

**JEFFERSON CITY SCHOOL DISTRICT  
BOARD OF EDUCATION  
POLICY REVIEW COMMITTEE  
BOARD OF EDUCATION OFFICES  
JEFFERSON CITY, MO  
AUGUST 3, 2017 - 4:30 P.M.**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES**
- V. BOARD MEMBER TRAINING - Sample policy from another district attached.**
- VI. OPEN FORUM**
  - A. Court Decision*
  - B. Policy BDDB-RI*
  - C. The Attached Information*
  - D. Policy KA*
  - E. Draft Open Forum Changes*
  - F. BDDH*
- VII. ADJOURN**

## Policy Committee

May 31, 2017

The May 21, 2017 meeting of the Policy Committee convened at 4:30 p.m. with the following members present: Pam Murray, Richard Aubuchon, Steve Bruce, Larry Linthacum, Jason Hoffman and Penney Rector. Invited participants in attendance: David Ganey, Jefferson City NEA Representative.

The meeting was called to order by Pam Murray.

The first item for discussion was the structure and makeup of the committee. The consensus of the group was to retain the current membership structure: three board members and three staff members and to add staff representatives as non-voting participants.

The group discussed the need to schedule committee meetings outside the normal school day to encourage employee participation and attendance.

The committee then discussed future considerations and expectations related to boundary line policies and procedures. Jason Hoffman indicated that conversations are underway with demographers to determine whether the currently due biennial demographic review can be amended to review boundary related issues and demographics. The committee then discussed that various committees will need to be involved with determining policies and procedures for regular assessment of boundaries, and the facilities committee may be the most appropriate committee to begin that review process.

The committee took up for consideration the policies returned to the committee by the Board of Education.

Policy GBAA – The consensus of the group was to propose “Options #2” for the Board’s consideration, with additional changes as noted on the revised page #5 which was provided at the meeting. In addition, the committee agreed to amend the second paragraph on page 4 to read “The district administrative staff shall carefully plan for staffing needs in advance, equitably distribute duties among qualified staff members when possible, and avoid situations where the district is obligated to pay overtime compensation when possible.”

GCD- The committee accepted the amended recommendation presented to the committee by staff. The amendment includes the addition of the following language: “Should the superintendent or designee determine that it would be detrimental to wait five (5) business days to hire a qualified candidate, the superintendent or designee shall inform the board of the rationale for the decision prior to or at the time of the board’s consideration of the hiring recommendation.”

GDC- The committee accepted the amended recommendation presented to the committee by staff. The amendment includes the addition of the following language: “Should the superintendent or designee determine that it would be detrimental to wait five (5) business days to hire a qualified candidate, the superintendent or designee shall inform the board of the rationale for the decision prior to or at the time of the board’s consideration of the hiring recommendation.”

IGBCA – The committee accepted the amended recommendation to change the title of the District’s liaison for homeless youth to “Director”.

The committee took up for consideration two additional policy recommendations.

The Missouri School Board’s Association provided recommendations regarding policy ADF related to the District’s wellness program. The consensus of the committee was to propose acceptance of the changes to the Board of Education with one additional change. The Board’s designee listed on page 37 of the meeting materials should be amended to “Director of Nutrition Services”.

The committee reviewed and considered staff recommendations regarding policy EBC-2 related to emergency drills. The consensus of the committee was to present the proposed amendments to the Board of Education for review and approval.

Pam Murray expressed a need to move from four to six regularly scheduled meetings per year to ensure timely consideration of policy needs. The consensus of the group was to support two additional meetings, as needed, per year.

There being no further business to come before the committee, the meeting adjourned ta 5:27 p.m.

Penney Rector

Drafted 6/1/2017

Type: Policy

Descriptor Code: BHA

Title: BOARD TRAINING AND DEVELOPMENT

Status: ADOPTED

Print Policy

The Board strongly believes that Board development and ongoing education on the Board's roles and responsibilities results in a stronger education institution and sets a good example for district employees and students. All Board members are expected to complete legally required training and participate in additional learning opportunities throughout their years of Board service.

#### **New Board Member Orientation**

The superintendent and Board president will provide each new Board member with training and resources necessary for the new member to understand and actively participate in Board service from the beginning. New Board members will be provided access to the district's Comprehensive School Improvement Plan, district policies, the budget and all other governing documents. In addition, new members will be provided the district's most recent Annual Performance Report, test scores and other information regarding the district's performance. The Board president and superintendent shall set aside such time as is necessary to answer any questions arising from the study of these documents and shall cooperate fully in assisting the new member to become an informed and active Board member.

#### **Legally Required Training**

Board members initially elected or appointed after August 28, 1993, are required by law to successfully complete 16 hours of orientation and training requirements within one year of the date of the election or appointment. In accordance with law, the training must be provided by a statewide association organized for the benefit of members of boards of education or approved by the State Board of Education. The district will pay for the necessary travel expenses associated with this training.

Board members who fail to complete this training are in violation of state law and could impact the district's accreditation review process. For this reason, any Board member who fails to complete the required training will be removed from Board committees and will not be allowed to hold a Board office or represent the full Board as an official spokesperson or otherwise in the community unless excused by the Board. In extreme circumstances where the Board member willfully refuses to complete the training, the Board may inform the public of the Board member's refusal to follow the law.

### **Individual Board Training and Education**

Board members are encouraged to seek out opportunities to learn by attending conferences and meetings, participating in webinars and online learning opportunities, and reading books and publications relevant to Board service. Beginning with the first term to which a member is re-elected, and for every term thereafter, a member is required to obtain 12 clock hours of professional development related to board service before the expiration of that term. In-person professional development is recommended as it provides opportunities for networking. Any member who does not complete the required hours of training will not be eligible to hold any Board office until hours have been completed. The Board will annually designate part of the annual budget for costs associated with these learning opportunities. The Board president and superintendent may periodically recommend or forward education opportunities to Board members.

### **Full Board Training**

The Board will periodically designate training opportunities for the full Board. The Board strongly encourages the participation of all Board members. All Board members are encouraged to identify areas of improvement for the Board to focus on and request training that may be beneficial to the entire Board.

### **Board Member Expectations**

Board members are expected to be good stewards of taxpayer dollars. When district funds are used to register a Board member in a conference or learning opportunity and pay for travel expenses, the Board member is expected to fully participate and may be required to provide a report to the full Board regarding the information received. If a Board member fails to attend a learning opportunity, fails to cancel a registration in time for the district to receive a full refund of expenses incurred or otherwise causes the district to incur excess fees or expenses, the Board may require the Board member to fully reimburse the district and may refuse to pay future fees or expenses on behalf of the Board member until reimbursement is received. Exceptions will be made in emergency situations.

\* \* \* \* \*

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

Holden R-III

Last Revised Date: 8/8/2016

Original Adopted Date: 4/13/1998

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State Reference Description

§162.091, RSMo.      State Statute

§162.203, RSMo.      State Statute

Policy Reference      Description

DLCA   TRAVEL EXPENSES

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

ANDREW ROBERTS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 4:16-cv-1210
	)	
CITY OF UNIVERSITY CITY,	)	
MISSOURI,	)	
	)	
Defendant.	)	
	)	

**CONSENT JUDGMENT**

This Court, having reviewed and taken notice of the pleadings herein, and with the consent of Plaintiff and Defendant, hereby enters Judgment as follows:

**FINDINGS**


1. On January 11, 2016, Plaintiff Andrew Roberts was removed from University City council meeting by order of the mayor while he was speaking in opposition to a resolution being discussed during the public-comment portion of the meeting and was briefly barred indefinitely from speaking at future city council meetings.
2. Plaintiff filed this lawsuit on June 25, 2016, pursuant to 28 U.S.C. § 1983, claiming his First and Fourteenth Amendment rights were violated by University City's removal and temporary ban and seeking monetary damages and injunctive relief.
3. Plaintiff has incurred taxable costs of \$500.00.
4. Plaintiff's reasonable attorneys' fees are \$2,560.00.

**ORDER**

Based on the aforementioned Findings, the Court hereby orders as follows:

1. University City and its representatives will cease making a public statement at city council meetings that personal attacks on councilmembers will be ruled out of order;
2. University City and its representatives will cease making a public statement at city council meetings that councilmembers' motives may not be called into question;
3. University City will apologize publicly for removing Roberts from the January 11, 2016 city council meeting in violation of his First Amendment and procedural due process rights;
4. University City and its representatives will permit Mr. Roberts to attend and speak at any future city council meeting without regard for the content of his speech, except for enforcing the five-minute time limit during public-comment portion of city council meetings;
5. University City and its representatives will remove and repudiate any ban on attendance or future speech as punishment for the content of any commenter's speech during the public-comment period of any city council meeting;
6. University City will develop, implement, and enforce a written policy prohibiting content-based restrictions on speech during the public comment period at city council meetings;  
and
7. University City will pay attorneys' fees and costs of Plaintiff in the amount of \$3,060.00.
8. This Order and Judgment fully and finally resolves the claims asserted in this matter.

Dated: April 24, 2017

  
UNITED STATES DISTRICT JUDGE  
AUDREY G. FLEISSIG



**Policy  
AGENDAS****Descriptor Code: BDDDB-1**

A tentative agenda for each meeting of the Board shall be prepared by the superintendent, in consultation with the Board president, and shall be included in the public notice of such meetings. The tentative agenda must reasonably inform the public of matters to be considered. Any member of the Board may request items to be placed on the agenda. The tentative agenda, related materials and minutes of the previous meeting shall be mailed to each member at least four days prior to the stated meeting unless a special emergency meeting is called at a time that makes the four-day prior notice impossible.

The agenda for each meeting of the Board shall be adopted or modified by motion of a majority of those Board members present. Once the agenda is approved, it shall require a vote of a majority of the Board members present to make additional modifications.

Any parent/guardian whose child attends the district, any district employee or any member of the public who resides in the district and who wishes to have an item placed on the agenda will present the request in writing to the superintendent or designee. The request must be submitted pursuant to Board policy and received five business days prior to the scheduled meeting. The item will then be considered for placement on the agenda by the superintendent and Board president.

The Board reserves the right to impose reasonable restrictions on the number of items to be considered, the number of spokespersons and the speaking time of spokespersons appearing before the Board. The Board encourages all issues be taken through the appropriate grievance procedure or chain of command. The Board reserves the right to waive formalities in emergency situations, within the limitations of the law.

The agenda for closed sessions shall be on a separate document. However, the motion to close a meeting must be voted on during a public meeting and must also include the reasons for closing the meeting with references to the specific topics under the provision of § 610.021, RSMo., as valid grounds for a closed meeting session.

The superintendent shall cause a sufficient number of copies of the tentative agenda to be prepared and distributed to persons in attendance at the Board meeting.

\* \* \* \* \*

In the event of a discrepancy between an administrative procedure and a Board policy, the Board policy will take precedence.

**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.**

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Jefferson City

Date Adopted: 9/10/1990

Last Revised: 1/19/2011

**State Reference**

**Description**

§§ 610.010-.030, RSMo.

State Statute

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Steve;

Thanks for forwarding this on. I don't think the attorneys have seen the order.

Here are my thoughts on your question:

1. Your public comment policy has been "pending" since 2010. There were some suggested changes that you have not adopted as of this email.
2. Keep in mind, you are **not required** to have a comment period at all. There is nothing in the law that says you must do so. Your district has chosen to do so and as such, you may establish reasonable parameters and policies on the speech.
3. Your policy language does not contain any references to stopping a patron who begins identifying a particular student or employee. That being said, it is permissible for you to do so. MSBA always recommends the board refrain from ANY conversation with patrons who are commenting. Let them speak – you may enforce a time limit – thank them for their thoughts, and tell them you will take their comments under advisement. NEVER ask questions, get into a dialogue/argument/discussion about the topic. There are too many opportunities to violate confidentiality as well as violate various laws regarding student and/or employee information.

Thus, you are able to ask the patron to stop the comments and explain the reason – not to stifle the speech or content of the speech, but to protect the privacy and confidentiality of the persons being discussed. And, you are not prohibiting the discussion nor are you refusing to hear the content – you just need to do so in a private manner to protect the interests of the persons involved. These restrictions are permissible. In fact, the SSL allows the board to go into closed session for these specific reasons.

4. The case you reference is prohibiting a board from banning or otherwise "disciplining" patrons from criticizing the board/members "that personal attacks on councilmembers will be ruled out of order..." This would be the case if your board were to prohibit patrons from criticizing the board or board members – or actions of the board, etc. The patrons could even criticize teachers, coaches, administrators, etc. HOWEVER, the board is able to impose some restrictions such as no profanity, no threats, etc. And, the board may stop the patron if they begin to refer to personal information about the teacher, etc.

For example, a patron may comment that the football coach should be removed b/c of the won/loss record. Or, for how he yells at the players, or is profane and doesn't represent the values of the district. All perfectly fine. However, if the

patron begins talking about the coach's recent DUI or alleged affair, etc. that is out of bounds and may be stopped.

I would absolutely prohibit any discussion of specific students at a meeting. Students and their records are protected by federal law and only certain people who have a specific "need to know" are allowed to know about and/or discuss their information.

I realize this is all very fact specific, but your policy is in line with the current law, and your practice of prohibiting open discussion of personal information about students or employees is reasonable and permissible. While the case you cite does seem to prohibit any restrictions on speech, it is specifically related to content that is not otherwise protected.

Hope this helps – let me know if you have any questions!

Scott Summers

Director of School Laws

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Missouri School Boards' Association

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**Policy****Descriptor Code: KA****SCHOOL-COMMUNITY RELATIONS GOALS**

The Board, in an effort to ensure and enhance the possibilities for excellence in the education of our children in a free society, presents and endorses this statement of policy on school and community relations because of its conviction that (a) the public schools belong in every sense to the people who created them by consent, and support them by taxation; (b) the schools are only as strong as the intelligent and informed support of the people of the community, and never any stronger; and (c) the support of the people must be based upon their knowledge of their understanding about, and their participation in the aims and efforts of the public schools.

The Board therefore reaffirms and declares its design and intent

- ▶ To keep the citizens of the district regularly and thoroughly informed through all the channels of communications on all the policies, programs, problems, and planning of the school system, and to carry out this policy through its own efforts and the office of the Superintendent of Schools.
- ▶ To invite the advice and counsel of the people of the school district at all times and especially at all monthly meetings of the Board, except at executive sessions. At each meeting, the Board shall hold an open forum to offer citizens an opportunity to express their views on agenda items.
- ▶ To solicit the sound thinking and studied counsels of the people through advisory committees selected from the community and appointed by this Board to consider those problems which vitally affect the future of our children.

Members of the staff are encouraged to take an active part in the affairs of the Jefferson City School District. The school and community should not be considered separate and apart, but as working as a unified whole in the education process. Through dynamic leadership, many avenues may be opened for building community support.

The superintendent especially is urged to identify himself or herself personally with the many facets of community life, providing opportunities for all citizens -- including nonparents -- to experience relationships with the schools.

The principal as the leader of his or her school is encouraged to be an active and leading member of the school community.

The teacher, or the degree to which the teacher is known and accepted as a citizen of the community, has a direct relationship with the degree of understanding and good will flowing from the community to the schools.

Members of the Board of Education, to be effective, must also be involved in the affairs of the community.

When individual Board members receive requests from news media representatives for information about Board meetings, members shall refer the information-seekers to the Board president, who shall be the spokesperson for the Board, except as he or she specifically delegates this responsibility to others.

\* \* \* \* \*

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Jefferson City

Date Adopted: 9/10/1990

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# D R A F T

## Open Forum Changes:

1. Eliminate requirements regarding who can speak. Currently it is limited to residents; employees; or parents of JCPS.
2. Eliminate requirement that only agenda items can be addressed by commenters.

### Replacement language:

Citizens are encouraged to share their thoughts with the Board of Education and Administration. Citizens are reminded that some matters, such as concerns related to a specific student are not appropriate for public discussion as students' privacy rights are protected by law. Those with specific student and or specific staff member concerns are encouraged to make an appointment through the Board Office if attempts to resolve the issues at the building level have not been successful. If you are here to express such a concern, you may come forward and give your contact information and a member of the Administration will set up an appointment with you.

Those wishing to address a more general education topic are invited to speak. Speakers are requested to identify themselves and their relationship to the district or concern they will address. Comments are limited to three minutes and the Board will take all comments under advisement. At the discretion of the Board the speaker may be asked to clarify remarks although discussion will generally not be conducted with the speaker. Speakers will be cut off if their remarks are deemed to violate student privacy rights or include threats of violence or profanity.

*Open Forum rules may be included on the agenda available to the general public in attendance along with a phone number for members of the public to use in requesting an appointment with Administration or to request time longer than 3 minutes on the agenda.*

7/24/17 /pm

**Policy**  
**PUBLIC PARTICIPATION AT BOARD**  
**MEETINGS**

**Descriptor Code: BDDH-1**

***(Districts Designating a Public Comment Period)***

To provide for full and open communication between the public and the Board of Education, the Board authorizes the following avenues for the exchange of information, ideas and opinions.

**Grievance through Established Policy and Procedure**

Students, employees and any members of the public are encouraged to utilize established policies and procedures for offering suggestions or addressing concerns and complaints prior to bringing the issue before the Board. The Board believes that many issues can be resolved by communication with teachers, administrators and other staff and may refuse to address an issue if the individual presenting it has not first attempted to resolve the matter through established procedures and policies.

**Written Correspondence**

Written correspondence may be directed to the Board, through the superintendent, for consideration at a meeting. Copies of all correspondence directed to the Board will be made available to all Board members. Statements of two pages or less are encouraged.

**Agenda Items**

Any parent/guardian whose child attends the district, any district employee or any member of the public who resides in the district and who wishes to have an item placed on the agenda will present the request in writing to the superintendent or designee. The request must be submitted pursuant to Board policy and received five business days prior to the scheduled meeting. The item will then be considered for placement on the agenda by the superintendent and Board president. The Board reserves the right to impose reasonable restrictions on the number of items to be considered, the number of spokespersons and the speaking time of spokespersons appearing before the Board. The Board encourages all issues be taken through the appropriate grievance procedure or chain of command. The Board reserves the right to waive formalities in emergency situations, within the limitations of the law.

**Public Hearings**

From time to time, the Board will schedule a public hearing to receive input on matters of concern to the community, such as setting the district's tax rate. The public will be provided notice of such hearings as required by law.



## Public Comment

A specifically designated time will be set aside for public comments at regular meetings of the Board of Education. The following rules will be applied to the public comment portion of the meeting:

- ▶ The Board will establish a time limit for the public comment period.
- ▶ No individual will be permitted to speak more than once during this period.
- ▶ The Board will establish a uniform time limit for each speaker.
- ▶ Only items from the posted agenda may be discussed.

\* \* \* \* \*

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Jefferson City

Date Adopted: 9/10/1990  
Last Revised: 1/19/2011

### State Reference

§§ 610.010-.030, RSMo.

### Description

State Statute

### Policy Reference

KC

KK

KL

KLB

### Description

COMMUNITY INVOLVEMENT IN DECISION MAKING

VISITORS TO DISTRICT PROPERTY/EVENTS

PUBLIC CONCERNS AND COMPLAINTS

PUBLIC QUESTIONS, COMMENTS OR

CONCERNS REGARDING DISTRICT INSTRUCTIONAL/MEDIA/LIBRARY MATERIALS

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