

economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student; or other similar interventions. Corporal punishment administered in accordance with state law is not an aversive intervention for the purpose of this policy.

Behavioral Intervention—An individualized instructional and environmental support that teaches students appropriate behaviors to replace problem behaviors. Behavioral interventions are guided by a functional behavioral assessment (FBA) that identifies the communicative intent of problem behavior and takes into consideration any known medical, developmental or psychological limitation(s) of the student.

Behavior Intervention Plan (BIP)—A plan that sets forth specific behavior interventions for a specific student who displays chronic patterns of problem behavior.

Behavior Management—Comprehensive, schoolwide procedures applied in a proactive manner that constitute a continuum of strategies and methods to support and/or alter behavior in all students.

Chemical Restraint—Administration of a drug or medication to manage a student's behavior that is not a standard treatment and dosage for the student's medical condition.

Confinement—The act of preventing a student from leaving an enclosed space.

Discipline—Consequences for violating the district's student code of conduct.

Emergency Situation—A situation in which a student's behavior poses a serious, probable threat of imminent physical harm to self or others or destruction of property.

Functional Behavior Assessment—A formal assessment to identify the function or purpose the behavior serves for the student so that classroom interventions and behavior support plans can be developed to improve behavior. The assessment could include observations and charting of the behavior and interviews with family, teachers and the student to determine the frequency, antecedent and response of the targeted behavior.

Individualized Education Program (IEP)—A student's Individualized Education Program as defined by the Individuals with Disabilities Education Act (IDEA).

Isolation—The confinement of a student alone in an enclosed space without locking hardware. Isolation does not include supervised in-school suspension, detention or time-out used as disciplinary consequences in accordance with the district's student discipline code.

Law Enforcement Officer—Any public servant having both the power and duty to make arrests for violations of local, state or federal law.

Locking Hardware—Mechanical, electrical or other material devices used to lock a door or to prevent egress from a confined area.

Mechanical Restraint—A device or physical object that the student cannot easily remove that restricts a student's freedom of movement or normal access to a portion of his or her body. This includes, but is not limited to: straps, duct tape, cords or garments. The term does not include assistive technology devices.

Physical Escort—The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out or eloping to walk to a safe location.

Physical Restraint—The use of person to person physical contact to restrict the free movement of all or a portion of a student's body. It does not include briefly holding a student without undue force for instructional or other purposes, briefly holding a student to calm the student, taking a student's hand to transport him or her for safety purposes, physical escort, or intervening in a fight.

Positive Behavior Supports—A range of instructional and environmental supports to teach students pro-social alternatives to problem behavior and allow them multiple opportunities to practice pro-social skills and receive high rates of positive feedback.

Restraint—See the definitions for *chemical restraint*, *mechanical restraint* and *physical restraint*.

School or District Employee or Personnel—Any person employed by the district, volunteering for the district or performing services on behalf of or at the direction of the district. "School or district employee or personnel" may include persons working with students as independent contractors or on behalf of an independent contractor or persons employed by another agency who are providing educational or related services to students.

Seclusion—The confinement of a student alone in an unattended enclosed space from which the student is physically prevented from leaving by locking hardware.

Section 504 Plan—A student's individualized plan as defined by Section 504 of the Rehabilitation Act of 1973.

Time-Out—Brief removal from sources of positive reinforcement that does not meet the definition of seclusion or isolation. The purpose of time-out is to separate the student from the attention of staff and other students.

Use of Time-Out

Nothing in this policy is intended to prohibit the use of time-out as defined in this policy.

Use of Aversive Interventions

~~Aversive interventions will be used only in accordance with this policy. District personnel shall never use aversive interventions that compromise health and safety.~~

Use of Seclusion, Isolation and Restraint

Seclusion

~~Seclusion as defined in this policy is prohibited except in an emergency situation while awaiting the arrival of law enforcement officers as provided for in state law.~~

Isolation

~~Isolation shall be used only:~~

- ~~1. In an emergency situation, or~~
- ~~2. When less restrictive measures have not effectively de-escalated the situation and the school has a plan for how to respond in such situations, or~~
- ~~3. With parental approval as specified in a student's IEP, Section 504 plan or other agreed-upon plan to address a student's behavior.~~

~~Isolation shall never be used as a form of punishment or for the convenience of district personnel.~~

~~A student in isolation must be monitored by district personnel who are in close proximity and able to see and hear the student at all times. Monitoring shall be face to face unless personal safety is significantly compromised, in which case technology supported monitoring may be utilized. The total time in isolation is to be reasonably calculated based on the age of the student and the circumstances and is not to exceed 40 minutes without a reassessment of the situation and consultation with parents/guardians or administrative staff, unless otherwise specified in an IEP, Section 504 plan or other parentally agreed-upon plan to address a student's behavior.~~

~~The space in which the student is isolated should be a normal-sized meeting room or classroom commonly found in a school setting with standard lighting, ventilation, heating, cooling and ceiling height and that is free of objects that could cause harm to the student.~~

Physical Restraint

~~Physical restraint shall be used only:~~

- ~~1. In an emergency situation, or~~

- ~~2. When less restrictive measures have not effectively de-escalated the situation and the school has a plan for how to respond in such situations, or~~
- ~~3. With parental approval as specified in a student's IEP, Section 504 plan or other agreed-upon plan to address a student's behavior.~~

~~Physical restraint will:~~

- ~~1. Be used only for as long as necessary to resolve the actual risk of danger or harm that warranted the use of physical restraint.~~
- ~~2. Be no greater than the degree of force necessary to protect the student or other persons from imminent bodily injury or to protect property.~~
- ~~3. Not place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck or throat that restricts breathing.~~
- ~~4. Be done only by district personnel trained in the proper use of physical restraint.~~

~~District personnel who use physical restraint shall only use restraint methods in which they have received district-approved training. Further, district personnel who use physical restraint may only do so in the presence of at least one additional adult who is in the line of sight unless no other adult is immediately available due to an unforeseeable emergency situation.~~

~~Physical restraints should never be used as a form of punishment or for the convenience of district personnel.~~

Mechanical Restraint

~~Mechanical restraint shall be used only as specified in a student's IEP or Section 504 plan with two exceptions:~~

- ~~1. Vehicle safety restraints shall be used according to state and federal regulations.~~
- ~~2. Mechanical restraints employed by law enforcement officers in school settings should be used in accordance with appropriate professional standards and applicable policies.~~

Chemical Restraint

~~Chemical restraints shall never be used by district personnel.~~

Emergency Situation Follow-ups

~~Following any emergency situation involving the use of seclusion, isolation or restraint, a meeting shall occur as soon as possible but no later than two school days after the emergency.~~

Critical

situation. The meeting shall include, at a minimum, a discussion of the events that led to the emergency and why the de-escalation efforts were not effective; any traumatic reactions on the part of the student, other students or school personnel; what, if anything, could have been done differently; and an evaluation of the process. All staff members directly involved with the emergency situation will be included in the meeting, which will be scheduled and led by the building principal or designee.

Positive Behavior Supports

The superintendent or designee is responsible for implementing the districtwide use of appropriate positive behavior supports designed to support or alter behavior in all students.

Training

The superintendent or designee shall ensure that all district personnel are informed about policies and procedures involving the use of seclusion, isolation and restraint.

In addition to the information provided to all district personnel, those who utilize seclusion, isolation or restraint will receive training in:

1. — The appropriate use of physical restraint.
2. — Professionally accepted practices in physical management and use of restraints.
3. — The best way to explain the proposed restraint methods to students and parents/guardians.
4. — The appropriate use of isolation.
5. — The appropriate use of seclusion.

Records

The superintendent or designee will maintain records documenting the use of seclusion, isolation and restraint showing when they were used and the reason for use; the duration of the use; names of district personnel involved; whether students or school personnel were injured; the name and age of the student; whether the student has an IEP, Section 504 plan or BIP; when the parents/guardians were notified; whether the student was disciplined; and any other documentation required by federal or state law.

Notice to Parents/Guardians

Except as otherwise specified in a student's IEP or Section 504 plan, following an emergency situation involving the use of seclusion, isolation or restraint, the parent/guardian of the student shall be notified through verbal or electronic means of the incident as soon as possible, but no later than the end of the day of the incident.

REFERENCE COPY

FILE: JGGA
Critical

~~The parent/guardian shall receive a written report of the emergency situation within five school days of the incident. The written incident report shall include all of the following:~~

- ~~1. — Date, time of day, location, duration and description of the incident and interventions.~~
- ~~2. — Event(s) that led up to the incident.~~
- ~~3. — Nature and extent of any injury to the student, when applicable.~~
- ~~4. — Name of an employee the parent/guardian can contact regarding the incident.~~

Students with Disabilities

~~If the IEP or Section 504 plan of a student with a disability includes the use of seclusion, isolation, restraint or aversive behavior intervention:~~

- ~~1. — The IEP or Section 504 plan must specify the conditions under which seclusion, isolation, restraint or aversive behavior intervention may be used.~~
- ~~2. — The IEP or Section 504 plan must include steps to eliminate the need for the use of seclusion, isolation, restraint or aversive behavior intervention.~~
- ~~3. — Any use of seclusion, isolation, restraint or aversive behavior intervention must be limited to what is set forth in the IEP or Section 504 plan.~~

~~Before adding the use of seclusion, isolation, restraint or aversive behavior intervention to an IEP or Section 504 plan, the student must have undergone appropriate assessments including, but not limited to, an FBA, and the student must have a BIP in place.~~

The district will treat all students with dignity and provide a safe learning environment for students and a safe working environment for district personnel. Seclusion and restraint interventions will be used only when necessary and in accordance with this policy, and they will never be used as a form of punishment or for the convenience of district personnel. The restrictions in this policy apply to the district and any other provider of educational or related services to the student on behalf of the district.

The board directs the superintendent or designee to train and direct district personnel to use with fidelity measures to proactively address student behaviors, such as positive behavior support techniques, and to identify students with disabilities who may need behavior intervention plans.

Definitions

Behavior Intervention Plan (BIP) – A plan that sets forth specific behavior interventions for a specific student who displays chronic patterns of problem behavior.

District Personnel – All persons employed by the district or performing services on behalf of or

at the direction of the district, including persons working with students as independent contractors or on behalf of an independent contractor.

Mechanical Restraint – The use of any device or equipment to restrict a student's freedom of movement. This term shall not include devices implemented by trained personnel or used by a student with a prescription for such devices from an appropriate medical or related service professional that are used for specific and approved purposes for which such devices were designed, such as the following:

1. Adaptive devices or mechanical supports used to achieve proper body position, balance or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
2. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
3. Restraints for medical immobilization; or
4. Orthopedically prescribed devices that permit a student to participate in activities without risk.

Physical Restraint – A personal restriction such as person-to-person physical contact that immobilizes, reduces or restricts the ability of a student to move the student's torso, arms, legs or head freely. This term shall not include:

1. A physical escort, which is a temporary touching or holding of the hand, wrists, arm, shoulder or back for the purpose of inducing a student to walk to a safe location;
2. Comforting or calming a student;
3. Holding a student's hand to transport the student for safety purposes;
4. Intervening in a fight; or
5. Using an assistive or protective device prescribed by an appropriately trained professional or professional team.

Positive Behavior Supports – A range of instructional and environmental supports to teach students prosocial alternatives to problem behavior and allow them multiple opportunities to practice prosocial skills and receive high rates of positive feedback.

Prone Restraint – Using mechanical or physical restraint or both to restrict a student's movement while the student is lying with the student's front or face downward.

Restraint – Includes, but is not limited to, mechanical restraint, physical restraint and prone

restraint.

Seclusion – The involuntary confinement of a student alone in a room or area that the student is physically prevented from leaving. This term shall not include:

1. A timeout;
2. In-school suspension;
3. Detention; or
4. Other appropriate disciplinary measures.

Timeout – A behavior management technique that is part of an approved program, involves the monitored separation of the student in a nonlocked setting, and is implemented for the purpose of calming.

Seclusion and Restraint Limitations

District personnel will reserve the use of seclusion or restraint for situations or conditions in which there is imminent danger of physical harm to self or others. Any student placed in seclusion or restraint shall be removed from such seclusion or restraint as soon as district personnel determine that the student is no longer an imminent danger to self or others.

Seclusion Spaces

In the limited situations where seclusion is used, it must occur in a room that complies with applicable building codes. The space in which the student is confined should be a normal-sized meeting room or classroom commonly found in a school setting with standard lighting, ventilation, heating, cooling and ceiling height and that is free of objects that could cause harm to the student.

Mechanical, Physical or Prone Restraint Limitations

District personnel are prohibited from using any mechanical, physical or prone restraint technique that:

1. Obstructs views of the student's face;
2. Obstructs the student's respiratory airway, impairs the student's breathing or respiratory capacity, or restricts the movement required for normal breathing to cause positional or postural asphyxia;
3. Places pressure or weight on or causes the compression of the student's chest, lungs, sternum, diaphragm, back, abdomen or genitals;

4. Obstructs the student's circulation of blood;
5. Involves pushing on or into the student's mouth, nose, eyes or any part of the face or involves covering the face or body with anything including, but not limited to, soft objects such as pillows, blankets or washcloths;
6. Endangers the student's life or significantly exacerbates the student's medical condition;
7. Is purposely designed to inflict pain; or
8. Restricts the student from communicating. If an employee physically restrains a student who uses sign language or an augmentative mode of communication as the student's primary mode of communication, the student shall be permitted to have their hands free of restraint for brief periods unless district personnel determine that such freedom appears likely to result in harm to self or others.

Parent/Guardian Notifications

The district will attempt to notify the parents/guardians of the student as soon as possible but no later than one hour after the end of the school day on which seclusion or restraint occurred. Notification will be oral or electronic and will include a statement indicating that the district or district contractor will provide the parents/guardians a copy of the report required by law and this policy within five school days.

Monitoring and Reporting

District personnel shall monitor the use of student seclusion or restraint and shall complete a report for each incident that minimally contains the following:

1. The date, time of day, location, duration and description of the incident and interventions;
2. Any event leading to the incident and the reason for using seclusion or restraint;
3. A description of the methods of seclusion or restraint used;
4. The nature and extent of any injury to the student;
5. The names, roles and certifications of any district personnel involved in the use of seclusion or restraint;
6. The name, role and signature of the person who prepared the report;
7. The name of an employee whom the parent/guardian can contact regarding the incident and use of seclusion or restraint;

- 8. The name of an employee to contact if the parent/guardian wishes to file a complaint; and
- 9. A statement directing parents/guardians to a sociological, emotional or behavioral support organization and a hotline number to report child abuse and neglect.

The report will be an education record of the student. The district or district contractor will provide a copy of the report to the parent/guardian of the student within five school days, and a copy of each incident report will be given to the Department of Elementary and Secondary Education within 30 days of the incident.

Training

All district personnel, as defined in this policy, will annually review this policy and district procedures involving the use of seclusion and restraint. Personnel who use seclusion or restraint shall annually complete mandatory training in the specific seclusion and restraint techniques used by the district.

Retaliation Prohibited

School board members, administrators and district personnel will not retaliate against any person for reporting a violation of this policy or failure to follow state law regarding seclusion and restraint. Likewise, retaliation is prohibited against any person for providing information regarding a violation of law regulating seclusion and restraint.

*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. **Search the index for this section and the cross references to identify related policies, administrative procedures and forms.***

Adopted: 09/24/2013

Revised: 09/29/2020;

Legal Refs: §§ 160.261, .263, 563.061, RSMo.

Dora R-III School District, Dora, Missouri

REFERENCE COPY

FILE: GCBDA-AF2
Critical

EXPLANATION: PROFESSIONAL STAFF SHORT-TERM LEAVES (*Employee Acknowledgment of Available Leave*)

Sections 285.625 - .670, RSMo., require school districts to provide existing employees, and new employees upon commencement of their employment, notice of their right to leave under the Victims' Economic Safety and Security Act (VESSA). MSBA recommends that districts provide that notice using the form created by the Missouri Department of Labor and Industrial Relations (DOLIR) available at <https://labor.mo.gov/posters>. Notification may be made by electronic means. This new MSBA form provides evidence that the employee received the DOLIR notice.

FILE: GDBDA-AF1
Critical

REFERENCE COPY

REFERENCE COPY

FILE: GCBDA-AF2
Critical

PROFESSIONAL STAFF SHORT-TERM LEAVES *(Employee Acknowledgment of Available Leave)*

I have received a copy of the Missouri Department of Labor and Industrial Relations' notice of available leave for domestic or sexual violence.

Printed Name of Employee

Employee Signature

Date

Search the index for this section and the cross references to identify related policies, administrative procedures and forms.

Implemented:

Revised:

Dora R-III School District, Dora, Missouri

REFERENCE COPY

FILE: GDBDA-AF1
Critical

EXPLANATION: SUPPORT STAFF LEAVES (*Employee Acknowledgment of Available Leave*)

Sections 285.625 - .670, RSMo., require school districts to provide existing employees, and new employees upon commencement of their employment, notice of their right to leave under the Victims' Economic Safety and Security Act (VESSA). MSBA recommends that districts provide that notice using the form created by the Missouri Department of Labor and Industrial Relations (DOLIR) available at <https://labor.mo.gov/posters>. Notification may be made by electronic means. This new MSBA form provides evidence that the employee received the DOLIR notice.

FILE: GDBDA-AF1
Critical

REFERENCE COPY

REFERENCE COPY

FILE: GDBDA-AF1
Critical

SUPPORT STAFF LEAVES *(Employee Acknowledgment of Available Leave)*

I have received a copy of the Missouri Department of Labor and Industrial Relations' notice of available leave for domestic or sexual violence.

Printed Name of Employee

Employee Signature

Date

Search the index for this section and the cross references to identify related policies, administrative procedures and forms.

Implemented:

Revised:

Dora R-III School District, Dora, Missouri

REFERENCE COPY

FILE: JGGA-AF1
Critical

EXPLANATION: SECLUSION AND RESTRAINT (Reporting)

This form was revised to align with the detailed reporting requirements in House Bill 432 (2021). The district is required to immediately notify the parents/guardians when seclusion or restraint is used on their student. In addition, the district is required to write a report on the incident and provide a copy to the parent/legal guardian within five school days. A copy of the report must be provided to the Department of Elementary and Secondary Education within 30 days of the incident.

FILE: JGGA-AF1
Critical

REFERENCE COPY

SECLUSION, ISOLATION AND RESTRAINT
(Parent/Guardian Notification Reporting)

Name of Student Involved: _____ Age Grade: _____

Student ID #: _____ Date of Intervention: _____

Time of Intervention: _____ Duration of Intervention: _____

Location of Intervention: _____

Time and Manner of Initial Notification to Parents/Guardians:

Name(s) of District Personnel Involved:

Description of Incident, including Events that Led up to the Incident
Description of any event leading to the use of seclusion or restraint, including any facts causing district personnel to determine that the student was in imminent danger of physical harm to self or others:

Steps Taken Prior to Use of Intervention:

If no steps were taken prior to intervention, explain why:

Which type of intervention was used? Seclusion Isolation Restraint

Reason for Intervention:

Nature and Extent of any Injury to the Student (if Applicable):

Nature and Extent of any Injury to Staff (if Applicable): _____

Was discipline of the student recommended: Yes No

Name of Employee Parent/Guardian Can Contact regarding the Incident: _____

Attach additional pages if needed.

Description of the methods used for the seclusion or restraint of the student:

If applicable, describe the nature and extent of any injury to the student:

Provide the following for any district personnel involved in the seclusion or restraint incident:

Name: _____
Title: _____
Certification (if any): _____
Role in Incident: _____

Name: _____
Title: _____
Certification (if any): _____
Role in Incident: _____

Name: _____
Title: _____
Certification (if any): _____
Role in Incident: _____

Name: _____
Title: _____
Certification (if any): _____
Role in Incident: _____

REFERENCE COPY

FILE: JGGA-AF1
Critical

Name: _____

Title: _____

Certification (if any): _____

Role in Incident: _____

If you have any questions regarding this incident, please contact _____ [name]
at _____ [contact information].

We encourage you to contact _____ [name and contact
information of a sociological, emotional or behavioral support organization] for additional
support in our community.

If you have concerns regarding this incident and would like to file a complaint, please contact
_____ [name] at _____ [contact information].

To report child abuse and neglect in Missouri, call 800-392-3738 or Relay Missouri at 800-735-
2466 (voice) or 800-735-2966 (text).

Signature of Person Preparing Report Date

Name of Person Preparing Report

Role in incident: _____

*Note: The reader is encouraged to review policies and/or procedures for related information
in this administrative area. **Search the index for this section and the cross references to
identify related policies, administrative procedures and forms.***

Implemented:

Revised:

Dora R-III School District, Dora, Missouri

Policy BDDF-1: VOTING METHOD

Status: DRAFT

Original Adopted Date: 09/24/2013 | Last Revised Date: 05/27/2014

**EXPLANATION
(Version 1)**

MSBA has modified this policy based on questions from our member districts about changing a vote, recording abstentions and how many votes are necessary for a motion to pass.

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

Any member, upon request, may submit a written explanation of his or her vote that will be attached to the minutes or stored with the minutes. Any member Members may also change his or her their votes up to the time the result of the vote is announced. Votes may not be changed after the result of the vote has been announced.

A motion shall pass if a majority of those board members present vote in favor of the motion, provided that a quorum is present, voting (not abstaining) cast a vote in favor of the motion, unless otherwise prescribed by law or policy. An affirmative vote of the majority of the whole board is required to enter into a contract, employ a person, approve a bill or issue a warrant.

Voting in Open Session

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

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

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

Voting in Closed Session

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

Voting Electronically

The board will allow members to participate electronically in meetings where other board members are physically present, and the board may hold meetings where all board members participate electronically. The participation may occur by telephone, videoconference or other electronic means. Board members may not simply vote electronically, but must be connected with the meeting throughout the discussion of business and must be able to both hear and participate in the discussion. If a board member electronically joins the meeting after an item of business has been opened, the remotely located member shall not participate until the next item of business is opened.

In accordance with law, board members who participate in a meeting by videoconferencing may discuss and vote on issues in both open and closed sessions, regardless of the method by which the vote is taken. Board members

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

Policy Reference Disclaimer: 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.

State References

Description

§162.301, RSMo.

State Statute -
<https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==>

§162.303, RSMo.

State Statute -
<https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==>

§610.010, RSMo.

State Statute -
<https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==>

§610.015, RSMo.

State Statute -
<https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==>

§610.020, RSMo.

State Statute -
<https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==>

Policy DBB: FISCAL YEAR

Status: DRAFT

Original Adopted Date: 09/24/2013

EXPLANATION

Districts should RESCIND this policy. MSBA has integrated the language of this policy into policy DB, Budget, which is also included in this update.

The fiscal year is defined as beginning annually on the first day of July and ending on the thirtieth day of June following.

The district treasurer shall not draw any check or issue any order for payment that is in excess of the income and unencumbered revenue of the school district for the fiscal year beginning on the first day of July and ending on the thirtieth day of June following.

Policy Reference Disclaimer: 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.

State References

§165.021, RSMo

Description

State Statute -
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

Policy DB: ANNUAL BUDGET

Status: DRAFT

Original Adopted Date: 09/24/2013 | Last Revised Date: 05/27/2014

EXPLANATION

MSBA has updated this policy to align with the standards and indicators of version 6 of the Missouri School Improvement Program (MSIP 6). See section L4 at <https://dese.mo.gov/media/pdf/msip-6-rule>.

MSBA has also moved a section regarding comparability between buildings from DJFA to this policy. The Department of Elementary and Secondary Education (DESE) has clarified that the comparability requirements for Title I apply to the expenditure of local funds, so it is more appropriate in this policy where the overall district budget is examined.

MSBA removed the statement requiring a hearing before adopting the budget and tax rate. There is no legal requirement to hold a hearing before budget adoption, although the budget officer should solicit input from patrons. There is a requirement that a hearing be held prior to adopting the tax rate, and that requirement is covered in policy DC.

MSBA modified the language under budget expenditures to match the statutory language.

One of the board's primary responsibilities of the board of education is to secure adequate funds to conduct a quality education program of education in the school district. The annual district budget is a written document presenting the board's plan for allocation of the available financial resources to sustain and improve the educational function of the school district and promote each student's academic success and well-being in accordance with priorities established in the Continuous School Improvement Plan (CSIP). The annual budget is a legal document describing the programs to be conducted during the fiscal year and is the basis for the establishment of tax rates for the district. The fiscal year is defined as beginning annually on the first day of July and ending on the thirtieth day of June following.

Budget Planning and Adoption

The Budget planning and preparation of the budget is a continuing process that must involve a number of people individuals who have knowledge of the educational needs of the community and who can provide accurate data in regard to about the financial potential of the district. Members of the board, citizens, students and professional and support staff members should be involved in the planning process, which culminates in the preparation of the budget document. The superintendent will establish procedures that to seek input on budgetary needs from the appropriate people on budgetary needs and that consider the priorities established by the board.

The board designates the superintendent to serve as the district's budget officer of the district. As The budget officer, the superintendent will direct the budget planning and preparation of the budget and will submit it to the board for approval. Before When creating the budget, the superintendent budget officer will consider the priorities established by the board and seek input from appropriate persons regarding individuals about the needs of the district. The budget must include prudent fund balance positions. The superintendent budget officer will present to the board a tentative budget proposal for the following year no later than June 1 unless sufficient financial information is not available at that time to propose even a tentative budget. The superintendent budget officer will make revisions as directed by the board and will present the final budget proposal to the board for approval before the new fiscal year begins, as provided by law.

The board may revise the proposed budget prior to adoption and may make additional revisions, as necessary, throughout the year. Should the adopted budget require an increase in the tax levy above the authorized level that the board may levy is authorized to set, the tax levy increase shall be presented to the voters for approval. The budget shall be appropriately adjusted if the voters fail to pass the tax levy increase. The board will conduct at least one public hearing regarding the proposed budget and taxation rate.

Budget Components

The annual budget document shall present a completed financial plan for the ensuing fiscal year and shall include at least the following statutory requirements:

1. A budget message describing the important features of the budget and major changes from the preceding year.

2. Estimated revenues to be received from all sources for the fiscal year, with a comparative statement of actual or estimated revenues for the two years immediately preceding, itemized by year, fund and source.
3. Proposed expenditures for each department, office and other classification for the budget year, together with a comparative statement of actual or estimated expenditures for the two years immediately preceding, itemized by year, fund, activity and object.
4. The amount required for the payment of interest, amortization and redemption charges on the debt of the school district.
5. A general budget summary.

Budget Expenditures

In no event shall the total proposed expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the fiscal year. Upon the recommendation of the superintendent, the board will approve a system of internal accounting to ensure proper financial accounting of revenues and expenditures.

The district's adopted budget serves as the control to direct and limit expenditures in the district. Overall responsibility for assuring control rests with the superintendent, who will establish procedures for budget control and reporting throughout the district. All moneys received by the school district shall be disbursed only for the purposes for which they are levied, collected or received.

The total amounts that may be expended during the fiscal year for the operation of the school district are set forth in the budget. The total budgeted expenditure for each **program-fund** is the maximum amount that may be expended for that classification of expenditures during the school year unless a budget transfer is recommended by the superintendent and approved by the board. During the fiscal year, the superintendent may transfer any unencumbered balance or portion thereof from the expenditure authorization of one **account-fund** to another, subject to limitations provided by state laws and approval by the board.

The board will review the financial condition of the district monthly and shall require the superintendent to prepare a monthly reconciliation statement. This statement will show the amount expended during the month, total (to date) for the fiscal year, receipts and remaining balances in each fund. This statement will be used as a guide for projected purchasing and budget transfers.

Title I Comparability

Federal law requires districts to ensure that schools that receive Title I funds receive the same level of services and resources from state and local funds as schools that do not receive Title I funds. If the district has school buildings with more than 100 students and more than one building for each grade span, the district is required to annually conduct a comparability study between buildings that receive Title I funds and have more than 100 students and buildings that do not receive Title I funds and have more than 100 students. If all the district's schools receive Title I funds, the district must determine that services are, taken as a whole, substantially comparable in each school. The district may meet these requirements by comparing either grade spans or schools. The district will establish comparability by ensuring:

1. That it has adopted a districtwide salary schedule;
2. Equivalence among schools in teachers, administrators and other staff; and
3. Equivalence among schools in the provision of curriculum materials and instructional supplies.

Alternatively, the superintendent or designee will complete an annual comparability study using the procedures and forms provided by the Department of Elementary and Secondary Education (DESE). If the superintendent or designee determines that services and resources are not comparable, the superintendent will notify the board and take steps to rectify the situation.

The data collected and compiled in the determination of comparability will be retained in accordance with the Public School Records Retention Schedule. The district will provide DESE with the appropriate assurances that the district is in compliance with the federal law.

Policy Reference Disclaimer: 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.

State References

§§ 67.010-.110, RSMo.

Description

State Statute -
<https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==>

§165.021, RSMo

State Statute -
<https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==>

§165.051, RSMo

State Statute -
<https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==>

§165.091, RSMo

State Statute -
<https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==>

§165.131, RSMo

State Statute -
<https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==>

5 C.S.R. 20-100.125

State Regulation -
<https://simbli.eboardsolutions.com/SU/slashZ8dS4plusrXCHwtLsPvVSCow==>

MO COURT

Mercantile Bank of Illinois v. Sch. Dist. of Osceola, 834 S.W.2d 737 (Mo. 1992) -
<https://simbli.eboardsolutions.com/SU/UbQL1xGtQpuhwEoCYu2lOw==>

Mo. Const. art.VI § 26

State Constitution -
<https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==>

MSIP References

Description

L-4

MSIP STANDARDS -
<https://simbli.eboardsolutions.com/SU/zx66ZtXCyB4hKZEmfEnElw==>

Cross References

Description

ECB

BUILDING AND GROUNDS MAINTENANCE -
<https://simbli.eboardsolutions.com/SU/3sHBsVm3HaZ1VEfeH6cMxw==>

Policy DJFA: FEDERAL PROGRAMS AND PROJECTS

Status: DRAFT

Original Adopted Date: 12/27/2016 | Last Revised Date: 09/29/2020

EXPLANATION

In 2020, the Office of Management and Budget (OMB) updated some of its rules for federal programs and made some vocabulary changes. For example, procurement was divided into 1) micro-purchases and small purchases, 2) formal procurements (sealed bids or RFPs), and 3) noncompetitive procurements (sole-source type purchases). The Department of Elementary and Secondary Education (DESE) followed suit with a new edition of the "Fiscal Guidance for Federal Grant Programs" in October 2021. There is no need to repeat the procurement rules in a board policy, but we have made a few adjustments to account for the terminology and the special conflict of interest rules specifically required for this policy. We emphasize in these policy updates that administrators should reference the DESE guidance; however, in any situation like this, where one agency (DESE) is paraphrasing another agency's (OMB) regulations, there is always a chance for errors in translation or further developments in OMB or federal statutory requirements, which the district's attorney may identify as grounds for deviation from the DESE guidance on some matter or another.

The content of this policy reflects federal regulation and should not be changed without consultation with DESE.

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

Federal programs administration must be in accordance with fiscal guidance for federal programs issued by the Missouri Department of Elementary and Secondary Education Division of Financial and Administrative Services, guidance from the federal Office of Management and Budget (OMB) and Title 2 of the Code of Federal Regulations unless otherwise advised by the district's attorney.

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.

Solicitation of Bids and Proposals

All notices of solicitation of bids and proposals will include notice that the district encourages bids and proposals from minority businesses, women's business enterprises, service-disabled veterans and labor surplus area firms.

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.

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.

Pursuant to federal law, the district will not use local or state geographical purchasing preferences when purchasing goods or services related to a federal contract except when such preferences are mandated or encouraged under the applicable federal statutes. When making purchases with federal funds, the district will:

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.
 - Establish performance and delivery schedules that encourage small businesses, minority businesses and women's business enterprises to participate when doing so is conducive with the program or project.
 - Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.
 - Require the prime contractor to use the affirmative steps of this policy when selecting subcontractors.