

BOARD OF EDUCATION
The School District of Independence

10461

The Board of Education met in regular session Tuesday, July 12, 2011, at 6:00 p.m. in the Board Room at the Board of Education Office, 201 North Forest Avenue, Independence, Missouri.

Members Present: Mr. Ken Johnston, President
Mrs. Ann Franklin, Vice President
Mrs. Jana Waits, Treasurer
Mr. Blake Roberson, Director
Dr. Matt Mallinson, Director
Mrs. Jill Esry, Director
Mrs. Denise Fears, Director

Also Present: Dr. Jim Hinson, Superintendent
Mr. Dred Scott, Mr. Dale Herl, Mr. Jason Dial, Dr. Gary Hogue,
Dr. Beth Savidge, Dr. Linda Gray-Smith, Ms. Cindy Konomos, Mrs. Nancy Lewis, Mr. Bob Robinson, Mr. Keith Henry, Ms. Kelly Evenson of *The Examiner*, INEA, PTA, interested patrons and staff, and Mrs. Annette Miller.

A moment of silence was observed for children that have been victims of child abuse or neglect.

The meeting was called to order by the President, Mr. Ken Johnston, and minutes of the meeting were recorded by the secretary, Mrs. Annette Miller. Mr. Johnston welcomed Kenny Ward from Boy Scout Troop 161 who was attending the meeting as part of his merit badge requirement.

Ann Franklin made the motion to approve the July 12, 2011 Agenda and all items as presented. The motion was seconded by Blake Roberson and unanimously approved by the Board of Education.

Denise Fears made the motion to approve the July 12, 2011 Consent Agenda as printed.

Minutes – June 14 and 30, 2011.

July 12, 2011 List of Bills totaling \$16,118,765.35

Personnel Recommendation #23

A. Employment of Certificated Staff for the 2011-2012 School Year.

1. Kelly Donnelly, Speech Pathologist/Hanthorn School
2. Anne Heidemann, Elementary/Fairmount Elementary School
3. Laura Heistand, Communication Arts/Nowlin Middle School
4. Adam Higgins, English/Van Horn High School
5. Mary Beth Rich, English/Van Horn High School

4. Approval of Membership in the MU Partnership for Educational Renewal for 2011-2012.

5. Approval to Accept Bid for Asphalt on Drive Lane at Three Trails Elementary School.

The motion was seconded by Matt Mallinson and unanimously approved by the Board of Education.

Dr. Hinson reported that the 2011 Summer School program ended Friday July 8, and that it was a large session. He reminded everyone that Project Shine is scheduled for Saturday, July 16, starting at 7:00 a.m. So far, the District has received a great response from the community and approximately 1,000 volunteers will be helping at the following five sites: Blackburn, Procter, William Southern, and Sycamore Hills Elementary Schools and Sunshine Center building.

Several items were presented for the Board of Education's consideration under New Business.

Matt Mallinson made the motion that the Board of Education authorizes the Superintendent, or his designee, to accept the bid in the amount of \$883,020.54 from Anderson-Erickson to supply milk and dairy products for the 2011-2012 school year. The motion was seconded by Ann Franklin and unanimously approved by the Board of Education.

Jana Waits made the motion that the Board of Education authorizes the Superintendent, or his designee, to accept the bid of \$100,724.62 from Interstate Brands Company to supply bakery products for the 2011-2012 school year. The motion was seconded by Jill Esry and unanimously approved by the Board of Education.

Blake Roberson made the motion that the Board of Education authorizes the Superintendent, or his designee, to accept the bid in the amount of \$9,003.73 from Roberts Dairy to provide ice cream products for the 2011-2012 school year. The motion was seconded by Jana Waits and unanimously approved by the Board of Education.

Dr. Hinson explained that approving a cash management resolution allows the District to utilize a variety of banking and investment options. It has to be updated annually, due to personnel changes, so it requires the authorization of the Board of Education.

The motion was made by Jill Esry, second by Denise Fears, that the Board of Education approves the renewal of the cash management resolution for the 2011-2012 school year. The motion was unanimously approved by the Board of Education.

Dr. Hinson reported that at the May 10, 2011 Board meeting, the Board of Education approved letting bids for construction of a warehouse as part of relocating the Facilities Department to the Central Office location. Based on the bids received for this project, the Administration is recommending rejecting all bids. The Administration will re-evaluate the project before initiating further plans for construction of a Facilities warehouse.

Matt Mallinson made the motion that the Board of Education approves rejecting all bids for construction of a Facilities Warehouse adjacent to Central Office (Ennovation Center). The motion was seconded by Ann Franklin and unanimously approved by the Board of Education.

Dr. Hinson explained that the School District is required by State Statute to have a Board Policy in effect that addresses seclusion and restraint of students. A Policy (2770) has been developed by the Administration and is recommending approval by the Board of Education.

Blake Roberson made the motion, second by Jana Waits, that the Board of Education approves this as the first reading of Board of Education Policy 2770 under Student Welfare. The motion was unanimously approved by the Board of Education. (Pages 10463-10469)

Dr. Hinson reported that 34 staff, six Board members, a business community representative, and administrators attended the Model Schools Conference in Nashville on June 26-28. He said it was a very successful but challenging conference. Some of the topics included: what schools will need to provide in the future; how to prepare our students for a future unknown; what technology will be like in 5 to 10 years; and what our students really need to know. The Board of Education held an in-service session today and discussed what the District needs to do to prepare children for an unknown future. The District needs to make sure that we are educating our children appropriately. Dr. Hinson said there will be lots of future conversations with employees, community members, and others about what it will take to cause the needed changes. He said the District has to change to keep up with the ever-changing knowledge that is taking place in our world today as information and access to information changes so rapidly. The students of today have a great aptitude for technology. This is a challenge that will require the administration, community, staff, and families to work together to achieve the needed results.

Mr. Robinson updated the Board of Education on the status of the remaining Bond Projects. Thomas Hart Benton - close to finalizing the building improvements; Hanthorn - the roof replacement is complete, work is still being done on the drop ceiling replacements, and the sinks and countertops are being installed; Mill Creek's library carpeting and casework is installed, the new ADA lift will be installed during July, electrical and plumbing is complete on the classroom addition, and the concrete foundation and floor is complete and walls are being erected; Nowlin - lots of work is being done in July - nurses main office will be completed, ceiling work in the classrooms and corridors has been completed, lighting will be installed, and rough plumbing has been completed in the restrooms and new wall tile is now scheduled to begin; Christian Ott - all roof work will be completed by August; Three Trails - the mobile unit is ready to be painted on the inside and outside, utilities have been installed, and the ADA ramp will be completed this month; Truman High School - about 80% of the new parking area is completed and should be finished soon; Ennovation Center - all the work has been completed except for the Kitchen Serving Area which should be finished in the next 60 days; and the New East Elementary School site - curbs are being installed, footings work should begin this week, water and sewer lines have been installed, and the completion date is still scheduled for June 2012.

There being no further information to come before the Board, Jill Esry made the motion to adjourn the meeting at 6:25 p.m. and go into executive session for legal, real estate, and personnel issues, The motion was seconded by Jana Waits and approved as follows:

STUDENTS**Policy 2770****Student Welfare****Seclusion and Restraint****Purpose**

It is the purpose of this policy to:

- Meet the requirements of RSMo 160.263.
- Promote safety and prevent harm to all students, school personnel and visitors in the school district.
- Treat all students with dignity and respect in the use of discipline and behavior-management techniques.
- Provide school personnel with clear guidelines about the use of seclusion, isolation and restraint on school district property or at any school district function or event.
- Promote retention of teachers and other school personnel by addressing student behavior in an appropriate and safe manner.
- Promote parent understanding about state guidelines and district policies related to the use of discipline, behavior management, behavior interventions and responses to emergency situations.
- Promote the use of non-aversive behavioral interventions.

Definitions:

“Authorized School Personnel” means school personnel who have received annual training in:

- De-escalation practices,
- Appropriate use of physical restraint,
- Professionally-accepted practices in physical management and use of restraints,
- Methods to explain the use of restraint to the student who is to be restrained and to the individual’s family,
- Appropriate use of isolation,
- Appropriate use of seclusion, and
- Information on the policy and appropriate documentation and notification procedures.

“Assistive technology device” means any item, piece of equipment or product system that is used to increase, maintain or improve the functional capacities of a child with a disability.

“Aversive behavioral interventions” means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as: contingent application of noxious, painful, intrusive stimuli or activities; any form of noxious, painful or intrusive spray, inhalant or tastes; or other stimuli or actions similar to the interventions described above. The term does not include such interventions as voice control, limited to loud, firm commands; time-limited ignoring of a specific behavior; token fines as part of a token economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student. Corporal punishment administered in accordance with state law is not an aversive intervention for the purpose of this policy.

“Behavior Intervention Plan (BIP)” sets forth specific behavior interventions for a specific student who displays chronic patterns of problem behavior.

“Chemical restraint” means the 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.

“Emergency situation” is one 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, so as to determine the frequency, antecedent and response of the targeted behavior.

“IEP” means a student’s Individualized Education Program as defined by the Individuals with Disabilities Education Act (IDEA).

“Isolation” means 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 and this policy.

“Law enforcement officer” means any public servant having both the power and duty to make arrests for violations of the laws of this state.

“Locking hardware” means mechanical, electrical or other material devices used to lock a door or to prevent egress from a confined area.

“Mechanical restraint” means 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” means 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” means 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 or hugging a student without undo force for instructional or other purposes, briefly holding a student to calm them, taking a student’s hand to transport them for safety purposes, physical escort or intervening in a fight.

“School personnel” means

- Employees of a local board of education.
- Any person, paid or unpaid, working on school grounds in an official capacity.
- Any person working at a school function under a contract or written agreement with the school system to provide educational or related services to students.
- Any person working on school grounds or at a school function for another agency providing educational or related services to students.

“Seclusion” means the confinement of a student alone in an enclosed space from which the student is physically prevented from leaving by locking hardware.

“Section 504 Plan” means a student’s individualized plan developed by the student’s Section 504 multidisciplinary team after a pre-placement evaluation finding the student is disabled within the meaning of Section 504 and its implementing regulations.

“Time out” means brief removal from sources of reinforcement within instructional contexts that does not meet the definition of seclusion or isolation. Time out includes both of the following:

- a) Non-exclusionary time out: removal of reinforcers from the student without changing the physical location of the student (e.g., asking the student to put his/her head down on the desk); and
- b) Exclusionary time-out: removal of the student from participation in an activity or removal from the instructional area.

Use of Restrictive Behavioral Interventions:

- **Time-Out**

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

- **Seclusion**

Seclusion as defined in this policy is prohibited except for an emergency situation while awaiting the arrival of law enforcement personnel as provided for in RSMo 160.263.

- **Isolation**

Isolation, as defined in this policy, may only be used by authorized school personnel, as defined in this policy:

- After de-escalating procedures have failed;
- In an emergency situation as defined in this section; or
- As specified in a student's Individualized Education Program (IEP), Section 504 plan, or other parentally agreed-upon plan to address a student behavior.

Use of isolation requires all of the following:

- The student to be monitored by an adult in close proximity who is able to see and hear the student at all times. Monitoring shall be face-to-face unless personal safety of the child or staff member is significantly compromised, in which case technology-supported monitoring may be utilized.
- The total time in isolation is to be reasonably calculated by District personnel on a case-by-case basis based on the age of the child and circumstances, and is not to exceed 40 minutes without a reassessment of the situation and consultation with parents and/or administrative staff, unless otherwise specified in an IEP or Section 504 Plan or other parentally agreed-upon plan to address a student's behavior.
- The space in which the student is placed should be a normal-sized meeting or classroom commonly found in a school setting.
- The space in which the student is confined is comparable in lighting, ventilation, heating, cooling, and ceiling height to those systems that are in use in other places in the school.
- The space in which the student is placed must be free of objects that could cause harm.

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

- **Physical Restraint**

Physical restraint shall only be used in one of the three circumstances below:

- In an emergency situation as defined in this policy;
- When less restrictive measures have not effectively de-escalated the situation; or
- When otherwise specified in an IEP, Section 504 Plan or other parentally agreed-upon-plan to address a student's behavior.

Physical restraint shall:

- Only be used by authorized school personnel as defined in this policy.

- Only be used for as long as necessary to resolve the actual risk of danger or harm that warranted the use of the physical restraint;
- Use no more than the degree of force necessary to protect the student or other persons from imminent physical harm [or to protect property];
- Not place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck or throat of the student which restricts breathing; and
- Only be done by school personnel trained in the proper use of restraint.

Any school personnel using physical restraint shall:

- Use only methods of restraint in which the person has received district approved training.
- Conduct restraint with at least one additional adult present and in line of sight, unless other school personnel are not immediately available due to the unforeseeable nature of the an emergency situation.

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

- **Mechanical Restraint**

Mechanical restraint shall only be used as specified in a student's IEP, Section 504 plan, or other parentally agreed-upon plan to address a student's behavior with two exceptions:

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

- **Chemical Restraint**

Chemical restraints shall never be used by school personnel.

Aversive interventions that compromise health and safety shall never be used by school personnel.

Communication and Training

- **School Personnel Meeting**

Following any situation involving the use of seclusion, isolation or restraint, as defined in this policy, a meeting shall occur as soon as possible but no later than two (2) school days after the emergency 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 trauma 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.

- **Parental Notification**

Except as otherwise specified in a student's IEP, Section 504 plan or other parentally agreed-upon plan to address the student's behaviors:

- Following a situation involving the use of seclusion, isolation or restraint, the parent or 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, unless circumstances render it unreasonable or impossible to notify the parent or guardian by the end of the day in which case the parent or guardian shall be notified through verbal or electronic means of the incident no later than noon of the next day.
- The parent or guardian shall receive a written report of the emergency situation within five (5) school days of the incident. The written incident report shall include all of the following:
 - Date, time of day, location, duration, and description of the incident and de-escalation interventions.
 - Event(s) that led up to the incident.
 - Nature and extent of any injury to the student.
 - Name of a school employee the parent or guardian can contact regarding the incident, and contact information for that employee.

- **Staff Training**

School districts shall ensure that all school personnel are trained annually regarding the policy and procedures involving the use of seclusion, isolation and restraint.

Students with Disabilities

The foregoing policy applies to all students. However, if the IEP or multi-disciplinary team determines that a form of restraint or isolation or aversive behavior intervention may be appropriate in certain identified and limited situations, the team may set forth the conditions and procedures in the IEP or Section 504 plan. Any use of restraint, isolation or aversive behavior interventions must be limited to what is set forth in the IEP or Section 504 plan unless otherwise provided for in this policy. Before adding the use of restraint, isolation or aversive behavior interventions to an IEP or Section 504 plan, the student must have undergone appropriate assessments to include, but not limited to, a formal functional behavior assessment and a positive behavior intervention plan must be developed, which indicates a plan to eliminate the use of the restraint, isolation or aversive behavior intervention over time.

Reports on Use of Seclusion, Isolation, Restraint or Aversive Behavior Interventions

Districts shall maintain records documenting the use of seclusion, isolation, and restraint showing each of the following: when they were used, reason for use, duration of use, names of school personnel involved, whether students or school personnel were injured, name and age of the student, whether the student has an IEP, Section 504 plan, Behavior Intervention Plan (BIP) or other personal safety plan, when the parents were notified, if the student was disciplined, and any other documentation required by federal or state law.

Applicability of this Policy

This policy applies to all district school personnel. School personnel assigned to programs not located on district premises (hospitals, detention centers, juvenile facilities, and mental health facilities) shall follow the policy and procedure of the facility/program where they work.

Ayes: Ken Johnston
Ann Franklin
Jana Waits
Blake Roberson
Matt Mallinson
Jill Esry
Denise Fears

Absent:

C. Annette Miller
Secretary

Ken Johnston president
President