

2023-2024 CERTIFICATED PERSONNEL HANDBOOK

ROLLA PUBLIC SCHOOLS

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OUR MISSION STATEMENT

The responsibility of the Rolla School District is to provide, in partnership with the community, the best educational opportunities possible for our students through a commitment to excellence in personnel, facilities, curriculum, and instruction.

The belief of the Rolla #31 School District is that every student should be provided a positive environment and articulated curricular offerings, which promote and foster intellectual, occupational, physical, personal, and social development.

The staff of the Rolla #31 School District is committed to working cooperatively and effectively with the community, in a spirit of mutual respect and understanding, in order to maintain and strengthen the commitment to excellence within the school setting.

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INTRODUCTION

This handbook is a collection of some of the basic policies governing the certificated staff of Rolla Public Schools. A complete volume of these policies is on file in the Superintendent's office and on the District's website, www.rolla31.org.

ARTICLE I: EMPLOYMENT PRACTICES AND PROCEDURES

Section A: BENEFITS

- 1. TAX SHELTERED ANNUITIES.** Recognizing the fact that the Internal Revenue Service has made it possible for employees of public schools and other non-profit organizations to subsidize their retirement program with tax free dollars through the use of a Tax Sheltered Annuity program, and in view of a constant desire of the Rolla Board of Education to make such advantages available to all employees, the Rolla Board of Education authorizes the writing of Tax Sheltered Annuities for the employees of the Rolla Public Schools.

For more information on the 403b plan, investment options and a list of the approved Tax Shelter Annuity providers and agents, visit the "For Staff" tab on our district webpage, www.rolla31.org. Please feel free to contact the payroll department, if you have any questions.

- 2. HEALTH INSURANCE** benefits provided by the Rolla Board of Education will cover all full-time certificated employees under contract. Coverage will begin the first day of employment and continue based on contract renewal. Coverage will end on the last day of the month following the last day worked. This applies to anyone leaving the district for any reason, including retirement. For example, if the last contracted day is May 16th, insurance benefits will end on May 31st.

Each year there is an open enrollment period for coverage October 1st through September 30th of the following year. If you miss this opportunity, you will not be able to enroll or make changes until the following year open enrollment period, unless there is a significant life change that meets the legal definition of "qualifying event." In which case, you have 30 days from the date of the qualifying event to elect changes.

Married or unmarried children will be covered from birth until the end of the month that they turn 26.

The District being self-insured, gives each employee a vested interest in the overall well-being of the insurance plan. The District underwrites the vast majority of the payment of medical bills that employees incur. The District then purchases excess insurance for large individual claims over \$125,000 to protect from large losses. Premiums are paid monthly on each employee to a medical account that pays eligible claims and the fees for our TPA (third party administrator) for processing claims.

Medical insurance is a Board paid benefit for full-time certificated employees. Spouse and dependent coverage is available through payroll deduction.

To ensure in-network coverage for lab services, use Quest Diagnostics.

Employee claims will generate an EOB (explanation of benefits) from our third party administrator. Please visit the district website at www.rolla31.org for contact information.

The District retains the services of a local agent to provide services to employees on health insurance claims and benefits. Our current agent is Ms. Tonya Greven of BPJ Insurance. If employees have questions that they would like to direct to Tonya, she can be reached at 573-364-8888 (office) or tgreven@bpj.com.

3. **CLAIMS PROCEDURE.** Claims should be filed by your physician’s office or the hospital where you receive treatment. If needed, medical claim forms can be obtained online. For questions regarding medical claims, please contact the Member Services number on the back of your insurance card and/or utilize the contact information found in Appendix A.

The insurance company must be notified prior to any hospital admission. Please have admitting physician or member call the customer service line for preauthorization. Emergency admissions must be certified on the next business day. Failure to obtain re-admission/admission certification may result in a reduction of benefits.

4. **COBRA INSURANCE COVERAGE.** The right to COBRA continuation coverage was created and is governed by federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA is available if the employee’s health coverage under the plan would otherwise terminate due to employment separation or other qualifying events. Please refer to the “General Notice of COBRA Continuation Coverage Rights”, provided through your payroll department.
5. **RETIREE INSURANCE COVERAGE.** Retirees have one (1) year from the date they are last employed by the District to elect retiree health insurance coverage. Conversion to retiree status should be done in a timely manner to avoid any lapse in health insurance coverage. Retirees may elect to remain on District medical, dental, vision and life insurance by paying the premium.
6. **LIFE INSURANCE.** All active full-time employees under the age of 65 are covered by a life insurance policy in the amount of \$50,000. There is also \$50,000 coverage for accidental death, dismemberment and loss of sight. This coverage is provided by the District at no cost to the employee.

NOTE: This benefit will reduce at age 65 and each 5 years after until the age of 80. Please see below:

Age 65 – Original benefit reduced to 65%
Age 70 – Original benefit reduced to 40%
Age 75 – Original benefit reduced to 25%
Age 80+ – Original benefit reduced to 15%

7. **OPTIONAL INSURANCES:**

- **LIFE.** Employees can purchase additional, voluntary life insurance through a payroll deduction. The coverage will remain in effect for one (1) year. Employees can purchase or drop coverage during open enrollment period only.
- **DENTAL.** Employees can purchase voluntary dental insurance through a payroll deduction. These premiums are run through Section 125 plan and will remain in effect for one (1) year. Employees can purchase or drop coverage only during open enrollment period.
- **VISION.** Employees can purchase voluntary vision insurance through a payroll deduction. These premiums are run through Section 125 plan and will remain in effect for one (1) year. Employees can purchase or drop coverage only during open enrollment period.

8. **AMERICAN FIDELITY ASSURANCE COMPANY.** Summary Plan Description (SPD), plan information and product brochures available online at <http://www.afadvantage.com/>:

- **IRS SECTION 125, CAFETERIA PLAN.** Employees can participate in an IRS Section 125 Cafeteria Plan that reduces tax liability. The plan has been found to be beneficial to nearly all employees by saving many tax dollars. Yearly meetings will be held at the first of the school year to explain the plan and answer individual questions. Eligibility begins the month on October 1. Each eligible employee is sent an enrollment form. It must be signed and checked as to the status of enrollment and returned to the Business Office as proof that all eligible employees were provided an opportunity to participate in the Plan.

DEFINITION: A cafeteria plan is a legally written document that is filed with the federal government for the sole purpose to save employee tax dollars. The term “Cafeteria Plan” is derived from having multiple benefit options from which the employee can choose in order to build an individual benefit program. Since there are many types and components to cafeteria plans, the District has selected the three most commonly used plan types:

- Premium Conversion Plan (Health, Dental and Vision Insurance Premiums)
- Medical Reimbursement Plan (Out-of-pocket expenses)
- Dependent Care Assistance Plan (child care expenses)

We cannot stress enough how beneficial the Plan can be to the employee. The simple act of signing “yes” will unconditionally save you money if you qualify. Following are more detailed explanations of the three plan types. You may enroll in all or just one of the types.

PREMIUM CONVERSION PLAN: This is better known as “in-house dependent health, dental and vision insurance premiums that reduce your income reported to the IRS” resulting in tax savings. You must be enrolled in our family health insurance program in order to utilize this portion of the Plan. There is nothing to file or claim once enrolled. Likewise, no additional monies are reimbursed to you. Instead, when your dependent insurance premiums are deducted from your gross pay; they are also reducing the wages reported on your W2 while lowering your taxes.

FLEXIBLE SPENDING MEDICAL REIMBURSEMENT ACCOUNT: In order to participate in this portion of the plan, you have to anticipate out-of-pocket medical expenses for the coming plan year. These are expenses that insurance will not cover. Insurance deductibles, co-pays, dental, glasses, orthodontics, medical mileage are but a few of these health related expenses that may not be or partially covered by group insurance. See the appendix for a more detailed list of allowable expenses. Once you have “estimated” what your out-of-pocket expenses may be for the next Plan year, a monthly or pay period figure is computed and deducted from your pay. Enrollment includes a medical flexible spending debit card. Use this debit card in lieu of cash, check or credit card when paying for your qualifying medical expense, so you do not need to wait for reimbursement. Save your receipts and submit them online with your claim form as soon as possible.

Each month your income is reduced resulting in lower taxes. By utilizing planning, elective surgeries, orthodontics and other more costly services can be scheduled and included in your projected expenses. This practice has resulted in substantial tax savings for others in the past. If you choose to use the Section 125 Plan for medical expenses you cannot claim them on your Federal or State Income Tax Return.

The maximum over-estimated flexible spending medical reimbursement account contribution amount that can be carried over to the next year is \$500.

DEPENDENT CARE REIMBURSEMENT ACCOUNT: The principle is the same as above but is for childcare only. You cannot claim childcare on your tax return if you participate in this portion of the plan. The advantage of participating is immediate reimbursement rather than through the 1040 tax return.

The District partners with American Fidelity Assurance Company to offer additional supplementary insurance plans. Each eligible employee will meet with an American Fidelity representative during open enrollment in September.

9. **RETIREMENT CONTRIBUTIONS** are withheld from your salary while you are working in covered employment. Those contributions, currently 14.5% of salary and medical insurance benefit, are matched by the District and remitted monthly to the retirement system. All extra duty pay earned while in employment of Rolla School District is subject to retirement. Your contributions, while being tax deferred, are credited to your individual account, and can be withdrawn (at a 10% penalty and applicable state and federal taxes) only if you cease covered employment. You cannot borrow against your account funds, nor can they be garnished, attached, assigned or subjected to any other claim. The retirement law allows a certified employee of a school district the option to obtain service credit while on unpaid leave under the district's sick leave policy or under Workers' Compensation. To acquire the credit, the employee must remit through the district during the leave, the contributions which would have been withheld from salary had the employee been on active status. The District is required by law to match the employee contributions and send them to the retirement office as a part of the regular monthly remittance.

Certified teachers working in a non-teaching covered position will pay into Social Security and 9.67% into retirement.

10. **RETIREMENT BENEFICIARY DESIGNATION.** Your beneficiary listing should be reviewed each time there is a change in your life, change of address, marriage, birth, adoption, separation, divorce, non-dependency of children, death of a beneficiary, etc. If a change is needed, visit www.psrp-peers.org or contact the system directly at 800-392-6848 for assistance.

11. **RETIREMENT.** An employee is vested in the retirement system after five years of service. Disability retirement or service retirement information may be obtained by contacting:

Public School Retirement System of Missouri
P O Box 268
Jefferson City, MO 65102

Questions can be referred to 1-800-392-6848.

12. **UNEMPLOYMENT COMPENSATION INSURANCE.** All eligible school employees will be covered by unemployment compensation insurance and subject to the provisions thereof. Based on an analysis of

district data, the Board will annually determine if the District shall pay on the basis of reimbursement or purchase unemployment compensation insurance.

13. WORKERS COMPENSATION. All school employees will be covered by Workers' Compensation Insurance and are eligible for compensation for an injury incurred in the performance of their job. Any accident resulting in injury, no matter how minor, must be reported immediately to the supervisor who in turn will notify the appropriate administrative office. The supervisor or school nurse will fill out a Report of Injury form by asking the injured person for details of the accident. The injured employee will then be given a blue sheet to take to Mercy Clinic Convenient Care (formerly Mercy After Hours) or Rolla Family Clinic on South Bishop Avenue. **DO NOT GO TO YOUR PERSONAL PHYSICIAN FOR A WORK RELATED INJURY UNLESS YOU ARE WILLING TO PAY ALL FEES.**

14. **LIABILITY INSURANCE** will be provided for all staff members.

15. **SCHOOL ACTIVITIES PASSES.** All District employees and one guest will be admitted free of charge to all home activity events. This includes home athletic events (excluding district or tournament games) and school productions.

Section B: PAYROLL

1. **PAYROLL** for certified staff members is the 25th of each month. If that date falls on a holiday or weekend, payroll will be distributed on the bank business day prior to the 25th. Payroll changes must be made before the 15th of the month to be reflected that month.
2. **DEDUCTIONS.** Salary deductions are allowed only upon approval by the Superintendent and are subject to the following requirements:
 - Organizations, companies, or individuals desiring the institution of a salary deduction plan must submit a desired plan to the Superintendent for advance approval.
 - Deductions are to be withheld in equal installments.
 - The payroll department of the Business Office shall be given 30 days' notice of the initial beginning or termination of a salary deduction by an individual.
 - All salary deductions other than those regulated by the federal or state government will be deducted only upon written approval of the employee.

The Board of Education authorizes, within the above regulations, salary deduction plans for the District's approved health insurance plan, *MSTA/RTCA dues and approved tax sheltered annuities.

**MSTA dues = 4 payments / RCTA dues = 1 payment*

3. **DIRECT DEPOSIT.** The District pays all employees by electronic direct deposit.

Section C: LEAVE

1. **PAID TIME OFF (PTO).** All personnel accrues PTO as per policy GCBDA. Each professional staff member shall acquire one (1) day of PTO leave each fiscal year in accordance to days contracted, as follows:

175–202 days contracted – 10 days per year
203–224 days contracted – 11 days per year
225–244 days contracted – 12 days per year
245+ days contracted – 13 days per year

All personnel accrues PTO as per policy GCBDA. An indefinite number of days may be accumulated. All PTO leave must be exhausted before an employee can go on unpaid leave. If employee is out three (3) or more days, the District may require a doctor's note or "Physician's Certification of Medical Necessity for Extended Absence" form to be completed by employee's physician. The physician should supply the employee with a "Return to Duty Certification" when the employee is able to return to full duty. Absences will be charged to PTO.

Any staff member who resigns with ten (10) or more consecutive years of service in the employ of the Rolla School District shall be paid \$30 per day for each day of accumulated PTO.

**Note: These days are granted at the beginning of the fiscal year, but must be "earned". In the case of a resignation prior to completion of a full fiscal year, leave will be negatively prorated based on actual months worked and wages may be adjusted negatively, accordingly.*

2. **MEDICAL LEAVE (FMLA).** The District recognizes that a leave of absence from active employment might be necessary for family or medical reasons. The Family and Medical Leave Act of 1993 (FLMA) entitles eligible employees to take up to twelve (12) work weeks of leave for family and medical reasons. See policy GCBDA in the Rolla School District Board Regulations and Policy Manual.

In the event of a scheduled absence/procedure, the employee is responsible for informing his/her supervisor and the payroll department as soon as possible, as an FMLA Determination must be made prior to absence/procedure. Should the absence/procedure be an emergency, please contact your supervisor and the payroll department as soon as possible.

3. **PROFESSIONAL LEAVE.** Teachers may be granted professional leave upon the approval of the superintendent. Professional leave must be arranged well in advance and is not considered personal leave.
4. **EDUCATIONAL LEAVE.** The staff member shall have educational leave as approved by the superintendent without a deduction of pay or loss of PTO. Educational leave will be allowed for worthwhile educational experiences or for trips involving school business.
5. **JURY DUTY.** Staff members who miss school to serve as jurors will not have their salary deducted for time missed; however, the staff member will give to the District the pay received for jury duty service. This payment to the District would not include mileage reimbursement.

6. **MILITARY LEAVE.** The Board shall grant military leave as required by law.
7. **BEREAVEMENT LEAVE** may be used for death in the **immediate family**. The staff member may use two (2) fiscal calendar days per year for bereavement leave for a death in the immediate family without a deduction from PTO or salary. Any days missed in excess of two (2) will be deducted from PTO. Bereavement Leave is not cumulative.

*The Board defines **immediate family** as the employee's spouse; the following relatives of the employee or the employee's spouse: parents, children, children's spouses, grandparents, grandchildren, siblings and any other family member residing with the employee.*

8. **VICTIMS ECONOMIC SAFETY & SECURITY ACT (VESSA) LEAVE.** Employees may take unpaid leave in accordance with law for absences related to domestic or sexual violence where an employee, an employee's family member or a person residing in the employee's household has been the victim of domestic or sexual violence. Leave may be taken intermittently or on a reduced work schedule. Two (2) work weeks of unpaid leave will be available in a 12-month period, except that employees of districts with fewer than 50 employees but at least 20 employees, will be limited to one (1) workweek of unpaid leave. Employees may use accumulated paid leave or compensatory time concurrently with unpaid VESSA leave. VESSA leave does not create a right for employees to take unpaid leave that exceeds the amount of unpaid leave time under FMLA. Employees are required to give 48 hours' notice of the need for leave unless such notice is not practicable. The district may require certification of the need for leave, which may include documentation from an entity aiding the victim, a police or court record, or other corroborating evidence. Information provided by the employee in conjunction with the use of this leave will be confidential in accordance with law.

Section D: OTHER

1. **STAFF CONFLICT OF INTEREST.** Employees of the Board will not engage in, or have direct financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as members of the Rolla Public Schools staff by adhering to Board Policy GBCA.
2. **BACKGROUND CHECKS.** Per Department of Elementary and Secondary Education (DESE) mandatory requirements, every newly hired person in a Missouri public school having contact with children must undergo a criminal background checks prior to employment and before having contact with students. The background checks include submitting fingerprints to the Missouri State Highway Patrol (MSHP) and the Federal Bureau of Investigation (FBI), as well as completing the Family Care Safety Registry (FCSR) with the Missouri Division of Health and Senior Services. The fees for the background checks are to be paid by the applicant/employee. The District currently participates in the Missouri State Highway Patrol (MSHP) Rap Back Program, which provides notifications to employers of violations of state law, which may affect continued employment.
3. **PERSONAL PROPERTY INSURANCE COVERAGE.** If you choose to bring personal items to school and feel that they need to be insured, please do so through your home owners or renters insurance policy. The school District's insurance does not provide coverage for personal items.
4. **EXPENSE REIMBURSEMENT** will be granted for professional travel, which is approved in advance by the administrator who supervises the staff member requesting the reimbursement. Travel must be beneficial

to the Rolla School District to be approved. In all cases of professional travel, personnel will be expected to be as economical as is practical.

Original itemized receipts must accompany the reimbursement form. **The form must include where the person traveled, the date and the purpose of the travel.** The form must indicate what budget code is being utilized and have appropriate administrative approval. The district does not currently reimburse for meals.

5. **SALES TAX** is not reimbursed. Please use the schools tax ID number for all purchases including lodging.
6. **TIMELY REPORTING OF EXPENDITURES.** Reimbursement requests should be submitted within 30 days of purchase or completion of travel.

ARTICLE II: DISTRICT REGULATIONS

The Rolla Public School's Board of Education policies are developed and maintained through assistance from the Missouri School Board's Association. For your reference and convenience, all District policies, regulations, and procedures can be found on the District's website at www.rolla31.org.

As an employee of the District, it is your responsibility to review, become familiar with, and adhere to all District policies. As part of the annual mandatory requirements (see Section B below), your electronic receipt of this handbook is included as part of these requirements. By acknowledging receipt of this handbook online (or in some instances by signature), you agree to all procedures, policies and regulations in place.

Section A: POLICIES

1. **DRUG-FREE WORKPLACE.** Staff members are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the District's intent and obligation to provide a drug-free work environment.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on District premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

The District recognizes drug dependency as an illness and a major health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use our health insurance plan, as appropriate. Conscientious efforts to seek such help will not jeopardize any employee's job, and will not be noted in any personnel record.

Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off District premises while conducting District business. A report of conviction must be made within five (5) days after the conviction. This requirement is mandated by the Drug-Free Workplace Act of 1988.

DRUG-FREE WORKPLACE (GBEBA CRITICAL):

Student and employee safety is of paramount concern to the Board of Education. In recognition of the threat to safety posed by employee use or possession of drugs or alcohol, the Board of Education commits itself to a continuing good-faith effort to maintain a drug-free workplace. The Board of Education shall not tolerate the manufacture, use, possession, sale, distribution or being under the influence of controlled substances, alcoholic beverages or unauthorized prescription medications by district employees on any district property; on any district-approved vehicle used to transport students to and from school or district activities; off district property at any district-sponsored or district-approved activity, event or function, such as a field trip or athletic event, where students are under the supervision of the school district; or during any period of time such employee is supervising students on behalf of the school district or is otherwise engaged in school district business.

When it is evident that an employee has consumed alcoholic beverages or controlled substances off school property before or during a district activity, the staff member will not be allowed on school property or to participate in the activity and will be subject to the same disciplinary measures as for possession or consumption on district property.

Staff members will be tested for alcohol and controlled substances if the district has reasonable suspicion that the staff member has violated this policy. In addition, staff members who operate district transportation must submit to alcohol and drug testing as otherwise required by law. All testing will be conducted in accordance with Board policy, administrative procedures and law.

Any employee who violates this policy will be subject to disciplinary action, which may include satisfactory participation in rehabilitation programs, suspension, termination and referral for prosecution. Employees needing help in dealing with substance abuse problems are encouraged to use our health insurance plan, as appropriate. Conscientious efforts to seek such help will not jeopardize any employee's job, and will not be noted in any personnel record, except where the employee has committed violations of this policy within the scope of employment as otherwise described herein.

Each employee of this school district is hereby notified that, as a condition of employment, the employee must abide by the terms of this policy and notify the superintendent or designee of any criminal drug statute conviction for a violation occurring in or on the premises of this school district, or while engaged in regular employment. Such notification must be made by the employee to the superintendent or designee in writing no later than five (5) calendar days after conviction. The superintendent or designee will provide notice in writing of such violation to the United States Department of Education or other appropriate federal agency within ten (10) calendar days after the superintendent or designee receives such notification if the district receives any federal grants directly from such agency, as opposed to federal grants received through the Department of Elementary and Secondary Education (DESE).

The district will take appropriate disciplinary action within 30 days.

The district will institute a drug-free awareness program to inform employees of the dangerous and harmful nature of drug and alcohol abuse in the workplace, of this policy of maintaining a drug-free workplace, of available counseling and rehabilitation, and of the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

The Board of Education recognizes that employees who have a drug abuse problem should be encouraged to seek professional assistance. Although the district will not assume financial responsibility, treatment facilities or agencies in the community may be recommended to an employee requesting assistance.

Upon the request of DESE or an agency of the United States, the district shall certify that it has adopted and implemented the drug prevention program described in this policy. The district shall conduct a biennial review of this policy to determine its effectiveness, implement necessary changes and ensure that the disciplinary sanctions are consistently enforced.

This policy shall be communicated in writing to all present and future employees. Compliance with this policy is mandatory.

Adopted: 06/18/1998; Revised: 05/25/2006

2. **DISCRIMINATION, HARASSMENT AND RETALIATION.** The School District is committed to providing an environment free from intimidating, hostile or offensive behavior; unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication constituting sexual harassment. Each employee will annually complete a Sexual Harassment Program. Sexual harassment by an employee, student or other person in the district against any person is prohibited.

Allegation of sexual harassment shall be investigated and, if substantiated, corrective or disciplinary action taken, up to and including suspension and/or expulsion of the student or suspension and/or termination of the employee.

PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION (AC):

General Rule

The Rolla Public Schools 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 Rolla Public Schools 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 and law.*

As used in this policy, "discrimination, harassment or retaliation" has the same meaning as "illegal discrimination, harassment or retaliation" and is limited to acts prohibited by law. 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.

Sexual Harassment Reporting and District Response

Sexual harassment is prohibited under this policy and policy ACA, but policy ACA applies only to a narrower category of sexual harassment under Title IX, as defined in the federal regulations. All sexual harassment reports must be made to the Title IX coordinator identified in policy ACA and evaluated for policy ACA applicability. If a sexual harassment report is made to any other district employee, the report must be

promptly referred to the Title IX coordinator for intake. Incidents of alleged sexual harassment that are not investigated under policy ACA may be referred for processing under this policy.

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. The district encourages students, employees and the public to report such behavior so that it can be promptly addressed, but the grievance process in this policy is reserved for allegations of illegal discrimination, harassment and retaliation.

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. Such interim measures may include, but are not limited to, altering a class seating arrangement, providing additional supervision or suspending an employee pending an investigation. The district will also 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 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 district property or otherwise restricted while

on 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 CD.

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 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 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. "Sexual Harassment under Title IX" is a subset of this definition, and the district's response to qualifying allegations is set forth in policy ACA.

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.*
- 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:

*Assistant Superintendent of Human Resources and Support Services
Rolla Public Schools
500A Forum Drive
Rolla, MO 65401
Phone: 573-458-0100 / Fax: 573-458-0105
mfulton@rolla31.org*

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 of Schools
Rolla Public Schools
500A Forum Drive
Rolla, MO 65401
Phone: 573-458-0100 / Fax: 573-458-0105
kdare@rolla31.org*

For matters within the scope of this policy, 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 Rolla Public Schools except as provided in policy ACA.*
- 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. *Forward reports of sexual harassment and otherwise assist in Title IX compliance as directed in policy ACA.*
5. *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.*
6. *Review all evidence brought in disciplinary matters to determine whether additional remedies are appropriate, and recommend which interim measures should be implemented.*
7. *Determine whether district employees with knowledge of discrimination, harassment or retaliation failed to carry out their reporting duties and recommend disciplinary action, if necessary.*
8. *Communicate regularly with the district's law enforcement unit or other law enforcement point of contact for the district to determine whether any reported crimes constitute potential discrimination, harassment or retaliation.*
9. *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.*
10. *Seek legal advice when necessary to enforce this policy.*
11. *Report to the superintendent and the board aggregate information regarding the number and frequency of grievances and compliance with this policy.*
12. *Make recommendations regarding changing this policy or the implementation of this policy.*
13. *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.*
14. *Periodically review student discipline records to determine whether disciplinary consequences are applied uniformly.*
15. *Perform other duties as assigned by the superintendent.*

Public Notice

The superintendent or designee will continuously 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 newly hired employees. District bulletins, catalogs, application forms, recruitment material and the district's website will include a statement that the Rolla Public Schools 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.

Reports Involving Sexual Harassment

In cases involving sexual harassment, all persons must report incidents directly to the Title IX coordinator for evaluation under policy ACA. All district employees will instruct all persons seeking to make a report or complaint to communicate directly with the Title IX coordinator. Even if the suspected victim of discrimination, harassment or retaliation does not report on their own behalf, district employees are required

to report to the Title IX coordinator any observations, rumors or other information about actions prohibited by this policy and policy ACA.

All Other Reports

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 file a grievance to communicate directly with the compliance officer. Even if the suspected victim of discrimination, harassment or retaliation does not file a grievance, district employees are required to report to the compliance officer any observations, rumors or other information about actions prohibited by this policy. 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 act upon finding a violation of law, district policy or district expectations.

Even if a grievance under this policy 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. In general, administrators can immediately discipline a student for prohibited behavior in accordance with the district's discipline policy. However, if sexual harassment is observed or alleged, the administrator must consult the Title IX coordinator to determine policy ACA's applicability to the reported facts or allegations prior to imposing discipline. Administrators will report all incidents as directed in the "Reporting" section of this policy and will direct the parent/guardian and student to the compliance officer for further assistance. In cases not being handled under policy ACA, the compliance officer may determine that the incident has been appropriately addressed or recommend additional action.

Investigation

The district will use the investigation process outlined in this section for any grievance filed under this policy (AC).

The district will immediately investigate all grievances submitted under this policy. 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 and/or serve in other roles and capacities under the procedures for grievance processing.

The district does not assume responsibility or liability for actions that are unrelated to the district's programs or activities. However, the district may investigate any behavior that occurs on or off district property to the extent that such an investigation is necessary for the district to meet its legal obligations to address discrimination, harassment and retaliation that negatively impact the education or work environment. The district will address such behavior only to the extent that the district has the legal authority to do so.

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 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 effective corrective action in accordance with law.

Collaboration with Outside Enforcement Agencies

In the event an outside enforcement agency is investigating the same allegation of discrimination, harassment or retaliation or a similar allegation, the district will make a preliminary inquiry, then follow the outside enforcement agency's investigation and response procedures instead of the formal district grievance process. During the inquiry, if the district determines that a reasonable basis for concluding this policy was violated exists, it will enforce appropriate interim measures while ensuring due process to the alleged perpetrator when required. When requested by law enforcement, the district may reasonably delay its own investigation to permit law enforcement to conduct the criminal investigation process.

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 filed under this policy 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 only as allowed by law and in accordance with board policy.*
- 6. Upon receiving 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 conduct the Level I investigation or assign an administrator or other qualified individual to conduct the investigation. If the compliance officer determines that the grievance allegations involve sexual harassment under policy ACA, the report will be routed accordingly.*

An investigation will commence no later than five working days after the compliance officer receives the grievance. The investigator 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 investigator will evaluate all relevant information and documentation relating to the grievance.

Within 30 working days of receiving the grievance, the investigator will complete a written report that summarizes the investigation and makes determinations as to the facts and whether the facts constitute a violation of this policy based on the appropriate legal standards. If someone other than the compliance officer conducted the investigation, the compliance officer will receive the report and either adopt the report as submitted or modify and complete the report upon further investigation and/or review of applicable policy and law. 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. 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 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 other persons the board deems necessary. 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 interim or 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 reports to the district's compliance officer or acting compliance officer (or Title IX coordinator for sexual harassment, per policy ACA) and will provide current contact 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 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.

Date Adopted: 6/18/1998; Last Revised: 9/16/2021; Last Reviewed: 9/16/2021

- 3. TOBACCO-FREE DISTRICT.** *Employees must, as a condition of employment, abide by the terms of the following policy.*

USE OF TOBACCO PRODUCTS AND IMITATION TOBACCO PRODUCTS (AH):

To promote the health and safety of all students and staff, set a good example for students and promote the cleanliness of district property, the district prohibits all employees, students and visitors from using, possessing, smoking, vaping, consuming, displaying, promoting or selling any tobacco products, imitation tobacco products, vaping products or tobacco-related devices in all district facilities, on district transportation, on all district grounds at all times and at any district-sponsored event or activity while off campus. This prohibition extends to all facilities the district owns, contracts for or leases to provide educational services, routine healthcare, daycare or early childhood development services to children, as well as facilities in which services are not provided to children.

Definitions

Imitation Tobacco Product – Any edible or nonedible nontobacco product designed to resemble a tobacco product intended to be used by children as a toy. Imitation tobacco products include, but are not limited to,

chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similarly to snuff, and shredded beef jerky in containers resembling snuff tins.

Smoking/Vaping – Inhaling, exhaling, burning or carrying any lit or heated cigar, cigarette, pipe or any other lighted or heated product that contains, is made of, or is derived from a natural or synthetic form of nicotine, tobacco or other plants and that is intended for inhalation. Smoking/Vaping also includes carrying or using an activated electronic smoking device.

Tobacco Product – 1) Any product, whether synthetic or natural, that contains, is made of, or is derived from tobacco or nicotine that is intended for human consumption by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing or ingesting by any other means. 2) Any component, part or accessory of a tobacco product including, but not limited to, cigarettes; electronic smoking devices; cigars; little cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; Cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps; clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco.

Tobacco-Related Devices – Ash trays, rolling papers, wraps or pipes for smoking and any components, parts or accessories of electronic smoking devices.

Vapor Product – Any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit or electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic pipe or similar product or device. Vapor product does not include any alternative nicotine product.

Smoking Cessation Products

This policy does not prohibit adults from possessing and using products approved by the U.S. Food and Drug Administration for smoking cessation. Students may possess and use those products as allowed under policy JHCD.

Signage

Appropriate signage reflecting the content of this policy will be posted throughout the district at building entrances and other highly visible locations in all school buildings, indoor and outdoor athletic facilities and district-owned transportation.

Consequences

Students and employees who violate this policy will be disciplined in accordance with applicable board policies and may be offered referrals to smoking cessation programs. Employees may be disciplined or terminated for repeated violations. Visitors may be excluded from district property.

Date Adopted: 6/18/1998; Last Revised: 9/16/2021; Last Reviewed: 9/16/2021

Section B: VECTOR SAFESCHOOLS MANDATORY TRAINING

As a District, it is crucial that we ensure that all staff members are informed and educated in all aspects of student/staff behavior and workplace basics. Instructions for completing the mandatory online staff requirements are posted and linked on the District's website under "Staff Training".

All returning staff will be required to complete this training at the beginning of each school year while on the job. Time will be allotted at the beginning of each school year for this to take place. There will be no reimbursements for completion of requirements from home.

All new staff must complete the following requirements within 30 days of date of hire. However, it is our goal to work with all new hires throughout the year to promptly complete this training upon the first day of employment as part of their orientation.

Please contact Linda at ext. 11104, should you have any questions.