetings. The student advisor may be directed by the Board or superintendent to report on particular issues. The student advisor will be encouraged to communicate with other students in the district.

The student advisor may not vote on any issue and will not have access to closed information. The student advisor will receive the same Board packet distributed to the rest of the Board except for any closed information.

Once appointed, the student advisor will meet with the Board president, superintendent or designee for training. Minimally, the student advisor will be informed of the Sunshine Law, basic parliamentary procedure and Board policies affecting the operation of Board meetings.

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

Adopted:

Webster Groves School District, St. Louis, Missouri

EXPLANATION: This is a NEW policy for district consideration; entirely district material.

REFERENCE COPY

FILE: JFCF
Critical

EXPLANATION: BULLYING

MSBA has moved language related to hazing from this policy to new policy JFCG. This policy now exclusively addresses bullying. While hazing and bullying are related, a new state law requires specific action when addressing bullying, so it became more efficient to separate these topics.

House Bill 1583 (2016) requires districts to make changes to their model bullying policies. MSBA is providing this new draft policy that reflects those required changes. Please note that the new law requires the School Board to receive input from school personnel, students and administrators when reviewing and revising this policy, so districts need to reach out to these stakeholders before adopting these revisions.

Significant changes include:

- ▶ **The definitions of bullying and cyberbullying.**
- ▶ **The requirement to publish the policy in the student handbook.**
- ▶ **A written procedure, in the policy, for reporting bullying.**
- ▶ **The designation of one person at each school to receive reports of bullying.**
- ▶ **Time limits on the length of the investigation.**
- ▶ **Explanation of how the district will publicize the policy and discuss bullying with students, including a requirement for annual notification.**
- ▶ **Requirements that social workers, counselors and mental health professionals teach coping strategies to victims of bullying.**
- ▶ **Training for staff.**
- ▶ **A prohibition against retaliation.**

State statute requires that districts appoint a person or persons to receive and investigate reports of bullying. This policy designates the building principal for this role. Districts that want to designate a different person will need to amend the policy. In addition, MSBA has gone one step further and has assigned the compliance coordinator to serve as the districtwide antibullying coordinator. Many bullying incidents are also classified as illegal discrimination

FILE: JFCF
Critical

REFERENCE COPY

and harassment, and this designation will ensure that district staff do not forget to notify the compliance coordinator of potentially discriminatory incidents. Further, the new federal Every Student Succeeds Act (ESSA) requires that districts include in their state report cards "incidences of violence, including bullying and harassment." By designating a districtwide coordinator, the district is more likely to gather accurate data for this new reporting requirement.

MSBA is in the process of developing training for district employees, substitutes and volunteers on identifying and reporting bullying in schools.

Districts also need to be aware that the Safe Schools Act might require the district to report bullying activities to law enforcement. The Safe Schools Act requires districts to report harassment in the first degree to law enforcement if it happens on school property. Beginning January 1, 2017, that offense is redefined as follows:

565.090.1. A person commits the offense of harassment in the first degree if he or she, without good cause, engages in any act with the purpose to cause emotional distress to another person, and such act does cause such person to suffer emotional distress.

Needless to say, many bullying incidents might also meet the definition of this crime. So, in addition to other consequences, the district needs to remember to contact law enforcement when bullying occurs.

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

REFERENCE COPY

FILE: JFCF
Critical

~~HAZING AND BULLYING~~

General

In order to promote a safe learning environment for all students, the Webster Groves School District prohibits all forms of ~~hazing, bullying and student intimidation~~. Students ~~participating in or encouraging inappropriate conduct shall immediately be disciplined in accordance with Board policy JG~~. Such discipline may include, but is not limited to, suspension or expulsion from school and removal from participation in district-sponsored activities. ~~Students who have been subjected to hazing or bullying are instructed to promptly report such incidents to a school official.~~ The district also prohibits reprisal or retaliation against any person who reports an act of bullying among or against students.

~~District staff, coaches, sponsors and volunteers shall not permit, condone or tolerate any form of hazing or bullying or plan, direct, encourage, assist, engage or participate in any activity that involves hazing or bullying. District staff shall immediately report incidents of hazing and bullying to the building principal. The principal shall promptly investigate all complaints of hazing and bullying and shall administer appropriate discipline to all individuals who violate this policy. District staff who violate this policy may be disciplined or terminated.~~

~~The superintendent will provide appropriate training designed to assist staff, coaches, sponsors and volunteers in identifying, preventing and responding to incidents of hazing and bullying.~~

~~The district shall annually inform students, parents, district staff and volunteers that hazing and bullying is prohibited. This notification may occur through the distribution of the written policy, publication in handbooks, presentations at assemblies or verbal instructions by the coach or sponsor at the start of the season or program.~~

Definitions

Hazing—For purposes of this policy, hazing is defined as any activity, on or off school grounds, 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 school-related group, class, organization, club or athletic team including, but not limited to, a grade level, student organization or school-sponsored activity.

Hazing may include those actions that subject a student to extreme mental stress including, but not limited to, sleep deprivation, physical confinement, forced conduct that could result in extreme embarrassment or criminal activity, or other stress-inducing activities. Hazing may also include, but is not limited to: acts of physical brutality; whipping; beating; branding; exposing to the elements;

~~forcing consumption of any food, liquor, drug or other substance; forcing inhalation or ingestion of tobacco products; or any other forced physical activity that could adversely affect the physical health or safety of an individual.~~

~~Hazing may occur even when all students involved are willing participants. Hazing does not occur when a student is required to audition or try out for an organization when the criteria are reasonable, approved by the district and legitimately related to the purpose of the organization.~~

~~*Bullying* – For purposes of this policy, bullying is defined as intimidation or harassment of a student or multiple students perpetuated by individuals or groups at school or at school activities. Bullying includes, but is not limited to: physical actions, including violence, gestures, theft, or damaging property; oral or written taunts, including name-calling, put-downs, extortion, or threats; or threats of retaliation for reporting such acts. Bullying may also include cyberbullying or cyberthreats. Cyberbullying is sending or posting harmful or cruel text or images using the Internet or other digital communication devices. Cyberthreats are online materials that threaten or raise concerns about violence against others, suicide or self-harm. Bullying by students that occurs off school premises and not at a school activity may be subject to appropriate discipline if such conduct interferes with the educational environment of the student subjected to the bullying. In accordance with state law, bullying is defined as intimidation, unwanted aggressive behavior, or harassment that is repetitive or is substantially likely to be repeated and causes a reasonable student to fear for his or her physical safety or property; that substantially interferes with the educational performance, opportunities or benefits of any student without exception; or that substantially disrupts the orderly operation of the school. Bullying includes, but is not limited to: physical actions, including violence, gestures, theft, or property damage; oral, written, or electronic communication, including name-calling, put-downs, extortion, or threats; or threats of reprisal or retaliation for reporting such acts.~~

~~*Cyberbullying* – A form of bullying committed by transmission of a communication including, but not limited to, a message, text, sound or image by means of an electronic device including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer or pager. The district has jurisdiction over cyberbullying that uses the district's technology resources or that originates on district property, at a district activity or on district transportation. Even when cyberbullying does not involve district property, activities or technology resources, the district will impose consequences and discipline for those who engage in cyberbullying if there is a sufficient nexus to the educational environment, the behavior materially and substantially disrupts the educational environment, the communication involves a threat as defined by law, or the district is otherwise allowed by law to address the behavior.~~

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

REFERENCE COPY

FILE: JFCF
Critical

Designated Officials

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

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

Reporting Bullying

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

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

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

Investigation

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

the alleged bullying involves a special education student or a student with disabilities, the principal will also notify the special education director.

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

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

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

Consequences

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

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

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

REFERENCE COPY

FILE: JFCF
Critical

Policy Publication

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

Training and Education

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

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

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

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

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

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

4. Encouraging the student to develop an internal locus of control.

Additional School Programs and Resources

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

~~Allegations of hazing, bullying or intimidation on the basis of race, color, religion, sex, national origin, ancestry, disability, age, genetic information or any other characteristic protected by law will be investigated in accordance with Board policy AC.~~

* * * * *

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: 08/27/2007

Revised: 06/14/2010; 11/09/2010; 05/12/2014;

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
EHB, Technology Usage
GCPD, Suspension of Professional Staff Members
GCPE, Termination of Professional Staff Members
GDPD, Nonrenewal, Suspension and Termination of Support Staff Members
IGD, District-Sponsored Extracurricular Activities and Groups

Legal Refs: §§ 160.261, .775, 565.090, RSMo.

Webster Groves School District, St. Louis, Missouri

REFERENCE COPY

FILE: JFCG
Critical

EXPLANATION: HAZING

MSBA has moved the policy language related to hazing from policy JFCF to this new policy. While hazing and bullying are related, House Bill 1583 (2016) requires specific action when addressing bullying, so it became more efficient to separate these topics.

Districts also need to be aware that the Safe Schools Act might require the district to report hazing activities to law enforcement. The Safe Schools Act requires districts to report harassment in the first degree to law enforcement if it happens on school property. Beginning January 1, 2017, that offense is redefined as follows:

565.090.1. A person commits the offense of harassment in the first degree if he or she, without good cause, engages in any act with the purpose to cause emotional distress to another person, and such act does cause such person to suffer emotional distress.

Needless to say, many hazing incidents might also meet the definition of this crime. So, in addition to other consequences, the district needs to remember to contact law enforcement when hazing occurs.

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

FILE: JFCG
Critical

REFERENCE COPY

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FILE: JFCG
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HAZING

In order to promote a safe learning environment for all students, the Webster Groves School District prohibits all forms of hazing.

For purposes of this policy, hazing is defined as any activity, on or off school grounds, 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 school-related group, class, organization, club or athletic team including, but not limited to, a grade level, student organization or district-sponsored activity.

Hazing may include those actions that subject a student to extreme mental stress including, but not limited to, sleep deprivation, physical confinement, forced conduct that could result in extreme embarrassment or criminal activity, or other stress-inducing activities. Hazing may also include, but is not limited to: acts of physical brutality; whipping; beating; branding; exposing to the elements; forcing inhalation or consumption of any food, liquor, drug, tobacco product, or other substance; or any other forced physical activity that could adversely affect the physical health or safety of an individual.

Hazing can occur even when all students involved are willing participants. Hazing does not occur when a student is required to audition or try out for an organization when the criteria are reasonable, approved by the district and legitimately related to the purpose of the organization.

District staff, coaches, sponsors and volunteers will not permit, condone or tolerate any form of hazing or plan, direct, encourage, assist in, engage in or participate in any activity that involves hazing. District staff shall immediately report incidents of hazing to the building principal. The principal shall promptly investigate all complaints of hazing and administer appropriate discipline to all individuals who violate this policy. District staff who violate this policy may be disciplined or terminated.

Students participating in or encouraging inappropriate conduct shall immediately be disciplined in accordance with Board policy JG. Such discipline may include, but is not limited to, suspension or expulsion from school and removal from participation in district-sponsored activities. The district will report hazing incidents to law enforcement when required by law. Students who have been subjected to hazing are instructed to promptly report such incidents to a school official.

The superintendent will provide for appropriate training designed to assist staff, coaches, sponsors and volunteers in identifying, preventing and responding to incidents of hazing.

FILE: JFCG
Critical

REFERENCE COPY

~~The district shall annually inform students, parents/guardians, district staff and volunteers that hazing is prohibited. This notification may occur through the distribution of the written policy, publication in handbooks, presentations at assemblies or verbal instructions by a coach or sponsor at the start of a season or program.~~

* * * * *

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: AC, Prohibition against Discrimination, Harassment and Retaliation
GCPD, Suspension of Professional Staff Members
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IGD, District-Sponsored Extracurricular Activities and Groups

Legal Refs: §§ 160.261, .775, 565.090, RSMo.

Webster Groves School District, St. Louis, Missouri

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