

# REFERENCE COPY

FILE: AC  
Critical

**EXPLANATION: PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION**

## 2014B Update

When the U.S. Department of Agriculture's (USDA) Office for Civil Rights reviews a school district's food service program, it now requires the district to have a nondiscrimination statement in policy and posted in all buildings. The USDA actually has several nondiscrimination statements that apply to the various programs it oversees. The one included here is from the USDA's Food and Nutrition Service Guidance (Civil Rights Instruction 113-1, Appendix B) and applies specifically to the National School Lunch Program, the School Breakfast Program, the Special Milk Program and the Summer Food Service Program.

## 2019A Update

MSBA has updated this policy to comply with U.S. Department of Agriculture (USDA) requirements. MSBA worked with the Department of Elementary and Secondary Education's Food and Nutrition Service Department to create policy language and sample forms to assist districts with compliance. All districts in the state are routinely audited on program compliance and will one day be asked to produce the district's civil rights complaint procedure for nutrition programs and the specific USDA nondiscrimination statement. Please make sure that this information is shared with the appropriate district staff.

The USDA regulates federal nutrition programs, such as the National School Lunch Program, the Special Milk Program, the School Breakfast Program and the Summer Food Service Program. The USDA has created very specific reporting requirements for anyone who has concerns regarding illegal discrimination in relation to these federal nutrition programs.

Most notably, the USDA does not want districts to create any barriers to persons who wish to file a complaint with the USDA. The district must provide information to parents/guardians and students on how to file a complaint with the USDA in all communications, written or electronic, that go to parents/guardians and students regarding the district's nutrition program. Further, the district must ensure that its standard complaint procedures do not pose a barrier to parents/guardians and students who allege illegal discrimination in the nutrition program.

FILE: AC  
Critical

## REFERENCE COPY

*MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.*

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

# REFERENCE COPY

FILE: AC  
Critical

## PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION

### General Rule

The Center School District #58 Board of Education is committed to maintaining a workplace and educational environment that is free from discrimination and harassment in admission or access to, or treatment or employment in, its programs, services, activities and facilities. In accordance with law, the district strictly prohibits discrimination and harassment against employees, students or others on the basis of race, color, religion, sex, national origin, ancestry, disability, age, genetic information or any other characteristic protected by law. The Center School District #58 is an equal opportunity employer.

The Board also prohibits:

1. Retaliatory actions including, but not limited to, acts of intimidation, threats, coercion or discrimination against those who:
  - a) Make complaints of prohibited discrimination or harassment.
  - b) Report prohibited discrimination or harassment.
  - c) Participate in an investigation, formal proceeding or informal resolution, whether conducted internally or outside the district, concerning prohibited discrimination or harassment.
2. Aiding, abetting, inciting, compelling or coercing discrimination, harassment or retaliatory actions.
3. Discrimination, harassment or retaliation against any person because of such person's association with a person protected from discrimination or harassment in accordance with this policy.

All employees, students and visitors must immediately report to the district for investigation any incident or behavior that could constitute discrimination, harassment or retaliation in accordance with this policy. ~~If a student alleges sexual misconduct on the part of any district employee to any person employed by the district, that person will immediately report the allegation to the Children's Division (CD) of the Department of Social Services in accordance with state law. If~~ In accordance with this policy and as allowed by law, the district will investigate and address discrimination, harassment ~~or~~ and retaliation that ~~negatively impact the school environment, including instances that occurs off district property and that is or are~~ unrelated to the district's activities ~~negatively impacts~~

~~the school environment, the district will investigate and address the behavior in accordance with this policy, as allowed by law.~~

### **Additional Prohibited Behavior**

Behavior that is not unlawful or does not rise to the level of illegal discrimination, harassment or retaliation might still be unacceptable for the workplace or the educational environment.

### **Boy Scouts of America Equal Access Act**

As required by law, the district will provide equal access to district facilities and related benefits and services and will not discriminate against any group officially affiliated with the Boy Scouts of America, the Girl Scouts of the United States of America or any other youth group designated in applicable federal law.

### **School Nutrition Programs**

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices and employees, and institutions participating in or administering USDA programs (including the district), are prohibited from discriminating based on race, color, national origin, sex, disability, age or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by the USDA. These programs include the National School Lunch Program, the Special Milk Program, the School Breakfast Program and the Summer Food Service Program.

Any person or representative alleging discrimination based on a prohibited basis has the right to file a complaint within 180 days of the alleged discriminatory action with the USDA Office of the Assistant Secretary for Civil Rights or the district's compliance officer using the process outlined in policy EF.

### **Interim Measures**

When a report is made or the district otherwise learns of potential discrimination, harassment or retaliation, the district will take immediate action to protect the alleged victim, including implementing interim measures. For example, the district may alter a class seating arrangement, provide additional supervision for a student or suspend an employee pending an investigation. The district will take immediate steps to prevent retaliation against the alleged victim, any person associated with the alleged victim, or any witnesses or participants in the investigation. These steps may include, but are not limited to, notifying students, employees and others that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up

# REFERENCE COPY

FILE: AC  
Critical

contact with the complainant to determine if any additional acts of discrimination, harassment or retaliation have occurred.

## Consequences and Remedies

If the district determines that discrimination, harassment or retaliation have occurred, the district will take prompt, effective and appropriate action to address the behavior, prevent its recurrence and remedy its effects.

Employees who violate this policy will be disciplined, up to and including employment termination. Students who violate this policy will be disciplined, which may include suspension or expulsion. Patrons, contractors, visitors or others who violate this policy may be prohibited from ~~school grounds~~ district property or otherwise restricted while on ~~school grounds~~ district property. The superintendent or designee will contact law enforcement or seek a court order to enforce this policy when necessary or when actions may constitute criminal behavior.

Students, employees and others will not be disciplined for speech in circumstances where it is protected by law.

In accordance with law and district policy, any person suspected of abusing or neglecting a child will be reported immediately to the ~~Children's Division (CD)~~ of the ~~Department of Social Services~~ CD.

Remedies provided by the district will attempt to minimize the burden on the victim. Such remedies may include, but are not limited to: providing additional resources such as counseling, providing access to community services, assisting the victim in filing criminal charges when applicable, moving the perpetrator to a different class or school, providing an escort between classes, or allowing the victim to retake or withdraw from a class. The district may provide additional training to students and employees, make periodic assessments to make sure behavior complies with district policy, or perform a climate check to assess the environment in the district.

## Definitions

*Compliance Officer* – The individual responsible for implementing this policy, including the acting compliance officer when he or she is performing duties of the compliance officer.

*Discrimination* – Conferring benefits upon, refusing or denying benefits to, or providing differential treatment to a person or class of persons in violation of law based on race, color, religion, sex, national origin, ancestry, disability, age, genetic information or any other characteristic protected by law, or based on a belief that such a characteristic exists.

*Grievance* – A verbal or written report (also known as a complaint) of discrimination, harassment or retaliation made to the compliance officer.

*Harassment* – A form of discrimination, as defined above, that occurs when the school or work environment becomes permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive enough that it unreasonably alters the employment or educational environment.

Behaviors that could constitute illegal harassment include, but are not limited to, the following acts if based on race, color, religion, sex, national origin, ancestry, disability, age, genetic information or any other characteristic protected by law or based on a belief that such a characteristic exists: graffiti; display of written material, pictures or electronic images; name calling, teasing or taunting; insults, derogatory remarks or slurs; jokes; gestures; threatening, intimidating or hostile acts; physical acts of aggression, assault or violence; theft; or damage to property.

*Sexual Harassment* – A form of discrimination, as defined above, on the basis of sex. Sexual harassment is unwelcome conduct or communication that occurs when a) benefits or decisions are implicitly or explicitly conditioned upon submission to, or punishment is applied for refusing to comply with, unwelcome sexual advances, requests for sexual favors or other unwelcome verbal, nonverbal or physical conduct of a sexual nature; or b) the school or work environment becomes permeated with intimidation, ridicule or insult that is based on sex or is sexual in nature and that is sufficiently severe or pervasive enough to alter the conditions of participation in the district's programs and activities or the conditions of employment. Sexual harassment may occur between members of the same or opposite sex. The district presumes a student cannot consent to behavior of a sexual nature with an adult regardless of the circumstance.

Behaviors that could constitute sexual harassment include, but are not limited to:

1. Sexual advances and requests or pressure of any kind for sexual favors, activities or contact.
2. Conditioning grades, promotions, rewards or privileges on submission to sexual favors, activities or contact.
3. Punishing or reprimanding persons who refuse to comply with sexual requests, activities or contact.
4. Graffiti, name calling, slurs, jokes, gestures or communications of a sexual nature or based on sex.
5. Physical contact or touching of a sexual nature, including touching of intimate parts and sexually motivated or inappropriate patting, pinching or rubbing.

# REFERENCE COPY

FILE: AC  
Critical

6. Comments about an individual's body, sexual activity or sexual attractiveness.
7. Physical sexual acts of aggression, assault or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking) against a person's will or when a person is not capable of giving consent due to the person's age, intellectual disability or use of drugs or alcohol.
8. Gender-based harassment and acts of verbal, nonverbal, written, graphic or physical conduct based on sex or sex stereotyping, but not involving conduct of a sexual nature.

*Working Days* – Days on which the district's business offices are open.

## **Compliance Officer**

The Board designates the following individual to act as the district's compliance officer:

Superintendent Designee  
8701 Holmes Road  
Kansas City, MO 64131  
Phone: 816-349-3300 / Fax: 816-349-3431

In the event the compliance officer is unavailable or is the subject of a report that would otherwise be made to the compliance officer, reports should instead be directed to the acting compliance officer:

Superintendent Designee  
8701 Holmes Road  
Kansas City, MO, 64131  
Phone: 816-349-3300 / Fax: 816-349-3431

The compliance officer or acting compliance officer will:

1. Coordinate district compliance with this policy and the law.
2. Receive all grievances regarding discrimination, harassment and retaliation in the Center School District #58.
3. Serve as the district's designated Title IX, Section 504 and Americans with Disabilities Act (ADA) coordinator, as well as the contact person for compliance with other discrimination laws.

4. Investigate or assign persons to investigate grievances; monitor the status of grievances to ensure that additional discrimination, harassment and retaliation do not occur; and recommend consequences.
5. Review all evidence brought in disciplinary matters to determine whether additional remedies are available, such as separating students in the school environment.
6. Determine whether district employees with knowledge of discrimination, harassment or retaliation failed to carry out their reporting duties and recommend disciplinary action, if necessary.
7. Communicate regularly with the district's law enforcement unit to determine whether any reported crimes constitute potential discrimination, harassment or retaliation.
8. Oversee discrimination, harassment or retaliation grievances, including identifying and addressing any patterns or systemic problems and reporting such problems and patterns to the superintendent or the Board.
9. Seek legal advice when necessary to enforce this policy.
10. Report to the superintendent and the Board aggregate information regarding the number and frequency of grievances and compliance with this policy.
11. Make recommendations regarding changing this policy or the implementation of this policy.
12. Coordinate and institute training programs for district staff and supervisors as necessary to meet the goals of this policy, including instruction in recognizing behavior that constitutes discrimination, harassment and retaliation.
13. Periodically review student discipline records to determine whether disciplinary consequences are applied uniformly.
14. Perform other duties as assigned by the superintendent.

### **Public Notice**

The superintendent or designee will publicize the district's policy prohibiting discrimination, harassment and retaliation and disseminate information on how to report discrimination, harassment and retaliation. Notification of the district's policy will be posted in a public area of each building used for instruction or employment or open to the public. Information will also be distributed annually to employees, parents/guardians and students as well as to newly enrolled students and

# REFERENCE COPY

FILE: AC  
Critical

newly hired employees. District bulletins, catalogs, application forms, recruitment material and the district's website will include a statement that the Center School District #58 does not discriminate in its programs, services, activities, facilities or with regard to employment. The district will provide information in alternative formats when necessary to accommodate persons with disabilities.

## Reporting

Students, employees and others may attempt to resolve minor issues by addressing concerns directly to the person alleged to have violated this policy, but they are not expected or required to do so. Any attempts to voluntarily resolve a grievance will not delay the investigation once a report has been made to the district.

Unless the concern is otherwise voluntarily resolved, all persons must report incidents that might constitute discrimination, harassment or retaliation directly to the compliance officer or acting compliance officer. All district employees will instruct all persons seeking to make a grievance to communicate directly with the compliance officer. Even if the ~~potentialsuspected~~ victim of discrimination, harassment or retaliation does not file a grievance, district employees are required to report to the compliance officer any observations or other information regarding actions prohibited by this policy. If a verbal grievance is made, the person will be asked to submit a written complaint to the compliance officer or acting compliance officer. If a person refuses or is unable to submit a written complaint, the compliance officer will summarize the verbal complaint in writing. A grievance is not needed for the district to take action upon finding a violation of law, district policy or district expectations.

Even if a grievance is not directly filed, if the compliance officer otherwise learns about possible discrimination, harassment or retaliation, including violence, the district will conduct a prompt, impartial, adequate, reliable and thorough investigation to determine whether unlawful conduct occurred and will implement the appropriate interim measures if necessary.

## Student-on-Student Harassment

Building-level administrators are in a unique position to identify and address discrimination, harassment and retaliation between students, particularly when behaviors are reported through the normal disciplinary process and not through a grievance. ~~The administrator has~~ Administrators have the ability to immediately discipline a student for prohibited behavior in accordance with the district's discipline policy. ~~The a~~ Administrators will report all incidents of discrimination, harassment and retaliation to the compliance officer and will direct the parent/guardian and student to the compliance officer for further assistance. The compliance officer may determine that the incident has been appropriately addressed or recommend additional action. When a grievance is filed, the investigation and complaint process detailed below will be used.

## **Investigation**

The district will immediately investigate all grievances. All persons are required to cooperate fully in the investigation. The district compliance officer or other designated investigator may utilize an attorney or other professionals to conduct the investigation.

In determining whether alleged conduct constitutes discrimination, harassment or retaliation, the district will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred and all other relevant information. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. If, after investigation, school officials determine that it is more likely than not (the preponderance of the evidence standard) that discrimination, harassment or other prohibited behavior has occurred, the district will take prompt and appropriate remedial action.

## **Grievance Process Overview**

1. If a person designated to hear a grievance or appeal is the subject of the grievance, the compliance officer may designate an alternative person to hear the grievance, or the next highest step in the grievance process will be used. For example, if the grievance involves the superintendent, the compliance officer may designate someone outside the district to hear the grievance in lieu of the superintendent, or the grievance may be heard directly by the Board.
2. An extension of the investigation and reporting deadlines may be warranted if extenuating circumstances exist as determined by the district's compliance officer. The person filing the complaint will be notified when deadlines are extended. If more than twice the allotted time has expired without a response, the appeal may be taken to the next level.
3. Failure of the person filing the grievance to appeal within the timelines given will be considered acceptance of the findings and remedial action taken.
4. To the extent permitted by law, the district will investigate all grievances, even if an outside enforcing agency such as the Office for Civil Rights, law enforcement or the CD is also investigating a complaint arising from the same circumstances.
5. The district will only share information regarding an individually identifiable student or employee with the person filing the grievance or other persons if allowed by law and in accordance with Board policy.

# REFERENCE COPY

FILE: AC  
Critical

6. Upon receiving notice of a grievance, district administrators or supervisors, after consultation with the compliance officer, will implement interim measures as described in this policy if necessary to prevent further potential discrimination, harassment or retaliation during the pending investigation.

## Grievance Process

1. Level I – A grievance is filed with the district's compliance officer. The compliance officer may, at his or her discretion, assign a school principal or other appropriate supervisor to conduct the investigation when appropriate.

Regardless of who investigates the grievance, an investigation will commence immediately, but no later than five working days after the compliance officer receives the grievance. The compliance officer or designee shall conduct a prompt, impartial, adequate, reliable and thorough investigation, including the opportunity for the person filing the grievance and other parties involved to identify witnesses and provide information and other evidence. The compliance officer or designee will evaluate all relevant information and documentation relating to the grievance.

Within 30 working days of receiving the grievance, the compliance officer will complete a written report that summarizes the facts and makes conclusions on whether the facts constitute a violation of this policy based on the appropriate legal standards. If a violation of this policy is found, the compliance officer will recommend corrective action to the superintendent to address the discrimination, harassment or retaliation; prevent recurrence; and remedy its effects. If someone other than the compliance officer conducts the investigation, the compliance officer or acting compliance officer will review and sign the report provided that the compliance officer or acting compliance officer is not the subject of the grievance. The person who filed the grievance, the victim if someone other than the victim filed the grievance, and any alleged perpetrator will be notified in writing, within five working days of the completion of the report, in accordance with law and district policy, regarding whether the district's compliance officer or designee determined that district policy was violated.

2. Level II – Within five working days after receiving the Level I decision, the person filing the grievance, the victim if someone other than the victim filed the grievance, or any alleged perpetrator may appeal the compliance officer's decision to the superintendent by notifying the superintendent in writing. The superintendent may, at his or her discretion, designate another person (other than the compliance officer) to review the matter when appropriate.

Within ten working days, the superintendent will complete a written decision on the appeal, stating whether a violation of this policy is found and, if so, stating what corrective actions

will be implemented. If someone other than the superintendent conducts the appeal, the superintendent will review and sign the report before it is given to the person appealing. A copy of the appeal and decision will be given to the compliance officer or acting compliance officer. The person who initially filed the grievance, the victim if someone other than the victim filed the grievance, and any alleged perpetrator will be notified in writing, within five working days of the superintendent's decision, regarding whether the superintendent or designee determined that district policy was violated.

3. Level III – Within five working days after receiving the Level II decision, the person filing the grievance, the victim if someone other than the victim filed the grievance, or any alleged perpetrator may appeal the superintendent's decision to the Board by notifying the Board secretary in writing. The person filing the grievance and the alleged perpetrator will be allowed to address the Board, and the Board may call for the presence of such other persons deemed necessary. The Board will issue a decision within 30 working days for implementation by the administration. The Board secretary will give the compliance officer or acting compliance officer a copy of the appeal and decision. The person who filed the grievance, the victim if someone other than the victim filed the grievance, and the alleged perpetrator will be notified in writing, within five working days of the Board's decision, in accordance with law and district policy, regarding whether the Board determined that district policy was violated. The decision of the Board is final.

### **Confidentiality and Records**

To the extent permitted by law and in accordance with Board policy, the district will keep confidential the identity of the person filing a grievance and any grievance or other document that is generated or received pertaining to grievances. Information may be disclosed if necessary to further the investigation, appeal or resolution of a grievance, or if necessary to carry out disciplinary measures. The district will disclose information to the district's attorney, law enforcement, the CD and others when necessary to enforce this policy or when required by law. In implementing this policy, the district will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record. The district will keep any documentation created in investigating the complaint including, but not limited to, documentation considered when making any conclusions, in accordance with the Missouri Secretary of State's retention manuals and as advised by the district's attorney.

### **Training**

The district will provide training to employees on identifying and reporting acts that may constitute discrimination, harassment or retaliation. The district will instruct employees to make all complaints to the district's compliance officer or acting compliance officer and will provide current contact

# REFERENCE COPY

FILE: AC  
Critical

information for these persons. The district will inform employees of the consequences of violating this policy and the remedies the district may use to rectify policy violations. All employees will have access to the district's current policy, required notices and complaint forms. The district will provide additional training to any person responsible for investigating potential discrimination, harassment or retaliation.

The district will provide information to parents/guardians and students regarding this policy and will provide age-appropriate instruction to students.

## Limitations

Nothing in this policy shall be construed as creating a cause of action. Neither the proscriptions of, nor actions taken under, this policy shall on that basis estop the Board from fully arguing for or against the existence of any fact and the scope or meaning of any law in any forum.

\* \* \* \* \*

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

Adopted: 11/17/1981

Revised: 01/19/2000; 07/23/2001; 11/19/2012;

Cross Refs: BCC, Appointed Board Officials  
ECG, Animals on District Property  
EFB, Free and Reduced-Price Food Service  
EHB, Technology Usage  
GBAC, Staffingwith and Employing Retirees  
GBCB, Staff Conduct  
GBCC, Staff Use of Communication Devices  
-----GBEBB, Employee Alcohol and Drug Testing  
GBH, Staff/Student Relations  
GBL, Personnel Records  
GBLB, References  
-----GBM, Staff Grievances  
GCBA, Professional Staff Compensation  
GCD, Professional Staff Recruiting and Hiring  
GCPD, Suspension of Professional Staff Members

GCPE, Termination of Professional Staff Members  
GCPF, Nonrenewal of Professional Staff Members  
GDBA, Support Staff Compensation  
GDC, Support Staff Recruiting and Hiring  
GDPD, ~~Nonrenewal, Suspension and Termination~~ of Support Staff Members  
GDPE, Nonrenewal and Termination of Support Staff Members  
IGAEB, Teaching about Human Sexuality  
IGB, Accommodation of Students with Disabilities  
IGBA, ~~Programs for Students with Disabilities~~ Special Education  
IGBCB, Programs for ~~Migrant~~ Migratory Students  
IGBH, Programs for English Language Learners  
IGCD, Virtual Courses  
IGD, District-Sponsored Extracurricular Activities and Groups  
IICC, School Volunteers  
JFCF, ~~Hazing and~~ Bullying  
JFCG, Hazing  

---

JFH, ~~Student Complaints and Grievances~~  
JG, Student Discipline  
JHCF, Student Allergy Prevention and Response  
JHG, Reporting and Investigating Child Abuse/Neglect  
KG, Community Use of District Facilities  

---

KL, ~~Public Complaints~~  
KK, Visitors to District Property/Events  
KL, Public Concerns and Complaints  
KLA, Concerns and Complaints Regarding Federal Programs

Legal Refs: §§ 105.255, 160.261, 162.068, 213.010 - .137, 290.400 - .450, RSMo.  
Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 - 1417  
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681  
Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905  
Equal Pay Act, 29 U.S.C. § 206(d)  
Age Discrimination in Employment Act, 29 U.S.C. §§ 621 - ~~634~~631  
The Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794  
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d - 2000d-7  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-1 - 2000e-17  
Genetic Information Nondiscrimination Act, 42 U.S.C. §§ 2000ff - 2000ff-11  
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101 - 6107  
Americans with Disabilities Act, 42 U.S.C. §§ 12101 - 12213  
Richard B. Russell National School Lunch Act, 42 U.S.C. §§ 1751 - 1760  
Child Nutrition Act of 1966, 42 U.S.C. §§ 1777 - 1785  
7 C.F.R. Parts 210, 215, 220 and 225

## REFERENCE COPY

FILE: AC  
Critical

*Davis v. Monroe County Bd. of Educ.*, 526 U.S. 629 (1999)  
*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)  
*Burlington Indust. v. Ellerth*, 524 U.S. 742 (1998)  
*Gebser v. Lago Vista Ind. Sch. Dist.*, 524 U.S. 274 (1998)  
*Oncala v. Sundowner Offshore Serv.*, 523 U.S. 75 (1998)  
*Harris v. Forklift Syst., Inc.*, 510 U.S. 17 (1993)

Center School District #58, Kansas City, Missouri

# REFERENCE COPY

FILE: EF  
Critical

## EXPLANATION: FOOD SERVICE MANAGEMENT

MSBA has updated this policy to comply with U.S. Department of Agriculture (USDA) requirements. MSBA has worked with the Department of Elementary and Secondary Education's Food and Nutrition Service Department to create policy language and sample forms to assist districts with compliance. All districts in the state are routinely audited on program compliance and will one day be asked to produce the district's civil rights complaint procedure for nutrition programs and the specific USDA nondiscrimination statement. Please make sure that this information is shared with the appropriate district staff.

The USDA regulates federal nutrition programs, such as the National School Lunch Program, the Special Milk Program, the School Breakfast Program and the Summer Food Service Program. The USDA has created very specific reporting requirements for anyone who has concerns regarding illegal discrimination in relation to these federal nutrition programs.

Most notably, the USDA does not want districts to create any barriers to persons who wish to file a complaint with the USDA. The district must provide information to parents/guardians and students on how to file a complaint with the USDA in all communications, written or electronic, that go to parents/guardians and students regarding the district's nutrition program. Further, the district must ensure that its standard complaint procedures do not pose a barrier to parents/guardians and students who allege illegal discrimination in the nutrition program.

**NOTE: The USDA requires districts to have a meal charge procedure and the nondiscrimination statement must be part of that procedure.**

<i>MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.</i>					
	Board Secretary	X	Business Office		Coaches/Sponsors
	Facility Maintenance	X	Food Service		Gifted
	Human Resources	X	Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation	X	Public Info/Communications		Technology

FILE: EF  
Critical

# REFERENCE COPY

## FOOD SERVICE MANAGEMENT

The food service program provided by the school district is designed to provide nutritious school meals, snacks and milk to district students in accordance with law. The food service program operates as an integral part of the total school program and contributes to the district's efforts to improve student achievement.

The superintendent, in cooperation with the food service director, is charged with implementing Board policy as it pertains to the school food service program and making recommendations to the Board about the program and food service personnel. Food service personnel in the schools will be directly responsible to the food service director.

The school food service program will comply with all applicable laws, ordinances, rules and procedures pertaining to health, sanitation, storage and the service of foods. The district will meet all state and federal requirements necessary for participation in school meal programs. **The superintendent or designee is authorized to work with the necessary parties to ensure district compliance and, when necessary, submit appeals on behalf of the district.**

The principal of each school shall administer the food service program in his or her school. Each building principal is responsible for ensuring a safe dining environment and coordinating the food service program with instructional activities and other school and district programs as appropriate.

The food service director is responsible for ensuring that all foods and beverages sold to students during the school day on any property under the jurisdiction of the district meet the nutrition standards established by the U.S. Department of Agriculture (USDA). The food service director will maintain records verifying that all foods meet required nutrition standards or will document any applicable exemption.

### **Meal Prices and Charges**

Meal prices shall be established annually by the Board of Education in accordance with law.

Unless meals are provided at no charge, the district expects students and employees to pay for meals prior to or at the time of receipt. The ability to charge meals is a privilege, not a right, and is subject to the limitations established in administrative procedures. Students may not accumulate more than five lunch charges.

### **Contracted Food Services**

The district will contract with a third party to administer its meal services if the Board, after consultation with the superintendent, determines it is in the best interest of the district and its

students to do so. Contracted food services will be bid in accordance with state and federal law and Board policy.

### **Nondiscrimination Statement and Complaint Process**

~~No person shall, on the basis of race, color, national origin, sex, age or disability, be excluded from participation in, be denied the benefits of or otherwise be subject to discrimination under a school nutrition program for which the district receives federal financial assistance from the USDA Food and Nutrition Service.~~ In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices and employees, and institutions participating in or administering USDA programs (including the district), are prohibited from discriminating based on race, color, national origin, sex, disability, age or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by the USDA. ~~School nutrition~~ These programs include the National School Lunch Program, the Special Milk Program, the School Breakfast Program and the Summer Food Service Program.

All information the district uses to inform parents/guardians, students and the public about the district's food service program will include a nondiscrimination statement and information on how a complaint may be filed with the USDA.

Any person or representative alleging discrimination based on a prohibited basis has the right to file a complaint within 180 days of the alleged discriminatory action with the USDA Office of the Assistant Secretary for Civil Rights or the district's compliance officer listed in policy AC. Only the U.S. Secretary of Agriculture may extend the time for filing a complaint. Any person who files a complaint will be advised of the application of confidentiality laws, such as the Privacy Act of 1974.

District staff who receive a complaint alleging illegal discrimination in the district's nutrition program will forward the complaint to the district's compliance officer immediately. The compliance officer will note whether the allegation was made verbally or in person and will transcribe the complaint if it is not provided in writing. As required by the USDA, the compliance officer will forward the complaint to the USDA Office of the Assistant Secretary for Civil Rights immediately and will not first attempt to resolve the complaint prior to contacting the USDA. However, once the complaint has been directed to the USDA, the district will take action to investigate the concern and make necessary corrections as required by this policy.

### **Community Use of Food Service Facilities**

Outside organizations that use food service facilities may be charged a fee in accordance with Board policy. The food service director will ensure that supplies provided for the regular food service program, including USDA commodities, are not used by outside organizations.

# REFERENCE COPY

FILE: EF  
Critical

\* \* \* \* \*

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

Adopted: 11/18/1985

Revised: 01/19/2000; 01/24/2005; 11/24/2014;

Cross Refs: ADF, District Wellness Program  
DLB, Salary Deductions  
JHCF, Student Allergy Prevention and Response  
KG, Community Use of District Facilities

Legal Refs: §§ 167.201, .211, RSMo.  
Richard B. Russell National School Lunch Act, 42 U.S.C. §§ 1751 - 1760  
Child Nutrition Act, 42 U.S.C. §§ 1777-1785

Center School District #58, Kansas City, Missouri

# REFERENCE COPY

FILE: EF-AP1  
Critical

**EXPLANATION: FOOD SERVICE MANAGEMENT (Meal Charges)**

**MSBA has updated this procedure to comply with U.S. Department of Agriculture (USDA) requirements. NOTE: The USDA requires districts to have a meal charge procedure and the nondiscrimination statement must be part of that procedure.**

**The USDA regulates federal nutrition programs, such as the National School Lunch Program, the Special Milk Program, the School Breakfast Program and the Summer Food Service Program. The USDA has created very specific reporting requirements for anyone who has concerns regarding illegal discrimination in relation to these federal nutrition programs.**

**The USDA requires districts to use the specific language in this procedure with no deviations and include the language in all written or electronic materials used by the district to inform the public about the district's food service program. Because districts are required by law to provide parents/guardians a copy of this procedure on meal charges, the USDA's nondiscrimination statement was added to the procedure.**

**All districts in the state are routinely audited on program compliance and will one day be asked to produce the district's civil rights complaint procedure for nutrition programs and the specific USDA nondiscrimination statement. Please make sure that this information is shared with the appropriate district staff.**

<i>MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.</i>					
	Board Secretary	X	Business Office		Coaches/Sponsors
	Facility Maintenance	X	Food Service		Gifted
	Human Resources	X	Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation	X	Public Info/Communications		Technology

FILE: EF-AP1  
Critical

# REFERENCE COPY

# REFERENCE COPY

FILE: EF-AP1  
Critical

## FOOD SERVICE MANAGEMENT (Meal Charges)

Unless meals are provided at no charge, the district expects students and employees to pay for meals prior to or at the time of receipt. The ability to charge meals is a privilege, not a right, and is subject to the limitations established in this procedure.

### Notice

At the beginning of each school year, a copy of this procedure will be provided to every parent/guardian in the district as required by law. In addition, a copy of this procedure, along with information about free and reduced-price school meals, will be provided to the parents/guardians of all students who enroll after the beginning of the school year.

A copy of this procedure will also be provided to all building administrators, staff responsible for collecting payment for meals at the point of service, staff involved with notifying parents/guardians about account balances, school social workers, nurses, counselors, the district liaison for homeless children and youths, and any other staff who regularly assist students in need.

A copy of this procedure will also be posted on the district's website, and information about charging meals will be included in the student handbook.

### Employees

Employees may charge meals only after completing the form provided by the district authorizing the district to withhold the amount of any unpaid charges from the employee's pay. The district will withhold amounts due from meal charges in the pay period immediately after the charges are made. Employees may appeal a deduction for meal charges using the process outlined in policy DLB.

### Students

1. A student may not accumulate more than ten unpaid meal charges.
2. Students may not charge à la carte items.
3. A student with money in hand will not be denied a meal even if the student has past due charges.
4. Students will not be identified, singled out, shamed or punished by the district for the failure of their parents/guardians to pay for or provide meals, and the district will not withhold student records in violation of law.

***Alternative Meals***

If the district's meal service line is designed to collect payment prior to students receiving food, a student who has accumulated ten unpaid meal charges and is still unable to pay for meals may be provided an alternative meal. Alternative meals will be on the regular serving line and will be available to all students as an alternative to the regular meal. If a student has been provided a regular meal, that meal will not be taken away from the student even if the student should have been provided an alternative meal due to unpaid meal charges.

***Interventions***

After a student accumulates five unpaid meal charges, the district will encourage the parents/guardians to submit an application for free and reduced-price meals if an application has not been recently submitted, and the student will be referred to a counselor for intervention. The counselor will:

1. Meet with the student to assess to the extent possible whether the student or the student's family is experiencing hardships, barriers or other circumstances with which the counselor could assist.
2. Make repeated attempts to contact the parents/guardians to notify them of the lunch charges, discuss the situation and any other concerns the counselor may have after meeting with the student, and resolve the situation.
3. Encourage the parents/guardians to submit the free and reduced-price meals application and inquire about any assistance that might be needed to complete the application.
4. Provide other resources as applicable.

District employees are mandated by the state of Missouri to report any instances of suspected abuse or neglect to the Children's Division (CD) of the Department of Social Services. District personnel will report to the CD any instance where a student's arrival at school with no provision for food leads to a reasonable cause to suspect neglect.

***Working with Parents/Guardians***

To ensure that parents/guardians have ample opportunity to resolve situations involving unpaid meal charges, the district will:

1. Provide timely notification to parents/guardians when account balances run low (when applicable) and each time their student charges a meal.

# REFERENCE COPY

FILE: EF-AP1  
Critical

2. Invoice parents/guardians for unpaid meal charges during the district's monthly billing cycle, in addition to providing notification of outstanding balances by other means.
3. Work with parents/guardians to create a payment plan that allows for the payment of accumulated balances over time.

## **Debt Collection**

### ***Delinquent Debt***

Unpaid meal charges will be considered a delinquent debt 90 days after notice that charges are due when no payment or payment plan agreement has been made. Unpaid charges will be considered delinquent as long as the district determines the debt is collectible and efforts to collect the debt are ongoing. The district will make reasonable efforts to collect delinquent debt, including turning over unpaid meal charge balances to a collection agency when the superintendent or designee determines such action is in the best interest of the district. The district's Nonprofit School Food Services Account (NSFSA) funds may be used to cover the costs of reasonable efforts to collect delinquent debt, including costs associated with using a collection agency.

### ***Bad Debt***

When the district determines that collection of delinquent debt is impossible or too costly, the debt will be reclassified as bad debt. Bad debt is debt that will be written off as an operating cost. These costs must be restored using nonfederal funds. NSFSA resources may not be used to cover any costs related to bad debt. Instead, local funds will be used to cover the costs. Local funds include:

1. State revenue matching funds in excess of state revenue matching-fund requirements.
2. State and local funds provided to cover the cost of student meals.
3. Local contributions from organizations or individuals.
4. Revenue from adult meals prepared using resources outside the district's food service and not funded by the NSFSA.
5. Revenue from the sale of à la carte items and profits from foods not purchased with NSFSA funds and funded by an account separate from the NSFSA.
6. Revenues from catering or contracting services that operate from an account separate from the NSFSA.

***Records***

The district will maintain detailed records pertaining to delinquent and bad debt, including:

1. Evidence of efforts to collect unpaid meal charges.
2. Evidence that collection efforts fell within the time frame and methods established by this procedure.
3. Financial records showing when delinquent debt became bad debt.
4. Evidence that funds written off as bad debt were restored to the NSFSA from nonfederal sources.

**Nondiscrimination Statement**

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices and employees, and institutions participating in or administering USDA programs (including the district), are prohibited from discriminating based on race, color, national origin, sex, disability, age or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by the USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.) should contact the agency (state or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact the USDA through the Federal Relay Service at 800-877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (AD-3027) found online at [https://www.ascr.usda.gov/complaint\\_filing\\_cust.html](https://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office, or write a letter addressed to the USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call 866-632-9992. Submit your completed form or letter to the USDA by:

1. **Mail:** U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, DC 20250-9410;
2. **Fax:** 202-690-7442; or

# REFERENCE COPY

FILE: EF-AP1  
Critical

3. E-mail: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

\* \* \* \* \*

*Note: The reader is encouraged to review policies and/or forms for related information in this administrative area.*

Implemented: 09/25/2017

Revised:

Center School District #58, Kansas City, Missouri

# REFERENCE COPY

FILE: DJFA-AP3  
Basic

**EXPLANATION: FEDERAL PROGRAMS AND PROJECTS (Time and Effort)**

Beginning July 1, 2019, school districts must have a written procedure for documenting time and effort for services provided by district employees in support of a federal award. MSBA created this procedure based on the Department of Elementary and Secondary Education's (DESE) Fiscal Guidance for Federal Grant Programs and federal regulations.

While the district must have a written procedure, it does not have to use this procedure and may choose to create its own. Any procedure on this topic created by the district must address the following:

- 1) The completion of time and attendance reporting;
- 2) The approval cycle that is required;
- 3) The processing of personnel charges to federal awards; and
- 4) The internal review process used to ensure effective internal control over the federal award.

Based on advice from DESE, MSBA urges districts to contact the federal financial management staff at DESE to verify that district-created processes will meet audit standards.

*MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.*

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

FILE: DJFA-AP3  
Basic

# REFERENCE COPY

## FEDERAL PROGRAMS AND PROJECTS *(Time and Effort)*

The purpose of this procedure is to create internal controls for documenting employee time spent on federal programs and projects. Such controls must provide reasonable assurance regarding the achievement of the objectives of the federal grant. The superintendent or designee will monitor and verify that compensation for personal services is made in accordance with this procedure.

"Personal services" are those activities performed by a district employee in support of one or more federal programs and projects.

Compensation for personal services includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the federal award including, but not necessarily limited to, wages and salaries.

### **Compensation**

The total cost of compensation for personal services will be reasonable for the services provided and consistent with the policies of the district. Compensation costs will be determined and supported by appropriate documentation. Employee compensation will be charged against a federal award based on budget estimates that reasonably approximate the amount of time and effort employees will provide in support of the grant.

### **Employee Reporting**

All employees, including teachers, paraprofessionals, administrators and other staff paid with federal funds are required to document the time and effort they spend working within a federal program. Time and effort reporting is required when any part of an individual's salary is charged to a federal program or used as a match for a federal program.

Employees working under a schoolwide pool or early learning blended funding system are not required to keep such records.

Employee reports will include only actual hours, rather than budgeted hours, of activity the employee performed for the federal program. Reports will be submitted to the employee's supervisor on the dates designated by the supervisor.

### ***Single Award or Cost Objective***

Employees who are expected to work solely on a single federal award or cost objective will complete a semiannual certification and submit it to the employee's supervisor. The certification must be

signed by the employee or a supervisor having firsthand knowledge of the work performed by the employee after the services have been provided. While certification is semiannual, employees are expected to maintain ongoing records to ensure accuracy.

***Multiple Awards or Cost Objectives***

When employees work on multiple awards or cost objectives, they will submit monthly personnel activity reports (PARs) coinciding with a regular pay period. PARs must be signed by the employee and a supervisor having firsthand knowledge of the work performed by the employee after the services have been provided.

***Substitute System***

The district may develop a substitute system for reporting time and effort, but any such system must be approved by the Department of Elementary and Secondary Education prior to implementation.

**Reconciliation and Payment Submission**

The superintendent or designee will regularly reconcile the actual hours against the budgeted hours based on the amount the superintendent or designee determines is worth charging against the federal award. Final compensation submissions must be based on reconciled amounts, not budget estimates, and must be accurate, allowable and properly allocated.

The superintendent or designee will submit records for payment of services only if the services have already been provided.

**Record Retention**

Records pertaining to time and effort will be retained for three years after submission of the final expenditure report.

\* \* \* \* \*

***Note: The reader is encouraged to review policies and/or forms for related information in this administrative area.***

Implemented:

Center School District #58, Kansas City, Missouri

## **GCBDA- PROFESSIONAL STAFF**

Consistent contact with students and staff is important to the learning environment and district operation and therefore is an essential duty of a professional staff member's position. However, the Board recognizes that there are circumstances that require an employee to miss work. The purpose of this policy is to identify situations where paid and unpaid leave from work are appropriate. Some forms of leave, such as leave authorized under the Family and Medical Leave Act, are addressed by and governed under separate policies.

### **DEFINITIONS APPLICABLE TO THIS POLICY**

**Day** – A “day” shall mean a day the employee is normally scheduled to work.

**Year** – A “year” begins on July 1 and ends on the following June 30.

**Blackout Day** -- First or last day of school, day before or day after a school holiday, or days that are designated for staff professional development in the annual school calendar.

### **CATEGORIES OF PAID LEAVE**

The following leaves with pay will be provided to full-time professional staff employees. Regular, part-time professional staff employees will receive these leaves on a pro rata basis. This policy does not apply to temporary or substitute staff members unless otherwise noted.

District employees are responsible for correctly and immediately reporting all absences into the employee absence program. The administrator in charge of each building or department is responsible for ensuring that leave requests of the personnel under his or her supervision are properly submitted.

#### **Sick Leave**

Personnel regularly employed less than eleven months will be granted ten days of Sick Leave each year. Personnel regularly employed eleven months will be granted eleven days of Sick Leave each year. Personnel regularly employed twelve months will be granted twelve days of Sick Leave each year.

Sick Leave may only be used in the event of personal illness, injury or incapacity of the employee or the employee's immediate family. The Board defines “immediate family” for purposes of Sick Leave to mean:

- The employee's legal dependents;
- Any person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver; or
- Any other person so classified by the Superintendent or his/her designee

## GCBDA- PROFESSIONAL STAFF

Staff members who are ill are encouraged to stay home to promote healing and reduce the risk of infecting others, especially during a pandemic or other significant health event. In the event of a pandemic or other significant health event, schools may be closed to all staff and students or just students. If schools are closed only to students, staff members are expected to work regular schedules or use appropriate leave.

Any certificated employee who is a member of a retirement system shall remain a member during any period of Sick Leave. The employee shall also receive creditable service credit for such leave time if the employee makes contributions to the system equal to the amount of contributions that he or she would have made had he or she been on active service status.

An employee may not use Sick Leave during the period the employee receives Workers' Compensation benefits for time lost to work-related incidents.

The district may require an employee to provide verification of illness from a health care provider, or supply other documentation verifying the reason for the absence before the district applies Sick Leave to the absence. Any request to use Sick Leave must be accompanied with a note from a doctor or an equivalent health care professional if the absence is for more than **three** days, or if the absence is of any length and is on a Blackout Day as defined elsewhere in this policy. In accordance with law, the district may also require an employee to present a certification of fitness to return to work whenever the employee is absent from work due to the employee's health.

### **Personal Leave**

Two days of Personal Leave will be granted to each employee each year. An employee need not give a reason for taking Personal Leave, and an employee may use Personal Leave for time off that would otherwise be unpaid. Up to three unused days of Personal Leave may be carried forward into subsequent years, so that an employee can have no more than five Personal Leave days in any year. Any additional unused Personal Leave days will be transferred to the employee's accrued Sick Leave days, and the use of them is subject to the parts of this policy governing Sick Leave.

Requests for Personal Leave must be made to the employee's direct supervisor at least five days in advance of the contemplated absence. Such leave shall then be authorized in writing by the Director of Human Resources.

Personal Leave will not be authorized for the following, unless an emergency situation exists:

1. *Days when Sick Leave and Personal Leave combined have already been granted to five percent of the total number of certificated employees.*
2. Blockout Days.

## **GCBDA- PROFESSIONAL STAFF**

In case of an emergency or if the employee must request Personal Leave less than five days in advance, Personal Leave may nonetheless be granted at the discretion of the Director of Human Resources. As a condition to granting Personal Leave in these circumstances, the employee shall at the earliest opportunity notify his or her immediate supervisor of the need for Personal Leave, and follow up with a written request to the Director of Human Resources. The Director of Human Resources will verbally grant or deny such requests, and later document that decision in writing.

### **Bereavement Leave**

Up to three days of paid Bereavement Leave will be granted to an employee in the event of a death in the employee's immediate family. These days will not be deducted from any other leaves to which the employee may be entitled. An employee may request in writing that the Superintendent or his or her designee grant up to two additional days of Bereavement Leave to be taken from the employee's allocated Sick Leave or Personal Leave days.

The Board defines "immediate family" for purposes of Bereavement Leave to mean:

- The employee's spouse;
- The following relatives of the employee or the employee's spouse: parents, children, children's spouses, grandparents, grandchildren, or siblings;
- Any person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver; or
- Any other person so designated by the Superintendent or his/her designee

The employee must specifically identify in the district's absence tracking system the immediate family member for whom the Bereavement Leave is being taken.

### **Personal Business Leave**

Personal Business Leave may be granted upon written request by the employee, subject to the approval by the employee's principal or department manager/supervisor. No more than one full day of Personal Business Leave will be granted at a time, and any time taken for Personal Business Leave will be deducted from the employee's Sick Leave allocation.

Personal Business Leave may be taken for the following reasons:

a. Attendance at a legal or professional commitment and/or transaction that cannot be accomplished outside the regular hours of employment.

b. Observance of a religious holiday not already recognized as a paid holiday by the district.

c. Court appearances, unless applicable law or Board policy provides for paid leave for such appearances.

## **GCBDA- PROFESSIONAL STAFF**

Requests for Personal Business Leave must specify the reason(s) for such leave in the "Admin Notes" or comparable field in the district's absence tracking system. A written request for Personal Business Leave must be submitted to the employee's principal or department manager/supervisor.

If an employee requests Personal Business Leave and has no remaining days of Sick Leave, then unpaid Personal Business Leave may be granted at the discretion of the Director of Human Resources.

### **Vacation**

All professional staff employed on a 12-month basis will receive 20 working days of vacation per year. An employee must submit a written request for vacation to the superintendent or designee and receive written authorization before taking vacation days. If the employee's absence may disrupt district operations, the superintendent or designee has the discretion to deny a request for vacation or to limit the time of year the employee may take his or her vacation.

July 1 will be the employment anniversary date used to calculate vacation allowance.

*12-month employees hired between July 1 and December 31 will receive a prorated portion of their vacation on December 31 during their first year of employment. They will receive the rest of their vacation days on June 30.*

*12-month employees hired after December 31 and before June 30 will receive their prorated portion of vacation days on June 30 of their first fiscal year of employment. During their second fiscal year of employment, they will receive half of their vacation days on December 31 and half of their vacation days on June 30. Thereafter, they will receive their annual allotment of vacation days on June 30.*

Vacation days that are unused by June 30 are forfeited, except that vacation days earned by employees who were hired after July 1 may be carried over to the next fiscal year.

A district employee may not use vacation days during the period the employee is on leave for an accident covered by Workers' Compensation.

### **PAYMENT FOR UNUSED, ACCRUED SICK LEAVE AND PERSONAL LEAVE**

Starting on July 1, 2019, employees with more than 100 accrued days of combined Sick Leave and Personal Leave shall be entitled to payment for all days in excess of 100, in accordance with the Payment Schedule below.

When a certificated employee who has been employed by the district for at least one full fiscal year leaves the district, he or she, or his or her beneficiary in the case of death, shall be paid for any unused, accrued days of Sick Leave and Personal Leave, up to a maximum of 100 days, in accordance with the Payment Schedule below. However, employees who have (a) broken an employment contract with the district, (b) been

## **GCBDA- PROFESSIONAL STAFF**

terminated for cause by the district, or (c) resigned due to the discovery by the District of conduct that would have resulted in their termination for cause, will not be paid for any unused, accrued days of Sick Leave or Personal Leave. (Examples would include a finding of harassment, discrimination, abuse and/or retaliation). An employee will not receive compensation for unused days of leave unless he or she has been employed by the district for at least one year.

### PAYMENT SCHEDULE

Certified staff members with 1-5 years of continuous district employment will be reimbursed at the rate of \$75 per day for any unused "Sick" and "Personal" leave.

Certified staff members with 6 or more years of continuous district employment will be reimbursed at the rate of \$100 per day for any unused "Sick" and "Personal" leave.

### **OTHER TYPES OF LEAVE**

Unless otherwise provided, the following leaves will be provided to full-time and part-time professional employees.

1. Holidays – The Board currently recognizes the following paid holidays: Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving, Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Martin Luther King Jr.'s Birthday, Presidents' Day and Memorial Day. Holidays may be modified or eliminated as needed when the academic calendar is changed due to inclement weather or for other reasons. Holidays may change from year to year.

2. Professional Leave – Employees may be granted paid professional leave to attend classes or conferences, meet with mentors or participate in other approved professional growth activities. Professional leave must be approved by the superintendent or designee, arranged well in advance and is not considered personal leave.

3. Military Leave – The Board shall grant military leave as required, and under the conditions mandated, by law. Employees shall provide the district an official order verifying that they are required to report to duty.

4. Election Leave – Any employee who is appointed as an election judge pursuant to state law may be absent on any election day for the period of time required by the election authority. The employee must notify the district at least seven days prior to any election in which the employee will serve as an election judge. No employee will be terminated, disciplined, threatened or otherwise subjected to adverse action based on the employee's service as an election judge.

5. Leave to Vote – Employees who do not have three successive hours free from work while the polls are open will be granted a paid leave period of up to three hours to

## GCBDA- PROFESSIONAL STAFF

permit the employees three successive hours while the polls are open for the purpose of voting. Requests for such leave must be made prior to election day, and the employee's supervisors will designate when during the workday the leave shall be taken. Any employee who properly requests leave to vote and uses the leave for that purpose will not be subject to discipline, termination or loss of wages or salary.

6. Jury Duty Leave – If a certificated employee is required to serve on a jury, the employee will be paid the difference between jury duty payment and his or her regular daily salary amount for time spent responding to a summons for jury duty, time spent participating in the jury selection process or time spent actually serving on a jury. An employee will not be terminated, disciplined, threatened or otherwise subjected to adverse action because of the employee's receipt of or response to a jury summons.

7. Leave for Court Subpoena – If the subpoena is directly related to the employee's school duties, the employee will be released for the court appearance without loss of pay or deduction from any leave allowances. Other court appearances must be deducted from Personal Business Leave.

8. Firefighter Leave – Employees will be allowed to use personal, vacation and/or unpaid leave for any time taken to respond to an emergency in the course of performing duties as a volunteer firefighter. For the purposes of this section, "volunteer firefighter" includes members of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team or those activated by the Federal Emergency Management Agency (FEMA) in times of national disaster. Employees covered under this section shall not be terminated from employment for joining a volunteer fire department or for being absent from or late to work in order to respond to an emergency. Employees shall make every reasonable effort to notify their principal or direct supervisor if the employee may be absent from or late to work under this section. Employees are required to provide their supervisors with a written statement from the supervisor or acting supervisor of the volunteer fire department stating that the employee responded to an emergency along with the time and date of the emergency.

9. Crime Victim Leave – Any employee who is a crime victim, who witnesses a crime or who has an immediate family member who is a crime victim will not be required to use any leave to honor a subpoena to testify in a criminal proceeding, attend a criminal proceeding or participate in the preparation of the criminal proceeding, and shall be paid for the time required for these activities.

10. Civil Air Patrol Leave – Any employee who is a member of Civil Air Patrol and has qualified for a Civil Air Patrol emergency service specialty or who is certified to fly counternarcotics missions shall be granted unpaid leave to perform Civil Air Patrol emergency service duty or counternarcotics missions without loss of time, regular leave or any other rights or benefits in accordance with law. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally

## **GCBDA- PROFESSIONAL STAFF**

declared emergency in Missouri. The district may request that the employee be exempted from responding to a specific mission.

11. Coast Guard Auxiliary Leave – Employees who are members of the United States Coast Guard Auxiliary will be granted an unpaid leave of absence for periods during which they are engaged in the performance of United States Coast Guard or United States Coast Guard Auxiliary duties, including travel related to such duties, when authorized by the director of auxiliary or other appropriate United States Coast Guard Authority. Such leaves of absence will be given without loss of time, regular leave or any other rights or benefits to which such employees would otherwise be entitled. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri or upon any navigable waterway within or adjacent to the state of Missouri. The district may request that an employee be exempted from responding to a specific mission.

## **GDBDA- SUPPORT STAFF LEAVES**

Consistent staffing is important to the learning environment and district operation and therefore is an essential duty of all employees. However, the Board recognizes that there are circumstances that require an employee to miss work. The purpose of this policy is to identify situations where paid and unpaid leave from work are appropriate. Some forms of leave, such as leave authorized under the Family and Medical Leave Act, are addressed by and governed under separate policies.

### **DEFINITIONS APPLICABLE TO THIS POLICY**

**Day** – A “day” shall mean a day the employee is normally scheduled to work.

**Year** – A “year” begins on July 1 and ends on the following June 30.

**Blackout Day** -- First or last day of school, day before or day after a school holiday, or days that are designated for staff professional development in the annual school calendar.

### **CATEGORIES OF PAID LEAVE**

The following leaves with pay will be provided to full-time non-certificated employees, also known as support staff employees. Regular, part-time support staff employees will receive these leaves on a pro rata basis. This policy does not apply to temporary or substitute staff members unless otherwise noted.

District employees are responsible for correctly and immediately reporting all absences into the employee absence program. The administrator in charge of each building or department is responsible for ensuring that leave requests of the personnel under his or her supervision are properly submitted.

#### **Sick Leave**

Personnel regularly employed less than eleven months will be granted ten days of Sick Leave each year. Personnel regularly employed eleven months will be granted eleven days of Sick Leave each year. Personnel regularly employed twelve months will be granted twelve days of Sick Leave each year.

Sick Leave may only be used in the event of personal illness, injury or incapacity of the employee or the employee’s immediate family. The Board defines “immediate family” for purposes of Sick Leave to mean:

- The employee’s legal dependents;
- Any person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver; or
- Any other person so classified by the Superintendent or his/her designee

Staff members who are ill are encouraged to stay home to promote healing and reduce the risk of infecting others, especially during a pandemic or other significant health event.

## GDBDA- SUPPORT STAFF LEAVES

In the event of a pandemic or other significant health event, schools may be closed to all staff and students or just students. If schools are closed only to students, staff members are expected to work regular schedules or use appropriate leave.

Any support staff employee who is a member of a retirement system shall remain a member during any period of Sick Leave. The employee shall also receive creditable service credit for such leave time if the employee makes contributions to the system equal to the amount of contributions that he or she would have made had he or she been on active service status.

An employee may not use Sick Leave during the period the employee receives Workers' Compensation benefits for time lost to work-related incidents.

Requests for Sick Leave must be submitted through the district's online substitute program.

The district may require an employee to provide verification of illness from a health care provider, or supply other documentation verifying the reason for the absence before the district applies Sick Leave to the absence. Any request to use Sick Leave must be accompanied with a note from a doctor or an equivalent health care professional if the absence is for more than **three** days, or if the absence is of any length and is on a Blackout Day as defined elsewhere in this policy. In accordance with law, the district may also require an employee to present a certification of fitness to return to work whenever the employee is absent from work due to the employee's health.

### **Personal Leave**

Two days of Personal Leave will be granted to each employee each year. An employee need not give a reason for taking Personal Leave, and an employee may use Personal Leave for time off that would otherwise be unpaid. Up to three unused days of Personal Leave may be carried forward into subsequent years, so that an employee can have no more than five Personal Leave days in any year. Any additional unused Personal Leave days will be transferred to the employee's accrued Sick Leave days, and the use of them is subject to the parts of this policy governing Sick Leave.

Requests for Personal Leave must be made through the district's online substitute program at least five days in advance of the contemplated absence. Such leave shall then be authorized in writing by the Director of Human Resources.

Personal Leave will not be authorized for the following, unless an emergency situation exists:

1. *Days when Sick Leave and Personal Leave combined have already been granted to five percent of the total number of certificated employees.*
2. Blockout Days.

## **GDBDA- SUPPORT STAFF LEAVES**

In case of an emergency or if the employee must request Personal Leave less than five days in advance, Personal Leave may nonetheless be granted at the discretion of the Director of Human Resources. As a condition to granting Personal Leave in these circumstances, the employee shall at the earliest opportunity notify his or her immediate supervisor of the need for Personal Leave, and follow up with a written request to the Director of Human Resources. The Director of Human Resources will verbally grant or deny such requests, and later document that decision in writing.

### **Bereavement Leave**

Up to three days of paid Bereavement Leave will be granted to an employee in the event of a death in the employee's immediate family. These days will not be deducted from any other leaves to which the employee may be entitled. An employee may request in writing that the Superintendent or his or her designee grant up to two additional days of Bereavement Leave to be taken from the employee's allocated Sick Leave or Personal Leave days.

The Board defines "immediate family" for purposes of Bereavement Leave to mean:

- The employee's spouse;
- The following relatives of the employee or the employee's spouse: parents, children, children's spouses, grandparents, grandchildren, or siblings;
- Any person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver; or
- Any other person so designated by the Superintendent or his/her designee

All requests for Bereavement Leave must be submitted through the district's online substitute program, and must specifically identify the immediate family member for whom the Bereavement Leave is being taken.

### **Personal Business Leave**

Personal Business Leave may be granted upon written request by the employee submitted through the district's online substitute program, subject to the approval by the employee's principal or department manager/supervisor. No more than one full day of Personal Business Leave will be granted at a time, and any time taken for Personal Business Leave will be deducted from the employee's Sick Leave allocation.

Personal Business Leave may be taken for the following reasons:

- a. Attendance at a legal or professional commitment and/or transaction that cannot be accomplished outside the regular hours of employment.
- b. Observance of a religious holiday not already recognized as a paid holiday by the district.

## **GDBDA- SUPPORT STAFF LEAVES**

c. Court appearances, unless applicable law or Board policy provides for paid leave for such appearances.

Requests for Personal Business Leave must be submitted through the district's online substitute program, and must specify the reason(s) for such leave.

If an employee requests Personal Business Leave and has no remaining days of Sick Leave, then unpaid Personal Business Leave may be granted at the discretion of the Director of Human Resources.

### **Vacation**

All support staff employees employed on a 12-month basis will receive 10 working days of vacation per year. After ten years of service to the district, support staff employees will receive 15 working days of vacation per year. An employee must submit a request for vacation through the district's online substitute program, and receive authorization from his or her supervisor before taking vacation days. If the employee's absence may disrupt district operations, the supervisor has the discretion to deny a request for vacation or to limit the time of year the employee may take his or her vacation.

July 1 will be the employment anniversary date used to calculate vacation allowance.

12-month employees hired between July 1 and December 31 will receive a prorated portion of their vacation on December 31 during their first year of employment. They will receive the rest of their vacation days on June 30.

12-month employees hired after December 31 and before June 30 will receive their prorated portion of vacation days on June 30 of their first fiscal year of employment. During their second fiscal year of employment, they will receive half of their vacation days on December 31 and half of their vacation days on June 30. Thereafter, they will receive their annual allotment of vacation days on June 30.

Vacation days that are unused by June 30 are forfeited, except that vacation days earned by employees who were hired after July 1 may be carried over to the next fiscal year.

Employees whose employment with the district ends before June 30 will be compensated at their daily rate for any unused vacation days for the current year.

A district employee may not use vacation days during the period the employee is on leave for an accident covered by Workers' Compensation.

### **PAYMENT FOR UNUSED, ACCRUED SICK LEAVE AND PERSONAL LEAVE**

Starting on July 1, 2019, employees with more than 100 accrued days of combined Sick Leave and Personal Leave shall be entitled to payment for all days in excess of 100, in accordance with the Payment Schedule below.

## **GDBDA- SUPPORT STAFF LEAVES**

When a certificated employee who has been employed by the district for at least one full fiscal year leaves the district, he or she, or his or her beneficiary in the case of death, shall be paid for any unused, accrued days of Sick Leave and Personal Leave, up to a maximum of 100 days, in accordance with the Payment Schedule below. However, employees who have (a) broken an employment contract with the district, (b) been terminated for cause by the district, or (c) resigned due to the discovery by the District of conduct that would have resulted in their termination for cause, will not be paid for any unused, accrued days of Sick Leave or Personal Leave. (Examples would include a finding of harassment, discrimination, abuse and/or retaliation). An employee will not receive compensation for unused days of leave unless he or she has been employed by the district for at least one year.

### PAYMENT SCHEDULE

Support staff employees with 1-5 years of continuous district employment will be reimbursed at the rate of \$67.50 per day for any unused "Sick" and "Personal" leave.

Support staff employees with 6 or more years of continuous district employment will be reimbursed at the rate of \$90.00 per day for any unused "Sick" and "Personal" leave.

### **OTHER TYPES OF LEAVE**

Unless otherwise provided, the following leaves will be provided to full-time and part-time employees.

1. **Holidays** – The Board currently recognizes the following paid holidays: Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving, Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Martin Luther King Jr.'s Birthday, Presidents' Day and Memorial Day. Holidays may be modified or eliminated as needed when the academic calendar is changed due to inclement weather or for other reasons. Holidays may change from year to year.
2. **Professional Leave** – Employees may be granted paid professional leave to attend classes or conferences, meet with mentors or participate in other approved professional growth activities. Professional leave must be approved by the superintendent or designee, arranged well in advance and is not considered personal leave.
3. **Military Leave** – The Board shall grant military leave as required, and under the conditions mandated, by law. Employees shall provide the district an official order verifying that they are required to report to duty.
4. **Election Leave** – Any employee who is appointed as an election judge pursuant to state law may be absent on any election day for the period of time required by the election authority. The employee must notify the district at least seven days prior to any election in which the employee will serve as an election judge. No employee will be terminated, disciplined, threatened or otherwise subjected to adverse action based on the employee's service as an election judge.

## GDBDA- SUPPORT STAFF LEAVES

5. Leave to Vote – Employees who do not have three successive hours free from work while the polls are open will be granted a paid leave period of up to three hours to permit the employees three successive hours while the polls are open for the purpose of voting. Requests for such leave must be made prior to election day, and the employee's supervisors will designate when during the workday the leave shall be taken. Any employee who properly requests leave to vote and uses the leave for that purpose will not be subject to discipline, termination or loss of wages or salary.

6. Jury Duty Leave – If a certificated employee is required to serve on a jury, the employee will be paid the difference between jury duty payment and his or her regular daily salary amount for time spent responding to a summons for jury duty, time spent participating in the jury selection process or time spent actually serving on a jury. An employee will not be terminated, disciplined, threatened or otherwise subjected to adverse action because of the employee's receipt of or response to a jury summons.

7. Leave for Court Subpoena – If the subpoena is directly related to the employee's school duties, the employee will be released for the court appearance without loss of pay or deduction from any leave allowances. Other court appearances must be deducted from Personal Business Leave.

8. Firefighter Leave – Employees will be allowed to use personal, vacation and/or unpaid leave for any time taken to respond to an emergency in the course of performing duties as a volunteer firefighter. For the purposes of this section, "volunteer firefighter" includes members of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team or those activated by the Federal Emergency Management Agency (FEMA) in times of national disaster. Employees covered under this section shall not be terminated from employment for joining a volunteer fire department or for being absent from or late to work in order to respond to an emergency. Employees shall make every reasonable effort to notify their principal or direct supervisor if the employee may be absent from or late to work under this section. Employees are required to provide their supervisors with a written statement from the supervisor or acting supervisor of the volunteer fire department stating that the employee responded to an emergency along with the time and date of the emergency.

9. Crime Victim Leave – Any employee who is a crime victim, who witnesses a crime or who has an immediate family member who is a crime victim will not be required to use any leave to honor a subpoena to testify in a criminal proceeding, attend a criminal proceeding or participate in the preparation of the criminal proceeding, and shall be paid for the time required for these activities.

10. Civil Air Patrol Leave – Any employee who is a member of Civil Air Patrol and has qualified for a Civil Air Patrol emergency service specialty or who is certified to fly counternarcotics missions shall be granted unpaid leave to perform Civil Air Patrol emergency service duty or counternarcotics missions without loss of time, regular leave or any other rights or benefits in accordance with law. The leave is limited to 15 working

## **GDBDA- SUPPORT STAFF LEAVES**

days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri. The district may request that the employee be exempted from responding to a specific mission.

11. Coast Guard Auxiliary Leave – Employees who are members of the United States Coast Guard Auxiliary will be granted an unpaid leave of absence for periods during which they are engaged in the performance of United States Coast Guard or United States Coast Guard Auxiliary duties, including travel related to such duties, when authorized by the director of auxiliary or other appropriate United States Coast Guard Authority. Such leaves of absence will be given without loss of time, regular leave or any other rights or benefits to which such employees would otherwise be entitled. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri or upon any navigable waterway within or adjacent to the state of Missouri. The district may request that an employee be exempted from responding to a specific mission.

## GBCBC

Consistent contact with students and coworkers is necessary for an optimal learning environment and an effective working environment. Therefore, consistent attendance is an essential duty of any employee's position. While some absences are unavoidable, when an employee is routinely tardy, frequently absent or is absent for an extended period of time, the learning environment and district operations are negatively impacted.

Employees may be disciplined or terminated for excessive absences or tardiness, which includes situations where employees come to work late, leave early or abandon their duties without permission from a supervisor. Unless authorized by the Board or the superintendent or otherwise authorized by law, an employee's absence or tardiness will be considered excessive or unreasonable in any of the following circumstances:

1. The absence is for a reason not granted as paid or protected leave under Board policy or law.
2. The absence results in the employee exceeding the amount of leave granted by the Board.
3. The employee has not otherwise exhausted applicable leave days, but the absence exceeds ~~5~~ 4 days a month, ~~20~~ 10 days in a semester or ~~40~~ 15 days per school year or is otherwise disruptive to district operations, as determined by the district. (Excludes professional and/or district-initiated leave.) Some extenuating circumstances may be granted upon request to the Executive Director of Human Resources.)
4. The employee fails to appropriately notify the district of an absence as soon as possible after the employee knows he or she will be absent (commonly called No-Call, No-Show).
5. The employee does not provide the district complete and accurate information about the absence, does not respond to requests for information, or does not provide documentation related to the absence as requested or required.
6. The employee does not first obtain permission to be absent from the appropriate supervisor when required to do so.
7. The absence is for any reason other than the one given for the absence.

Even if the absence or tardiness is authorized by the Board or the superintendent, if the absence or tardiness occurs for a reason not granted as paid leave under Board policy or if it exceeds the number of days the employee has been granted under a designated leave, the employee's salary will be docked. Violation of this policy constitutes misconduct and may result in the loss of unemployment benefits if a claim is filed.

## **GBCBC**

Employees will not be disciplined or terminated for absences qualifying for protection under the Family and Medical Leave Act (FMLA), the Uniformed Services Employment and Reemployment Rights Act (USERRA) or other applicable law.

### **Failure to Contact the District**

If an employee without an employment contract is absent from work, does not contact his or her supervisor, and does not respond to attempts by the district to contact the employee and the employee's emergency contact, the district will assume the employee has resigned his or her employment with the district and will consider the position vacant.

If an employee with an employment contract is absent from work, does not contact his or her supervisor, and does not respond to attempts by the district to contact the employee and the employee's emergency contact, the district will send a letter and any other appropriate communication to the employee stating that if the employee does not contact the district, the district will assume that the employee has voluntarily resigned from his or her position with the district. If the employee still does not contact the district, the district will assume that the employee has resigned and will consider the position vacant.

The district may share with potential employers seeking information about a former employee the fact that the employee failed to contact the district or resign.