

The Board of Education met in regular session Tuesday, August 9, 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. Jana Waits, Treasurer
Mr. Blake Roberson, Director
Dr. Matt Mallinson, Director
Mrs. Jill Esry, Director
Mrs. Denise Fears, Director

Member Absent: Mrs. Ann Franklin, Vice President

Also Present: Dr. Jim Hinson, Superintendent
Dr. Dale Herl, Mr. Dred Scott, Dr. Gary Hogue, Dr. Beth Savidge, Dr. Jason Dial, Dr. Linda Gray-Smith, Dr. Gloria Stephenson, Ms. Cindy Konomos, Mr. Bob Robinson, Mrs. Nancy Lewis, INEA, Ms. Kelly Evenson of *The Examiner*, 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.

Jana Waits made the motion to approve the August 9, 2011 Agenda and all items as presented. The motion was seconded by Blake Roberson and unanimously approved by the Board of Education.

Jill Esry made the motion to approve the August 9, 2011 Consent Agenda as printed.

1. Minutes – July 12, 2011.
2. Approval of August 9, 2011 List of Bills totaling \$5,824,187.19
3. Personnel Recommendation #1
 - A. Employment of Certificated Staff for the 2011-2012 School Year.
 1. Kandace Callwell, Counselor/Jim Bridger Middle School
 2. Amanda Layman, Math/Jim Bridger Middle School
 3. Daniel Malone, ISS/Jim Bridger Middle School
 4. Simon Morefield, ISS/Truman High School
 5. Maria Oti, Spanish/Nowlin & Jim Bridger Middle Schools
 6. Tara Pennington, Library Media Specialist/Thomas Hart Benton Elementary School
 7. Theresa Wahwassuck, Music/Korte Elementary School
 8. Lori Williams, Elementary/Procter Elementary School
4. Approval to Accept Bid for Partial Roof Replacement at Nowlin Middle School.
5. Approval of Curriculum Guides K-12 for 2011-2012 School Year.
6. Approval of Head Start Continuation Application.
7. Approval of Head Start Expansion Grant Application.
8. Approval of the Early Head Start Expansion Grant Application.

The motion was seconded by Denise Fears and was unanimously approved by the Board of Education.

Dr. Hinson stated that he is looking forward to another great school year. He said it will be interesting to see how many students will enroll for the 2011-2012 school year. The District's Opening Ceremony is scheduled for Monday, August 15, 9:00 a.m. at the Community of Christ Auditorium.

Dr. Herl shared that a grant through MARC had been awarded to the Transportation Department. Keith Henry, Transportation Director, had applied for the grant to assist the Transportation Department in replacement of buses. The grant is written so that when a bus is turned back in and then destroyed, MARC will pay for one-half of a new replacement bus. This process will allow the District to buy a new 77 passenger bus to be used for trips (with air-conditioning) for all students but especially for special services students that have allergies. He commended Mr. Henry for securing this grant.

Dr. Hinson announced that the Wellness Center has opened on a trial basis for Central Office employees. It will open to other employees, retirees, and Board members on September 1. The Reviving Hope facility will host an

open house next week and an invitation will be sent to the Board. So far, the response from employees and patrons has been overwhelming. It is amazing how this disease is touching so many lives.

Items on the Agenda under New Business included information for the Board of Education's consideration.

Denise Fears made the motion that the Board of Education approves this as the second and final reading of Policy 2770 as presented. The motion was seconded by Jana Waits and unanimously approved by the Board of Education. This is a Policy that is mandated by the State that addresses seclusion and restraint of students. (Pages 10473-10479)

Blake Roberson made the motion that the Board of Education approves readopting Board Policy 0342 regarding Nepotism, Conflict of Interest and Financial Disclosure Statement for the 2011-2012 and 2012-2013. The motion was seconded by Denise Fears and was unanimously approved by the Board of Education. This action is required by State Statute and has to be submitted to the Missouri Ethics Commission. (Page 10480)

Dr. Herl stated that an open hearing regarding the proposed tax rate levy was held at 5:45 p.m. prior to this meeting. He reported that the total proposed 2011-2012 tax levy is \$5.58 with \$4.43 in the Operating Levy and \$1.15 in the Debt Service Fund. Therefore, the tax levy would be \$5.58 per \$100 Assessed Valuation.

The motion was made by Jana Waits that the Board of Education authorizes the Superintendent, or his designee, to set the Tax Rate Levy at \$5.58, with the Operating Levy of \$4.43 and the Debt Service Levy of \$1.15, for the 2011-2012 school year and to authorize the Superintendent, or his designee, to submit the Estimate of Required Local Taxes to the Jackson County Clerk. The motion was seconded by Jill Esry and unanimously approved by the Board of Education. (Page 10481)

Dr. Herl explained that the District is recommending selling general obligation bonds for the purpose of providing fund to refund the Series 2003 Bonds. Due to the bond market fluctuation, this is a good time to take advantage of lower interest rates. Dick Bartow, George K. Baum, stated that refunding the 2003 Bond Series will save District taxpayers over \$1,000,000. The amount of general obligation bonds that will be sold is \$10,280,000. The District will still have \$6 million that can be refinanced in 2013, if needed. He said that the District's AA- credit rating has been confirmed. He said that people are happy to buy Independence School District bonds. He reported that the District borrowing money for 10 years at 2.44 percent interest rate is also very good. Mr. Bartow explained that the cost of issuance is \$55,100 and the State Auditor's fee is \$1,000 per issuance.

Jana Waits made the motion that the Board of Education approves the Resolution authorizing the partial refunding of the 2003 General Obligation Bonds as presented. The motion was seconded by Blake Roberson and unanimously approved by the Board of Education.

Dr. Hinson said the District had been very prudent in using a public finance firm to work with them on this Bond refunding project. He thanked Dr. Herl and Molly Johnson for working with Mr. Bartow as they have helped provide the District a very significant savings. He also commended Mr. Bartow for his diligence in making this opportunity happen.

Dr. Herl and Dick Bartow explained that the District currently uses the Missouri Health and Educational Facilities Authority program to direct deposit a portion of the monthly state aid payments to a direct deposit trustee. The trustee then holds the money in escrow until bond payments are due for debt service obligations. Previously, the agreement allowed DESE to intercept funds every month except January and February. The amended agreement will allow DESE to intercept the funds every month except November and December. By amending the intercept, it helps the District's cash flow to meet financial obligations. November and December are the months in which school districts run the smallest cash balance due to the receipt cycle of property taxes.

A motion was made by Blake Roberson that the Board of Education approves the resolution amending the direct deposit agreements for the 2004, 2007, 2010A, 2010B, and 2011A Bond series. The motion was seconded by Denise Fears and unanimously approved by the Board of Education.

Bob Robinson said that it was a pleasure to be presenting to the Board regarding an update on the Bond Projects. Hanthorn - drop ceilings and restroom work is being completed while working around student schedules; Mill Creek - the new addition is going up and the asphalt work is almost completed; Nowlin - work on the restrooms, classrooms, office and cafeteria will be completed by August 10; Ott - roof replacement and metal flashing work is

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 of 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.

NEW 7-11

ORGANIZATION, PHILOSOPHY AND GOALS**Policy 0342
(Regulation 0342)
(Form 0342)****School Board Organization****Nepotism, Conflict of Interest and Financial Disclosure**

Board members shall not debate or vote upon the employment of any person to whom they are related within the fourth degree. (See Form 0342.) Provided the Board member relative does not debate or vote upon the employment issue, the Board may employ a person related to a Board member. However, the Board may not under any circumstances employ one of its members.

Members of the Board of Education will conduct themselves in a manner which complies not only with the letter of conflict of interest laws, but also in the spirit of those provisions. Board members will at all times make good faith efforts to avoid the appearance of a conflict of interest. If a situation arises which involves the potential for a conflict of interest, the individual Board member will declare his interest and will refrain from debating or voting upon the question of engaging or using the business entity in question.



ESTIMATE OF REQUIRED LOCAL TAXES

(Submit to county clerk of each county where district has assessed valuation on or before September 1)

To County Clerk (Name): **Mary Jo Spino**

Name of County: **Jackson**

County District Code: **048-077** District Name: **Independence School District # 30**

Mailing Address: **201 N. Forest Avenue
 Independence, MO 64050**

Telephone Number: **816-521-5300** Fax Number: **816-521-2999**

In compliance with Section 164.011, RSMo, we the undersigned, hereby submit an estimate of the amount of school money necessary to maintain the public school for a term of **12** months, and certify that the data shown are correct.

Name of President of Board of Education: **Ken Johnston**

Signature of President of Board of Education:	Date
<i>Ken Johnston</i>	8/15/11

Name of Secretary of Board of Education: **Annette Miller**

Signature of Secretary of Board of Education:	Date
<i>Annette Miller</i>	8/15/11

Assessed valuation in this county as certified in accordance with Section 137.245, RSMo, or amended prior to September 1. **\$ 934,233,285**

Year Beginning **July 1, 2011** Year Ending **June 30, 2012**

Length of school term authorized is: Number of days **175** and **1,152.50** hours in session.

A separate vote was cast in accordance with Sections 164.121, 164.131, 164.141, 164.151, RSMo, to provide for a bond issue (where applicable).	Yes	No
	X	

Tax Rate ^a

Fund	Tax Rate Ceiling	Unadjusted Levy ^b	Actual Tax Levy (Adjusted Levy ^c)	Prop C Roll Back
1. Incidental ^d	\$ 4.4300 443.00 ¢	\$ 4.4300 443.00 ¢	\$ 4.4300 443.00 ¢	\$ -
2. Teachers	0.00 ¢	\$ - 0.00 ¢	\$ - 0.00 ¢	\$ -
3. Debt Service ^e	\$ 1.1500 115.00 ¢	\$ 1.1500 115.00 ¢	\$ 1.1500 115.00 ¢	N/A
4. Capital Projects	0.00 ¢	\$ - 0.00 ¢	\$ - 0.00 ¢	N/A
Totals		\$5.5800 558.00 ¢	\$5.5800 558.00 ¢	\$ 52,130,217.30

^a Pursuant to Section 137.073, RSMo.

^b Unadjusted levy is equal to the tax rate ceiling less a voluntary reduction. It is not reduced for Proposition C Rollback.

^c Adjusted levy - Reduced by Proposition C, Section 164.013, RSMo.

^d Operating Funds tax rate ceiling.

^e Debt Service fund ceiling.

Estimated Revenue from M & M Surcharge Tax in this county: \$ 1,100,000

Estimated Revenue from State Assessed Railroad and Utilities in this county: \$ 1,650,000

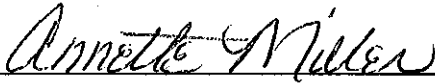
Article X, Section 11(C), Constitution of Missouri provides that in any school district where the Board of Education is not proposing a higher tax rate for school purposes, the last tax rate approved shall continue and the tax rate need not be submitted to the voters.

done; Three Trails - mobile unit has been relocated and there is still some cleanup to finish; Truman High School's parking lot is 98% finished but the landscaping may be delayed due to the not weather; East Elementary School site - contractors are busy doing the infrastructure work; West Elementary site - drilling work is being done to see which option (a two story or single story facility) would be best depending on the location on the property.

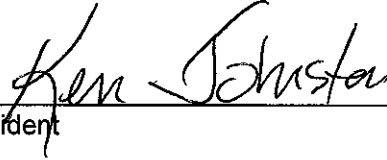
There being no further information to come before the Board; Jill Esry made the motion, second by Jana Waits, to adjourn the meeting and go into executive session for legal, real estate, and personnel issues at 6:30 p.m. The motion was approved as follows:

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

Absent: Ann Franklin



Secretary



President