

**BOARD OF EDUCATION
The School District of Independence**

11912

The Board of Education met in regular session Tuesday, April 7, 2020, at 6:00 p.m. in Conference Room 2E at the Board of Education Office, 201 North Forest Avenue, Independence, Missouri.

Members Present: Mr. Greg Finke, President
Mrs. Denise Fears, Vice President
Dr. Matt Mallinson, Treasurer
Mrs. Jill Esry, Director
Mr. Blake Roberson, Director
Mrs. Carrie Dixon, Director
Mr. Eric Knipp, Director

Also Present: Dr. Dale Herl, Superintendent
Dr. Lance Stout, Dr. Cindy Grant, Dr. Pam Boatright, Mr. Dean Katt, Mr. Dennis Green, Mr. Todd Theen, and Ms. Annette Miller.

The meeting was called to order by the President, Mr. Greg Finke, and minutes of the meeting were recorded by the secretary, Ms. Annette Miller. Mr. Finke welcomed those in attendance.

Eric Knipp made the motion to approve the April 7, 2020 Agenda as presented. The motion was seconded by Matt Mallinson and unanimously approved by the Board of Education.

Dr. Herl reviewed the April 7, 2020 Consent Agenda with the Bills List totaling \$6,885,614.92 and one recommendation to let bids for transportation services of students meeting the requirements under the McKinney-Vento Homeless Assistance Act.

Matt Mallinson made the motion that the Board of Education approves the April 7, 2020 Consent Agenda as printed.

1. Minutes – March 10, 2020
2. Approval of April 7, 2020 List of Bills totaling \$6,885,614.92
3. Personnel Recommendation #18
 - A. Request to Resign (Certificated Staff) Effective End of the 2019-2020 School Year.
 1. Jameson Allen, Physical Education/George Caleb Bingham Middle High School
 2. Taylor Ambrosi, Debate/Van Horn High School
 3. Cathi Crosier, Counselor/Christian Ott Elementary School
 4. Megan Holmes, Math/Van Horn High School
 5. Madison Kush, Second Grade/Abraham Mallinson Elementary School
 6. Katherine Lewis, Math/Pioneer Ridge Middle School
 7. Jared Littlejohn, Special Education/Truman High School
 8. Wei Yang Loke, School Psychologist/Hanthorn School
 9. Carly McCarthy, Third Grade/Blackburn Elementary School
 10. Stephanie Moergen, Title 1/Randall Elementary School
 11. Christine Newton, Math/Van Horn High School
 12. David Randall, Freshman Academy/Truman High School
 13. Alexandra Rauscher, Science/William Chrisman High School
 14. Monica Rothermich, Special Education/Truman High School
 15. Nicole Schaltenbrand, Early Childhood Special Education/Sunshine Center
 16. Lindsay Shelton, PLTW/Jim Bridger Middle School
 17. Jessica Vance, ELA/George Caleb Bingham Middle School
 18. Patrick Wilcox, English/William Chrisman High School
 - B. Request to Retire (Certificated Staff) Effective End of the 2019-2020 School Year.
 1. Paula Erdel, Reading/Bryant Elementary School
 2. Annette Motsinger, Special Education/Bryant Elementary School
 3. Christine Tatum, Music/Blackburn Elementary School
 - C. Employment of Certificated Teaching Staff for the 2020-2021 School Year.
 1. Jesse Barton, Science Teacher
 2. Bryan Haynes, English Teacher
 3. Kevin Hicks, Elementary Teacher
 4. Donald Highlander, Math Teacher
 5. Emalee Mack, Elementary Teacher
 6. Natianna Ohmart, English Teacher
 7. Alissa Rahter, Math Teacher

8. Victoria Waltz, Elementary Teacher
- D. Employment of Certificated Teaching Staff (Fellows) for the 2020-2021 School Year.
 1. Margo Carman, Elementary Teacher
 2. Gwen Pudlowski, Elementary Teacher
4. Approval to Let Bids for Transportation Services of Students Meeting Requirements under the McKinney-Vento Homeless Assistance Act.

The motion was seconded by Blake Roberson and unanimously approved by the Board of Education.

Dr. Herl reported on the Assessed Valuation for the District. He said the AV was \$1,123,436,711 as of April 3, 2020 and it was previously \$1,138,719,492 which means it is down \$15,300,000. The AV was \$1,000,610,832 for 2019. He also talked about the District's website and how it currently reflects day by day changes and parents are recommended to check it daily. He reported that the District served approximately 5,500 meals daily through school bus deliveries and the four pick up sites (Jim Bridger Middle School, Truman, Van Horn, and William Chrisman High Schools). He stated that a number of employees are in the process of making face masks for staff and said this is a recommendation to wear them but it is not required. He said the District has a plan in place if an employee gets sick with the Coronavirus and how it will be handled. The District will continue to serve kids and the community as long as possible. Dr. Herl said that normally he would be working on the budget at this time of the year. He stated the Governor announced the first round of withholdings and K-12 education was not affected but he does expect cuts in the future. He said that revenue will be down based on Prop C and the sales tax drop and the District's budgeting process will start with a lot of unknown items. Dr. Herl said that all students' grades are frozen as of March 13 but that students can go back and make up tests or assignments up to that date. Students' grades will not be lowered. He said that since the District cannot guarantee equal access to technology, that a lot of grace is being allowed for the students to complete their work assignments. Dr. Herl said that INEA wants to continue with negotiations and have it done by June 5. At this time, he said that any salary or benefit calculation is unknown based on current financial information. The District legally has to complete the 2020-2021 Budget by June 30, 2020 and it is not going to be accurate on revenues. Dr. Herl said the District is doing a phenomenal job and he gave credit to the Administrators for the outstanding leadership they are providing and the Instructional Coaches have done a phenomenal job lining up teacher groups and getting the lesson plans ready and uploaded on the District's website.

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

Dr. Herl reviewed the changes to Board of Education Policies 2640 and 4871 and said this is the second and final reading before approval.

Eric Knipp made the motion that the Board of Education approves this as the second and final reading of changes and additions to Board of Education Policies as presented: 2640 and 4871. The motion was seconded by Jill Esry and unanimously approved by the Board of Education. (Pages 11914-11916)

Dr. Herl reviewed the changes to Board of Education Regulations 4871 and 6190. He said the additions/changes to Regulation 4871 pertains to testing information for bus drivers and 6190 pertains to students enrolled in virtual education programs.

The motion was made by Matt Mallinson, second by Blake Roberson, that the Board of Education approves the adopting the changes/additions to Board of Education Regulations 4871 and 6190 as presented. The motion was unanimously approved by the Board of Education. (Pages 11917-11930)

Dr. Herl stated that the Administration is recommending an emergency approval for changes and additions to Board of Education Policies 4320 and 4331 which will only require one reading. These policy changes will allow the District to work around the Coronavirus Act and allow staff to use sick leave, child care issues, etc. as PTO (paid time off) and employees can borrow PTO time from their 2020-2021 school year if needed. This approval/change would expire June 30, 2020.

The motion was made by Matt Mallinson, second by Carrie Dixon, that the Board of Education approves this as an emergency approval of changes and additions to Board of Education Policies 4320 and 4331 and will require only one reading. The motion was unanimously approved by the Board of Education. (Page 11931-11933)

Dr. Stout said that some of the District's current Chromebooks, due to age, cannot access various programs and assessments so the Administration is recommending approval to purchase 3,425 new Chromebooks. Dr. Herl said the District currently has 1,000s of Chromebooks checked out to students and will continue checking them out as long as needed.

STUDENTS**Policy 2640****Discipline****Student Use of Tobacco, Alcohol and Drugs****Smoking**

The Board of Education believes that smoking and the use of any tobacco products or substances appearing to be tobacco products are detrimental to the health and well-being of staff and students. Therefore, the Board prohibits the use, sale, transfer, and possession of any tobacco products or substances appearing to be tobacco products, e.g. e-cigarettes, vaping paraphernalia, and/or other tobacco or nicotine delivery devices at school and at school activities. This prohibition includes, but is not limited to, electronic cigarettes, vaping devices, electronic nicotine delivery systems, and similar devices used in conjunction with vaping.

Alcohol and Drug Use

The improper use of controlled substances, alcohol, and substances represented to be such is detrimental to the health and welfare of students and is detrimental to discipline in school. Such conduct, as well as the possession of drug paraphernalia, is prohibited and is subject to disciplinary action as set forth in Regulation 2610.

Pursuant to 29 U.S.C. 705(20c)(iv), a student with a 504/ADA disability who is currently engaging in the illegal use of alcohol or drugs is not considered a student with a disability under those laws, and the District may take disciplinary action – to the same extent that disciplinary action is taken against nondisabled students – in relation to that use or possession of alcohol or drugs. In such cases, the due process procedures contained in the Section 504 regulations will not apply to protect those students. This provision does not apply to students who are identified as disabled under the Individuals with Disabilities Education Act. However, school personnel may remove an IDEA disabled student to an interim alternative educational setting for not more than 45 school days without regard to whether that student's behavior is a manifestation of his/her disability where that student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the District's jurisdiction. "Illegal drug," as it pertains to the discipline of IDEA students, means a controlled substance but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or under any other authority.

The determination of whether or not a student is under the influence of alcohol or a controlled substance is based upon a variety of information including but not limited to physical appearances, speech patterns, and witnesses' statements. While not required, District administrators may request a student suspected of alcohol use to submit to a Breathalyzer. Conduct that includes possession of or use of alcohol or controlled substances as well as the possession of drug paraphernalia is prohibited and is subject to disciplinary action as set forth in Regulation 2610.

Policy 2640
Page 2

CBD Products

The use or administration of CBD at school or school related activities is strictly prohibited unless such administration is required under the law for a student with a disability. Penalties for violations of this policy will be consistent with the penalties for alcohol and drug possession.

REV. 4/20

PERSONNEL SERVICES**Policy 4871**
(Regulation 4871)**Staff Welfare****Driver Drug Testing**

The District recognizes that it shares the responsibility to prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by its employees who operate commercial motor vehicles. The District complies with the provisions of the Omnibus Transportation Employee Testing Act of 1991, which mandates that the District test its drivers who are required to hold commercial drivers licenses under specified conditions. [The District fully complies with the provisions of the "Commercial Driver's license Drug and Alcohol Clearinghouse."](#) The District will regularly evaluate its policies and procedures to ensure that it remains in compliance with federal regulations.

REV. 4/20

PERSONNEL SERVICES**Regulation 4871****Staff Welfare****Driver Drug Testing****Definitions**

For purposes of this Regulation, the following terms are defined:

1. *Alcohol* — the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.
2. *Clearinghouse* - The Commercial Driver's License Drug and Alcohol Clearinghouse ("the Clearinghouse") is an online database that gives employers and state and federal agencies real-time information about certain drug and alcohol violations committed by commercial driver's license and commercial learner's permit holders. The purpose of the data base is to make information about such violations easier to access and to avoid situations where drivers/applicants intentionally fail to disclose prior work history and prior testing history to a different employer. Records of drug and alcohol program violations will remain in the Clearinghouse for five years or until the driver has completed the return-to-duty process.
3. *Driver* — any person who operates a commercial motor vehicle (CMV) or is required by the District to hold a commercial drivers license (CDL). Driver includes, but is not limited to, full time, regularly employed drivers, casual, intermittent or occasional drivers, leased drivers and independent, owner-operated contractors. For purposes of pre-employment/pre-duty testing, driver includes a person applying to the District for a position that involves the driving of a commercial motor vehicle.
4. *Employee* — an individual subject to drug urine and breath alcohol testing. For purposes of pre-employment testing, employee includes an applicant for employment.
5. *Federal Regulation* - The regulation entitled "Controlled Substances and Alcohol Use and Testing" 49 CFR Part 382.
6. *Medical Review Officer (MRO)* — a licensed physician responsible for receiving laboratory results generated by the District's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant medical information.
7. *Safety-Sensitive Function* — a driver is considered to be performing a safety-sensitive function during any period in which he/she is actually performing, is ready to perform or is

Regulation 4871
Page 2

immediately available to perform any safety-sensitive function. Safety sensitive functions include the following on-duty functions: all time at a facility waiting to be dispatched; all time inspecting or servicing a commercial motor vehicle; all time spent at the driving controls of a commercial motor vehicle; all time, other than driving time, spent on or in a commercial motor vehicle (except sleeping time); all time loading or unloading a commercial motor vehicle, assisting in loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; all time spent performing the driver requirements associated with an accident; and all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

8. *Substance Abuse Professional* — ~~a licensed physician or licensed or certified psychologist, social workers, employee assistance professional or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders.~~ person who evaluates employees who have violated a department of Transportation (DOT) drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing and aftercare.

Covered Employees

Those District employees who are subject to the prohibitions and mandatory testing requirements of this regulation include all transportation workers, including, but not limited to, bus drivers and maintenance workers, who:

1. Hold commercial drivers licenses; and
2. Who perform safety-sensitive functions at any time during the course of their employment.

Program Coordinator

The Board designates the District's Manager of Transportation to be the ~~Program Coordinator~~ *Substance Abuse Professional* to ensure that the District's employee alcohol and drug program is implemented in accordance with federal regulations and District policy and regulations. The ~~Coordinator~~ *Substance Abuse Professional* will also be responsible for collecting and maintaining all records required by federal law. The ~~Coordinator's~~ *Substance Abuse Professional's* name, address and telephone number will be provided to all covered employees.

~~Testing Program and Policy Information~~

~~Before beginning the testing program authorized by Policy 4871, the District will distribute to all covered employees educational materials that explain the requirements of the federal alcohol and~~

Regulation 4871
Page 3

~~drug-testing regulations, and the District's policies and procedures with respect to meeting those requirements. The materials will include all information required by federal law. Each covered employee must sign a receipt indicating that he/she has received these materials, prior to the beginning of alcohol and drug testing.~~

ALCOHOL MISUSE PREVENTION AND TESTING PROGRAM

Prohibitions

1. No driver shall use or possess, and the District shall prohibit a driver from using or possessing, alcohol while on duty or while performing a safety-sensitive function.
2. No driver shall use, and the District shall not permit a driver to use, alcohol for a minimum of four (4) hours before performing a safety-related function.
3. No driver shall perform, and the District shall not permit a driver to perform, safety-sensitive functions, where the driver is found, through testing conducted in conformity with federal rules, to have an alcohol concentration of 0.04 or greater until the driver has been evaluated by a substance abuse professional, completed any rehabilitation required by the substance abuse professional, and undergoes a return-to-duty test in which the driver tests at less than 0.02 for the presence of alcohol.
4. A driver who tests, through testing conducted in conformity with federal rules, at levels of 0.02 to 0.039 for the presence of alcohol shall be prohibited from performing, and shall be removed by the District from performing, safety-sensitive functions until the start of the driver's next regularly scheduled duty, but not less than 24 hours after the test was administered, and until he/she tests below 0.02.
5. A driver who exhibits behavior and/or the appearance characteristics of alcohol misuse will be prohibited from performing, and will be removed from performing, safety-sensitive functions until the driver tests at less than 0.02 for the presence of alcohol.
6. No driver required by federal law, or independent District policy, to take a post-accident alcohol test shall use alcohol for eight hours following the accident or until the driver undergoes a post-accident alcohol test, whichever comes first.

Administration of Alcohol Tests

Alcohol testing will be conducted through the use of a federally approved evidential breath testing device (EBTD), and by a trained breath alcohol technician (BAT), in accordance with federal regulations. The District will contract with an outside agency or organization to provide alcohol testing in accordance with federal regulations. The contract will provide that the alcohol testing site

Regulation 4871**Page 4**

(1) must afford aural and visual privacy to the person being tested, and (2) must be secured while the testing is taking place.

DRUG MISUSE PREVENTION AND TESTING PROGRAM**Prohibitions**

1. The District prohibits the unauthorized use of controlled substances. Illicit use of drugs, including medical marijuana, by safety-sensitive employees is prohibited on or off duty.
2. No driver shall report for duty or remain on duty, and the District shall prohibit a driver from reporting for duty or remaining on duty, when the driver uses any drug, unless the drug is taken pursuant to the instructions of a physician who has advised the driver that the substance will not adversely affect his/her ability to safely operate a commercial motor vehicle.
3. The District may require a driver to notify it or the medical review officer of any therapeutic drug use if the driver tests positive, through testing conducted in conformity with federal law, for any controlled substance.
4. Following a determination through testing conducted in conformity with federal law that a driver has engaged in prohibited use of drugs, the District will remove the driver from performing safety-sensitive functions and will refer the driver to a substance abuse professional. The District will not permit the driver to return to the performance of safety-sensitive functions until the driver submits a verified negative test result and completes any rehabilitation required by a substance abuse professional.

Administration of Drug Tests

1. Collection Site - The District will contract with an outside agency or organization to serve as a collection site for the collection of urine samples for laboratory drug testing. The District will ensure that collection site personnel follow federally prescribed rules for the collection of urine samples. The District will ensure that the collection site generally ensures aural and visual privacy for the person giving the sample. The collection site person will be required to split the sample into two bottles (the primary specimen and the split specimen). Following completion of a chain of custody form, the collection site person will seal and ship both bottles to a laboratory certified by the Department of Health and Human Services for analysis.
2. Laboratory Analysis - The District will separately contract with a certified laboratory to perform the required drug analysis. If the primary specimen tests negative for drugs, the laboratory will dispose of the split specimen. If the laboratory confirms that the primary

Regulation 4871
Page 5

specimen tests positive, the laboratory will retain the split specimen to ensure that it remains available for testing.

3. **Medical Review Officer -** The District will contract with a Medical Review Officer. The MRO will receive and review all laboratory results generated by the District's drug testing program and will report the results to the District's designee as required by federal regulations. In the event the MRO receives a confirmed positive test result from the laboratory, the MRO will make every reasonable effort to confidentially contact the driver and give him/her the opportunity to provide a legitimate, alternative medical explanation for the positive result. If the MRO is unable to reach the driver directly, the MRO shall, in accordance with federal regulations, contact the District's designee who shall direct the driver to contact the MRO as soon as possible. The designated management official shall employ procedures that ensure, to the maximum extent practicable, that the requirement that the employee contact the MRO is held in confidence. If the MRO determines that there is a legitimate alternative medical explanation for the positive result, the MRO will report the drug test as being negative. If the employee expressly declines the opportunity to discuss the test, the MRO may verify the test as positive. If the employee is contacted by the designated employer representative but does not contact the MRO within five days, the MRO may verify the test as positive. If neither the MRO nor the designated employer representative has been able to contact the employee within fourteen (14) days after making all reasonable efforts, the MRO may verify the test as positive. If the MRO verifies the presence of illegal, controlled substances, the covered employee has seventy-two (72) hours to request that the split specimen retained by the laboratory be sent to another certified laboratory for analysis. If the split specimen fails to confirm the presence of illegal, controlled substances, the employee's test will be reported as negative.

REQUIRED TESTS

Pursuant to federal law, the District will require that all covered employees submit to the following tests:

Pre-Employment Testing

1. Before any driver can perform a safety-sensitive function, the driver must take a controlled substances test with a verified negative result.
2. This testing is required of applicants and of employees transferring to a covered position. Testing for newly hired drivers shall be conducted prior to the employment offer, but in any event before commencing safety-sensitive functions. If an applicant refuses to submit to pre-employment alcohol and/or drug testing, the District will remove the applicant from employment consideration.

Regulation 4871
Page 6

Post-Accident Testing

1. Pursuant to federal law, all drivers will be required to submit to drug and alcohol testing as soon as practicable after any accident (a) involving the loss of life or (b) after any accident in which the driver receives a citation for a moving violation, if the accident involved either (1) bodily injury to any person who, as a result of the accident immediately receives medical treatment away from the scene of the accident, or (2) disabling damage to one or more motor vehicles which requires the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle. Pursuant to its independent authority, the District requires all drivers to submit to drug and alcohol testing after any accident in which the driver was performing safety-sensitive functions.
2. All post-accident testing shall be conducted within the federally prescribed time periods. If a test is not conducted within the required time periods, then the District will not require the driver to submit to a test and the Program Coordinator, in accordance with federal regulations, will prepare and maintain on file a report and submit it to the Department of Transportation (DOT) documenting the reason(s) why the test was not promptly given.
3. Prior to performing safety-sensitive functions, all drivers will be instructed on the necessity for post-accident testing and the procedures to be followed for post-accident testing so that the drivers can comply with federal regulations.

Random Testing

1. The District will conduct random, unannounced testing for drugs and alcohol for covered employees. The District's designee will establish a scientifically valid random selection method and will select covered employees using this method at unpredictable dates and frequencies throughout the testing year. Under the selection method, each covered employee will have an equal chance of being selected for each testing date.
2. Each year, the number of random alcohol tests conducted by the District will equal at least 25% of the average number of covered employees. Each year, the number of random drug tests conducted by the District will equal at least 50% of the average number of covered employees.
3. Random alcohol testing will be conducted just before, during, or just after a covered employee's performance of safety-sensitive duties. Random testing for drugs does not have to be conducted in immediate time proximity to the performance of safety-sensitive functions.
4. Once notified of selection for testing, the covered employee must proceed immediately (or as soon as possible) to the collection site for testing.

Regulation 4871
Page 7

Reasonable Suspicion Testing

1. The District will require covered employees to be tested for drugs and/or alcohol when the driver's supervisor and/or other properly trained District officials determine that there is reasonable suspicion to believe that the driver has violated the provisions of this Policy.
2. All determinations that reasonable suspicion exists will be only by trained individuals and will be made solely on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the covered employee. Possession of alcohol, standing alone, will not lead to reasonable suspicion testing.
3. Covered employees will be required to submit to reasonable suspicion testing only if the required observations are made by a trained supervisor or District official during, just preceding, or just after the period of the work day that the covered employee is performing a safety-sensitive function.
4. The District designates the Program Coordinator as the District official who will receive the requisite training to determine whether reasonable suspicion exists to require a drug test and/or an alcohol concentration test.
5. The District designee will be responsible for making and signing a written record of the observations leading to reasonable suspicion testing for drugs and/or alcohol. With respect to drug testing, the District designee will ensure that this written record is completed within twenty four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

Return-to-Duty Testing

1. When a driver is determined, by testing in conformity with federal regulations, to have an alcohol concentration of 0.04 or greater and/or a verified positive test result for drugs, the District will refer that driver to a substance abuse professional. The substance abuse professional will determine what assistance, if any, the driver needs in resolving problems related to drug or alcohol abuse.
2. Before a driver can return to the performance of safety-sensitive functions, the driver must be evaluated by a substance abuse professional to ensure that he/she has completed any necessary rehabilitation. The driver must also submit the results of (1) an alcohol concentration test showing an alcohol concentration of less than 0.02 and (2) a verified negative drug test.
3. Once the employee's violation of federal regulation has been reported to the Clearinghouse, the employee may not resume safety-sensitive functions until an inquiry is made to the

Regulation 4871**Page 8**

Clearinghouse which demonstrates that the employee completed the return-to-duty process.

Follow-Up Testing

1. When a covered employee who has violated prohibited alcohol and/or drug standards returns to the performance of safety-sensitive functions, he/she will be required to submit to follow-up testing.
2. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after the employee returns to duty. Follow-up testing may be extended for a period not to exceed 60 months following return to duty.

Refusal To Submit to Testing

1. Federal regulations require covered employees to submit to required testing. When a covered employee refuses to submit to testing, or engages in conduct that obstructs the testing process, the test will be considered to be positive and the driver will, in accordance with federal regulations, be prohibited from performing safety-sensitive functions until all preconditions are satisfied.
2. Refusal to submit or to provide a specimen has the same sanctions under the federal regulations as a positive test. Any employee who fails to provide adequate breath or urine for testing must obtain, as soon as possible after the attempted test, an evaluation from a licensed physician who is acceptable to the employer concerning the employee's inability to provide a sufficient specimen. If the physician determines, in his/her reasonable medical judgment, that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient quantity, the employer's failure shall not be deemed a refusal to take a test. The physician shall provide the District a written statement of the basis for his/her conclusion. If the licensed physician, in his/her reasonable medical judgment, is unable to make such a determination, the employee's failure to provide an adequate specimen shall be regarded as a refusal to take a test and a violation of this Policy.

TEST RESULTS, CONFIDENTIALITY AND RECORD RETENTION**Employee Records**

1. All employee testing records are confidential and the District will ensure that all testing records are maintained in a secure location with controlled access. Test results and other confidential information may be released by the laboratory, the breath alcohol technician or the MRO only to designated District officials and/or the substance abuse

Regulation 4871**Page 9**

professional. Any other release of confidential information is only pursuant to federal regulations or with the employee's written consent.

2. Covered employees are entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including records of tests and test results.
3. The District will report drivers' drug and alcohol program violations to the Clearinghouse within three (3) business days after District administrators become aware of the violation.

District Record Keeping and Retention

The District will comply with all federal record keeping and retention requirements. In addition, the Program Coordinator will maintain and compile all required statistics and reports and submit those reports to the necessary federal agencies. The District will notify the Director of the Department of Revenue within ten (10) days of notice that a District driver has failed a drug, alcohol or chemical test administered pursuant to this regulation. The District will retain records of all Clearinghouse inquiries obtained on applicant/driver for a period of three (3) years.

Evaluation, Referral and Rehabilitation

Employees who violate the alcohol and drug misuse rules will be referred to a substance abuse professional for evaluation and will be advised of the available resources for evaluation and treatment. Any treatment or rehabilitation will be provided in accordance with the health insurance, medical or other benefit plan, or under applicable labor or collective bargaining agreements. The District is not required to provide rehabilitation or pay for treatment. In addition, the District is not required to hold the employee's position or to reinstate the employee to a safety-sensitive position.

Consequences for Violations

Pursuant to federal regulations, the District will remove from the performance of safety-sensitive functions any covered employee determined to have violated the provisions of this Policy and will refer to a substance abuse professional those drivers who, based on testing conducted in conformity with federal regulations, have an alcohol concentration of 0.04 or greater and/or are determined to have a verified positive test result for drugs.

Based on its independent authority, the District reserves the right to impose additional consequences for violation of the provisions of this Regulation, including, but not limited to, placing the covered employee on indefinite unpaid leave or termination.

Regulation 4871
Page 10

Federal Driver's Drug and Alcohol Clearinghouse

The District fully participates in the federal Commercial Driver's License Drug and Alcohol Clearinghouse (hereinafter "Clearinghouse"). The purpose of the Clearinghouse database is to make information about driver drug and alcohol violations easier to access and to avoid situations where driver/applicants intentionally fail to disclose prior work history and prior testing history to a different employer. The goal of the program is to provide safe transportation for District students.

Registration with the Clearinghouse

School officials will register with the Clearinghouse at <https://clearinghouse.fmcsa.dot.gov/Register>. The District authorizes the Director of Transportation to report information to or obtain information from the Clearinghouse and will verify the identity of that person annually.

Employee Notification

The District will give notice to employees who are subject to the federal drug and alcohol testing requirements and will report the following to the Clearinghouse:

1. Drug and alcohol program violations;
2. Verified positive or adulterated test results;
3. Refusal to submit to DOT mandated test;
4. Any alcohol or controlled substance use that is prohibited by federal regulations; and
5. Information concerning employees' follow-up and return-to-duty tests.

Each covered employee must sign a receipt indicating that he/she has received educational materials that explain the requirements of the federal alcohol and drug testing regulations and the District's policies and procedures relating to compliance with meeting their requirements.

Employee and Applicant Clearinghouse Inquiries

Pre-Employment Inquiry

1. All applicants who would be subject to this policy if employed by the Board must consent in writing to the release of any information gathered pursuant to federal regulation by any previous employers and must give written or electronic consent to any information sought by school officials of the Clearinghouse.
2. Before employing any applicant subject to this policy, school officials shall obtain, pursuant to the applicant's written consent, all records maintained by the applicant's previous employer regarding violations of federal regulation in the three years prior to the

Regulation 4871**Page 11**

inquiry date. School officials will also seek information from the Clearinghouse to obtain any information regarding the applicant's violation of federal regulation.

3. If school officials obtain information from the applicant's previous employer or from the Clearinghouse that the applicant committed a violation of federal regulation and has not subsequently completed the return-to-duty process under federal law, the applicant may be disqualified from employment.

Annual Inquiry

School officials will conduct a limited inquiry of the Clearinghouse at least once per year for each employee subject to this policy pursuant to the employee's written or electronic consent in order to determine if there is information about the employee in the Clearinghouse. If information exists about the employee, school officials will conduct a full query of the Clearinghouse within 24 hours of initiating the limited inquiry.

REV. 4/20

INSTRUCTIONAL SERVICES**Regulation 6190****Instructional Services****Curriculum Services**

The District will annually permit any eligible student, under the age of twenty-one (21) in grades kindergarten through 12 who resides in the District, to enroll in Missouri Course Access and Virtual School Program ("Program") courses as part of the student's annual course load. Course costs will be paid by the District provided that the student:

1. Is enrolled full-time and has attended a public school, including a charter school, for at least one (1) semester immediately prior to enrolling in the Program. However, if the reason for a student's non-attendance in the prior semester is a documented medical or psychological diagnosis or condition which prevented attendance, such non-attendance will be excused; and
2. Prior to enrolling in the Program course has received District approval through the procedure set out in this Regulation 6190.

Each Program course successfully completed will count as one class and will receive that portion of a full-time equivalent that a comparable course offered by the District generates.

District students enrolled full-time in Program courses are not permitted to attend or participate in various noncurricular, extracurricular, and/or interscholastic activities and athletics, including graduation ceremonies, dances, etc.

A. Enrollment

The enrollment process for participation in the Program will be substantially similar to the enrollment process for participation in District courses. The process may include consultation with a school counselor. However, consultation does not include the counselor's approval or disapproval of enrollment in the Program.

When a District school denies a student's enrollment in a Program course or enrollment as a full-time Program student, the District will provide in writing a "good cause" reason for the denial. Such good cause determination will be based upon a determination that the enrollment is not in the student's best educational interest. Where enrollment is denied, the following process will be utilized:

1. The District will notify the student and the student's family in writing of the right to appeal denial of Program enrollment to the Board of Education; and
2. The family will be given an opportunity to present the reasons for their appeal to the Board at an official Board meeting; and

Regulation 6190**Page 2**

3. The District, at such Board meeting, will provide the basis for its determination that Program enrollment was not in the student's best educational interest; and
4. The written submissions by the family and the District will be incorporated into Board minutes; and
5. The Board's written decision and the reason for that decision will be provided to the family within thirty (30) days of such Board meeting; and
6. The family may appeal the Board's determination to the Department of Elementary and Secondary Education. The Department shall provide their decision within seven (7) calendar days.

Considerations that may support the District's determination that enrollment is not in the student's best educational interest include, but are not limited to, the fact that the student:

1. Has not completed prerequisite courses;
2. Has requested to enroll in a class that does not meet appropriate curriculum requirements or does not contain sufficient rigor according to the District's standards.
3. Does not have consistent attendance.
4. Does not have consistent passing grades in the classes he or she has taken within the past school year.
5. Has not successfully completed other virtual courses.

Program credits previously earned by a student transferring into the District will be accepted by the District. Students participating in the Program at the time of transfer shall continue to be enrolled in the course(s), and the District will assume future monthly payments for the course(s).

Students wishing to take additional courses beyond their regular course load will be permitted to enroll in Program courses under an agreement that includes terms regarding the student's payment of tuition or course fees.

B. Payment for Program Courses

Cost associated with Program courses shall be paid by the District for students satisfying subsection (1) of this Regulation 6190. Payments will be made on a monthly cost basis prorated over the semester enrolled and based on the student's completion of assignments and assessments. In the event a student discontinues their enrollment, the District will discontinue monthly payments made on the student's behalf.

Payments will be made directly to the Program contract provider. The District shall not pay, for any one course for a student, more than the market necessary costs but in no case shall pay more than fourteen percent of the state adequacy target, as defined under section 163.011, RSMo, as calculated at the end of the most recent school year for any single, year-long course and no more than seven percent of the state adequacy target as described above for any single semester

Regulation 6190
Page 3

equivalent course. Payment for a full-time virtual school student shall not exceed the state adequacy target, unless the student receives additional federal or state aid. Where possible, the District will negotiate lower costs directly with the course or full-time virtual school providers, particularly in cases where several students enroll in a single course or full-time virtual school.

In the case of a student who is a candidate for A+ tuition reimbursement and who is enrolled in a Program course, the District will attribute no less than ninety-five (95%) percent attendance to any such student who has completed such Program course.

C. Program Course Evaluation

The District will consider recommendations made by DESE relative to a student's continued Program enrollment. Based in part on DESE's recommendations, the District may terminate or alter a course offering if the District, in its reasonable discretion, determines that the Program course(s) is not meeting the student's educational needs.

Independently, the District will monitor student progress and success in Program courses. The District will annually provide DESE with feedback regarding Program course quality.

The District is not obligated to provide computers, equipment or internet access unless required by eligible students with a disability in compliance with federal and state law.

The District will include students' enrollment in the Program in determining the District's average daily attendance (ADA). For students enrolled in the Program on a part-time basis, ADA will be calculated as a percentage of the total number of Program courses in which the student is enrolled by the number of courses required for full-time students.

D. Notice

The District will inform District parents of their child's right to participate in the Program through a notice in parent handbooks, registration documents and on the homepage of the District's website.

PERSONNEL SERVICES**Policy 4320**
(Regulation 4320)**Absences, Leave and Vacation****Personnel Leave**

The Board of Education shall adopt regulations for the following types of leave for District employees:

1. Sick Leave
2. Personal Leave
3. Authorized Leave
4. Authorized Leave of Absence Without Pay
5. Bereavement Leave
6. Emergency Leave
7. Leave for Jury Duty
8. Military Leave
9. Leave of Absence
10. Family and Medical Care Leave (See Policy and Regulation 4321)

Specific provisions of the various types of District leave are set out in Regulation 4320.

Paid Time Off ("PTO")

As a result of the public health emergency due to COVID-19, any sick, personal, or vacation leave accrued by an employee as of March 13, 2020 through June 30, 2020 is hereby converted to "Paid Time Off" or "PTO." PTO may be used on or between March 13, 2020 through June 30, 2020, for any reason approved by District administration.

Should an employee retain any PTO after June 30, 2020, it will be restored to the appropriate leave designation (sick, personal, vacation, etc.) in proportion to the amount(s) and type(s) of leave the employee had accrued, or did accrue, as of March 13, 2020 through June 30, 2020.

Policy 4320
(Regulation 4320)
Page 2

Borrowed Leave During the 2019-2020 School Year

As a result of the public health emergency due to (COVID-19, leave under this policy and as outlined in Regulation 4320 may be borrowed from any anticipated leave an employee will accrue during the 2020-2021 school year, based on the position the employee will hold in the 2020-2021 school year, for use during the 2019-2020 school year.

Should an employee who borrowed leave to use during the 2019-2020 school year not continue working for the District through the 2020-2021 school year for any reason, any such monies paid to an employee as a result of the employee borrowing leave during the 2019-2020 school year shall be repaid to the District within 30 days of the employee's termination of employment.

By borrowing leave from the 2020-2021 school year to use in the 2019-2020 school year, the employee also expressly allows the District to withhold this amount from any paychecks due to the employee prior to, or at the time of, termination of employment with the District. Should the employee fail to repay any amount due to the District for borrowed leave not yet accrued, the employee also expressly agrees to pay any costs the District incurs to obtain repayment from such employee, including but not limited to, court costs and attorney's fees.

For purposes of borrowed leave, "school year" shall mean the period running from July 1 to June 30 of such school year.

Rev. 4/2020

PERSONNEL SERVICES**Policy 4331**
(Regulation 4331)**Absences, Leave and Vacation****Vacation**

Employees working eleven or twelve months annually will earn vacation in accordance with the regulations.

Paid Time Off ("PTO")

As a result of the public health emergency due to COVID-19, any sick, personal, or vacation leave accrued by an employee as of March 13, 2020 through June 30, 2020 is hereby converted to "Paid Time Off" or "PTO." PTO may be used on or between March 13, 2020 through June 30, 2020, for any reason approved by District administration.

Should an employee retain any PTO after June 30, 2020, it will be restored to the appropriate leave designation (sick, personal, vacation, etc.) in proportion to the amount(s) and type(s) of leave the employee had accrued, or did accrue, as of March 13, 2020 through June 30, 2020.

Borrowed Leave During the 2019-2020 School Year

As a result of the public health emergency due to COVID-19, leave under this policy and as outlined in Regulation 4331 may be borrowed from any anticipated leave an employee will accrue during the 2020-2021 school year, based on the position the employee will hold in the 2020-2021 school year, for use during the 2019-2020 school year.

Should an employee who borrowed leave to use during the 2019-2020 school year not continue working for the District through the 2020-2021 school year for any reason, any such monies paid to an employee as a result of the employee borrowing leave during the 2019-2020 school year shall be repaid to the District within 30 days of the employee's termination of employment.

By borrowing leave from the 2020-2021 school year to use in the 2019-2020 school year, the employee also expressly allows the District to withhold this amount from any paychecks due to the employee prior to, or at the time of, termination of employment with the District. Should the employee fail to repay any amount due to the District for borrowed leave not yet accrued, the employee also expressly agrees to pay any costs the District incurs to obtain repayment from such employee, including but not limited to, court costs and attorney's fees.

For purposes of borrowed leave, "school year" shall mean the period running from July 1 to June 30 of such school year.

Rev. 4/2020

Carrie Dixon made the motion, second by Blake Roberson, that the Board of Education approves the quote to purchase 3,425 new Chromebooks from CDW under the Education Plus (Missouri Schools) (018-A) contract for a total cost of \$629,508.17. The motion was unanimously approved by the Board of Education.

Dr. Herl said the Administration is recommending approval of the bid from Kone, Inc. for elevator/lift inspections and service at a cost of \$12,210 annually for this three year contract.

A motion was made by Eric Knipp that the Board of Education approves the Kone, Inc. contract #2019001564 with U.S. Communities for the District's elevator/lift inspections and service for three years at an annual cost of \$12,210. The motion was seconded by Carrie Dixon and unanimously approved by the Board of Education.

Dr. Stout said the Administration is recommending approval of the quote from Central States Bus Sales to purchase one 71 passenger propane fueled bus. This replaces a bus that was determined a total loss based on age and cost of repairs after an accident. The replacement cost is \$110,795 plus \$6,222 in upgrades which the District will pay.

Matt Mallinson made the motion, second by Eric Knipp, that the Board of Education accepts the quote from Central States Bus Sales for the purchase of one 71 passenger propane fueled conventional bus at a cost of \$110,795 plus \$6,222 in upgrades. The motion was unanimously approved by the Board of Education.

There being no further information to come before the Board of Education, Eric Knipp made the motion, second by Jill Esry, to adjourn the meeting and go into executive session for legal and personnel issues at 6:35 p.m. The motion was approved as follows:

Ayes: Greg Finke
Denise Fears
Matt Mallinson
Jill Esry
Blake Roberson
Carrie Dixon
Eric Knipp

Nays:

C. Annette Miller
Secretary

[Signature]
President