



THE  
**BiOME**  
STEAM SCHOOL

# POLICY SERIES

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# SECTION 1 BOARD GOVERNANCE

## **1000 CONFLICT OF INTEREST MODEL POLICY [REQUIRED]**

The Board of The Biome School adopts the following policy, effective on the date of adoption by the Board.

### **Article I Purpose**

The purpose of the conflict-of-interest policy is to protect this tax-exempt organization's (Organization) interest when it is contemplating entering a transaction or arrangement that might benefit the private interest of an officer or director of the Organization or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations. As a charter school, certain special state conflicts of interest policies apply as discussed herein.

### **Article II Definitions**

#### 1. Interested Person

Any director, principal officer, member of a committee with governing board delegated powers, or Key Personnel who has a direct or indirect financial interest, as defined below, is an interested person. "Key Personnel" is defined as an employee of the Organization who meets the three following tests: (a) \$150,000 Test: receives reportable compensation from the Organization and all related organizations in excess of \$150,000 for the year; (b) Responsibility Test: the employee: (i) has responsibility, powers, or influence over the Organization as a whole that is similar to those of officers, directors, or trustees; or (ii) manages a discrete segment or activity of the Organization that represents 10% or more of the activities, assets, income, or expenses of the Organization, as compared to the Organization as a whole; or (iii) has or shares authority to control or determine 10% or more of the Organization's capital expenditures, operating budget, or compensation for employees; and (c) Top 20 Test: is one of the 20 employees (that satisfy the \$150,000 Test and Responsibility Test) with the highest reportable compensation from the Organization and related organizations for the year.

#### 2. Financial Interest

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

3. An ownership or investment interest in any entity with which the Organization has a transaction or arrangement,
4. A compensation arrangement with the Organization or with any entity or individual with which the Organization has a transaction or arrangement, or
5. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Organization is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

### **Article III Procedures**

#### 6. Duty to Disclose

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of

committees with governing board delegated powers considering the proposed transaction or arrangement.

#### 7. Determining Whether a Conflict of Interest Exists

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, s/he shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists. Under Missouri law, the following are conflicts of interest. The Board has no discretion on whether these items present a conflict of interest. No person shall be appointed to the board unless they meet the following requirements. Any board member who is in violation of any of these requirements is ineligible to serve and shall immediately forfeit their office:

8. No member of the Board shall hold any other office or employment from the board while serving as a member of the board.
9. No member of the board shall have any substantial interest (see §105.450 RSMo) in any entity employed by or contracting with the board.
10. No member of the board shall be an employee of a company that provides substantial services to the charter school.

#### 11. Procedures for Addressing the Conflict of Interest

12. An interested person may make a presentation at the governing board or committee meeting, but after the presentation, s/he shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
13. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
14. After exercising due diligence, the governing board or committee shall determine whether the Organization can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
15. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Organization's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into the transaction or arrangement.
16. Violations of the Conflicts of Interest Policy
17. If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
18. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

### **Article IV Records of Proceedings**

The minutes of the governing board and all committees with board delegated powers shall contain:

- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the

financial interest, any action taken to determine whether a conflict of interest was present, and the governing boards or committee's decision as to whether a conflict of interest in fact existed.

- b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

### **Article V Compensation**

19. A voting member of the governing board who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.
20. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.
21. No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

### **Article VI Annual Statements**

Each director, principal officer, and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:

Has received a copy of the conflicts of interest policy,

1. Has read and understands the policy,
2. Has agreed to comply with the policy, and
3. Understands the Organization is charitable and in order to maintain its federal tax exemption, it must engage primarily in activities which accomplish one or more of its tax- exempt purposes.

### **Article VII Periodic Reviews**

To ensure the Organization operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

1. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining,
2. Whether partnerships, joint ventures, and arrangements with management organizations conform to the Organization's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

### **Article VIII**

1. Use of Outside Experts

When conducting the periodic reviews as provided for in Article VII, the Organization may, but need not, use

outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.



## **1001 SUNSHINE LAW MODEL POLICY [REQUIRED]**

The Board of The Biome School adopts the following policy, effective on the date of adoption by the Board.

### **Section 1. Custody of Records**

**Section 1.1.** All official records of the Governing Board shall be kept and safeguarded by the President and CEO who shall also be responsible for the safekeeping of all official papers, including titles, contracts, obligations, and other documents which belong to the Board or pertain to its business.

### **Section 2. Inspection of Records**

**Section 2.1.** Governing Board records such as official minutes of open meetings of the Board, written policies, and financial records shall be open for the inspection of any member of the community desiring to examine them during school hours.

**Section 2.2.** Records pertaining to individual students or staff members, or any other confidential records shall not be released for inspection by the public or any unauthorized persons, either by the [custodian of records or President and CEO] or other persons responsible for the custody of confidential files.

**Section 2.3.** The Board hereby closes all meetings, records, and votes to the extent authorized by law.

**Section 2.4.** Requests to inspect records shall be directed in writing to the custodian of records.

### **Section 3. Records Retention**

**Section 3.1.** The Governing Board shall follow the school's records retention schedule, which is compliant with state records retention mandates.

# SECTION 2 BOARD FINANCE

## **2000 ANNUAL OPERATING BUDGET MODEL POLICY [REQUIRED]**

The Board of The Biome School adopts the following policy which shall be effective on the date the policy is adopted by the Board.

### **Section 1. Budget Process**

**Section 1.1.** The President and CEO will ensure The Biome School follows a budgeting process consistent with the requirements of federal and Missouri statutes, Missouri Department of Elementary and Secondary Education Rules and Regulations, and any other applicable laws or rules.

**Section 1.2.** The Board of Directors designates the President and CEO as the budget officer. Each year the President and CEO is required to submit to the Board for consideration a detailed annual budget showing estimates of income and expenditures for the ensuing fiscal year.

**Section 1.3.** Each year before the annual operating budget is drafted the President and CEO shall ensure a needs assessment of The Biome School is drafted and finalized by a budget committee consisting of the Principal, CFO and other individuals as designated by the Board. The needs assessment shall inform the drafting of the annual budget.

**Section 1.4.** The Board may revise the proposed budget prior to adoption. The Board shall formally adopt the budget in an open meeting held in accordance with the Board's bylaws by June 30, pursuant to all applicable laws and regulations and before the expenditure of any funds. The approved estimated expenditures for each fund shall not exceed the estimated revenues to be received plus the unencumbered beginning cash balance for the fund or less any deficit estimated for the fund for the beginning of the fiscal year.

**Section 1.5.** The Secretary of the Board will record the adoption of the budget and any amendments in the Board meeting minutes in which the adoption occurs.

**Section 1.6.** After the beginning of the fiscal year, the President and CEO shall review with the Board the adopted budget in relationship to the beginning cash balances for each fund. The Board may revise the budget as necessary throughout the year.

### **Section 2. Fiscal Compliance**

The President and CEO shall ensure The Biome School complies with all state and federal laws and rules concerning the budget and related processes of the school.

## **2001 BANK PROCEDURES MODEL POLICY [REQUIRED]**

The Board of The Biome School adopts the following policy which shall be effective on the date the policy is adopted by the Board.

### **Section 1. Bank Accounts**

**Section 1.1.** The President and CEO of The Biome School has the authority to open a business checking account and a business operating account or savings account on behalf of The Biome School to be used to hold the school's assets.

**Section 1.2.** The President and CEO has the authority to enter into an agreement with a bank or other Federally insured financial institution once the Board has adopted a formal resolution at a board meeting held in accordance with its bylaws designating the bank for the school to use for its financial transactions. Once the resolution has been adopted, the President and CEO has the authority to enter into an agreement with the selected financial institution. This agreement should be signed by President and CEO and Board Treasurer.

### **Section 2. Checks**

**Section 2.1.** Any authorized check drafted on the school's designated bank account over \$15,000 shall require two signers from the Board. The following officers are authorized to sign checks from the bank account on behalf of the school: Board Chair and Treasurer

Each check must be completed in its entirety before it is signed by either party.

**Section 2.2.** Checks Received. Checks received shall be endorsed "for deposit only" and deposits should be made daily by someone other than the person who prepared the deposit.

**Section 2.3.** Check Requests. Services or products rendered, reimbursement requests with original receipts, or mileage reimbursements may receive payment with a check. A check request form must be completed by the requestor and approved with a signature by the President and CEO. The check request form shall contain the name of the payee, the date the check is requested to be written, the amount of the check, a brief description for the issuance of the check, and the funding source that will be drawn from. The check request shall then be submitted to the CFO for processing. All check request forms shall be maintained by the CFO.

**Section 2.4.** Checks payable to cash are prohibited.

### **Section 3. Mail Procedures**

**Section 3.1.** The [insert non-accounting staff title] should receive the mail, open it, and list all checks on a daily collection report or in a pre-numbered receipt book. This report or receipt should identify the date, name of organization or person submitting payment, amount of payment and description of what the payment is for.

**Section 3.2.** An account staff member should receive the checks and daily collection report or receipt book from the person opening the mail.

### **Section 4. Bank Reconciliations**

**Section 4.1.** There will be segregation of duties between individuals responsible for cash receipts and cash disbursement and the individual(s) responsible for bank reconciliations.

**Section 4.2.** The President and CEO or their designee is responsible for bank reconciliations a minimum of once monthly. Bank statements should be delivered to The President and CEO or their designee unopened. Each bank statement, assets, and liabilities shall be reconciled to both the checkbook and the general ledger.

#### **Section 5. Credit Card Procedures**

It is the policy of The Biome School that credit card use shall be limited and only the following employees or board members are authorized to use credit cards: President and CEO or their designee. Credit cards may not be used for personal purchases and/or cash transactions and shall be maintained using the highest level of security.

Employees issued a credit card must receive prior, documented approval from the President and CEO or their designee before the use of the credit card. Each credit card transaction by any user must be accompanied by the original receipts documenting each transaction.

#### **Section 6. Transfer Of Information**

If the individual serving as the President and CEO or CFO ends his or her term with the Board, employment with the school is terminated, or is otherwise removed from his or her duties, he or she shall immediately give the school management all necessary passwords and other related information. The school will change the passwords and other security information once the individual duties with the school are concluded.

## **2002 CASH MANAGEMENT MODEL POLICY [REQUIRED]**

The Board of The Biome School adopts the following policy which shall be effective on the date the policy is adopted by the Board.

### **Section 1. Accounting for Cash Transactions**

**Section 1.1.** Documentation. All cash transactions shall be recorded in writing, such as by handwritten receipt detailing from whom the money was received and in what amount, which shall be signed and dated by the Principal or his or her designee who has the authority to receive cash on behalf of (school).

**Section 1.2.** Depositing Cash. The President and CEO or their designee shall be responsible for depositing cash in The Biome School's bank account. The President and CEO will only be responsible for depositing the cash into the bank account and will be segregated from the duty of receiving the cash on behalf of the school. Deposits shall be made weekly at a minimum. All undeposited cash shall be kept in a secured location on school premises with limited access. A copy of the validated deposit slip shall be returned to the school on same day the deposit is made, if possible, or, if not, the next day after the deposit is made.

**Section 1.3.** Expenditures. All expenditures of school funds, including cash expenditures, shall be documented, and accounted for by daily receipts. As a general rule, cash shall not be used to make purchases except from petty cash, as described in Section 1.5. School checks shall not be made payable to "Cash".

**Section 1.4.** Segregation of Duties. The President and CEO of The Biome School shall ensure that appropriate segregation of duties exists regarding the handling of all money transactions including reconciliation.

**Section 1.5.** Petty Cash. Petty cash shall be maintained in a locked box in the President and CEO's office in an amount not to exceed \$100.00. All disbursements from petty cash shall be documented in writing, indicating the date, amount disbursed, the identity of the individual receiving the funds, and the reason for the disbursement. Receipts from purchases made with petty cash shall be remitted to the President and CEO's office as soon as practicable. Petty cash funds shall not be used to cash checks. Petty cash amounts may not be used to circumvent established purchasing procedures. Teachers may not make petty cash purchases without the prior approval of an administrator. Petty cash should not be used as a short cut to obtain supplies except in an emergency or in cases where very small purchase amounts make it impractical to order through other channels.

## **2003 SCHOOL ACCOUNTING SYSTEM MODEL POLICY [REQUIRED]**

The Board of The Biome School adopts the following policy which shall be effective on the date the policy is adopted by the Board.

### **Section 1. Fiscal Year**

The Biome School adopts a fiscal year that begins on the first day of July and ends on the thirtieth day of the following June.

### **Section 2. Financial Accounting**

The Biome School accounting system shall conform to the requirements established by state statutes, regulations of the Missouri Department of Elementary and Secondary Education, and the current version of the *Missouri Financial Accounting Manual*. The Board shall establish funds for the accounting of all school moneys. The President and CEO shall be responsible for receiving and properly accounting for all funds of the school and implementing the accounting system.

**Section 2.1.** Accounting records. The school shall maintain records that adequately identify the source and application of funds and ensure moneys received by the school are deposited into the appropriate fund account. These records must contain information pertaining to grant or sub-grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income. All financial transactions shall be recorded in the revenue and expenditure records, and appropriate entries from the adopted budget shall be made in the records for the respective funds. Accurate records of capital assets shall be maintained, and a physical inventory of capital assets shall take place every two years.

**Section 2.2.** Internal controls. The school shall maintain effective control and accountability of all state, local or federal funds, federal grant and sub-grant cash, real and personal property, and other assets obtained with local, state, or federal funds. The school shall adequately safeguard all such property and ensure it is used solely for authorized purposes.

**Section 2.3.** Source documentation. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract and subgrant award documents, etc.

**Section 2.4.** Budget control. The school shall compare actual expenditures or outlays of state or federal funds with budget amounts for each fund, grant or subgrant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in a grant or subgrant agreement. Applicable federal cost principles, agency program regulations, and the terms of grant and subgrant agreements will be followed in determining the reasonableness, allowability, and allocability of costs.

**Section 2.5.** Account Code Structure. The school shall use the account code structure as described in the Missouri Department of Elementary and Secondary Education's Chart of Accounts.

**Section 2.6.** The President and CEO shall also be responsible for student-related accounting and shall file, or cause to be filed, enrollment, attendance, food service and transportation reports as may be required by DESE.

## **2004 AUDIT AND REPORTING MODEL POLICY [REQUIRED]**

The Board of The Biome School adopts the following policy which shall be effective on the date the policy is adopted by the Board.

### **Section 1. Annual Audit**

**Section 1.1.** On at least an annual basis, the books, and accounts of the School, including all financial, transportation (if applicable), and attendance records, will be audited by an independent certified public accountant in conformance with the prescribed standards and legal requirements. The President and CEO shall place before the Board the matter of the retaining of a certified public accountant, and such certified public accountant shall be selected by the Board as the auditor. The audit shall be presented to the Board for examination and approval. The President and CEO shall ensure a copy of the annual audit report is provided to each Board member.

Audits shall meet the requirements imposed by the Elementary and Secondary Education Act of 1965 for audits of local education agencies and comply with all federal audit requirements for local education agency status.

**Section 1.2.** Board Action. Once the Board receives the final report, it shall vote to accept the contents of the audit at either its next regularly called meeting or at a special meeting called in accordance with the Board's bylaws. The audit report should include a certificate signed by the Chair of the Board that the Board voted to accept the contents of the audit. If the Board did not accept the contents of the audit report, that should be noted with the submission. Within 30 days of receipt of the audit report, the Board shall prepare a summary of the report and publish it in accordance with state law.

**Section 1.3.** Submission to Sponsor. The President and CEO shall ensure a copy of the annual audit report is timely filed with the Sponsor.

**Section 1.4** Submission to DESE. The President and CEO shall ensure a copy of the annual audit report is provided to DESE no later than October 31 following the close of the fiscal period covered by the audit, unless an extension of time is granted.

### **Section 2. Financial Statements**

**Section 2.1.** The Board shall review and approve monthly financial statements, including the check register, from the President and CEO showing the financial condition of the school. Other financial statements determined necessary by the Board or President and CEO shall also be presented to the Board for review.

**Section 2.2.** In addition to the monthly statements, the President and CEO shall prepare, or cause to be prepared, an annual financial statement for each fund subject to the authority of the Board during the fiscal year showing:

- a. the total receipts of the fund, itemized by source of revenue, including taxes, assessments, service charges, grants of state money, gifts, or other general sources from which funds are derived.
- b. the total disbursements of the fund, itemized by the nature of the expenditure.
- c. the balance in the fund at the close of the fiscal year; and
- d. the capital assets and any ownership interest in the capital assets of local, state, and federal parties

**Section 2.2.** The President and CEO shall ensure the annual financial statement is submitted to the Sponsor in a timely manner.



## **2005 PROCUREMENT MODEL POLICY1 [REQUIRED]**

The Board of The Biome School adopts the following policy effective on the date of adoption by the Board.

### **Section 1. General**

The Board recognizes the importance of a sound fiscal management program and expects the School staff to maximize the resources available for the school's educational program and to be good stewards of public funds by exercising fair, competitive purchasing practices. All purchases shall be in the best interest of the School considering the totality of the circumstances surrounding the procurement, which may include but not be limited to price, quality, availability, delivery, timeliness, reputation and prior dealings and other factors considered important to the school. The School will respect its financial obligations and will also require that providers meet their obligations to provide quality products and services in a timely manner to the school. No contract for goods or services whose value is in excess of \$10,000 will be entered into or terminated without the proper documentation and without an affirmative vote from a majority of the Board.

### **Section 2. Purchasing Supervision**

The President and CEO will serve as the School's purchasing officer and may designate another or additional purchasing officers. The purchasing officer may develop procedures to implement this policy in a manner that will meet the needs of the School while protecting its resources. Such procedures shall allow the School to benefit from cooperative purchase and shall address unusual situations such as purchasing when there is a single feasible source for the purchase. The purchase officer is also authorized to create a process where authorized providers are selected for frequent purchases, while still monitoring the competitiveness of these providers. The purchasing officer will supervise purchases of products and services and may authorize purchases on behalf of the school that comply with the Board-adopted budget and this policy. Purchasing procedures shall comply with all applicable laws and will centralize and provide oversight of all purchasing decisions.

### **Section 3. Competitive Purchasing**

**Section 3.1.** The School staff will research all purchases and compare prices prior to making decisions regarding the expenditure of funds unless a purchase is covered by an exception pursuant to this policy or any procedures adopted hereunder. Employees are expected to contact multiple providers before making a decision regarding purchases greater than \$3,000. Purchases of \$3,000 or more will be competitively bid as provided in Section 3.2; and sealed bids in response to Requests for Proposal will be required for purchases that may exceed \$150,000. The School will select the lowest or best bid, quote or proposal that provides the best services or resources and reserves the right to waive minor technical defects in a bid, reject any and all bids, reject any part of a bid, advertise for new bids, or make the purchase on the open market if the product or service can be obtained at a better price.

**Section 3.2.** For the purposes of this policy, quotation is defined as a written or oral offer to sell a specific good or service at a prescribed price within a prescribed timeline. At least three written or oral quotations

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<sup>1</sup> Op., App. S.

will be obtained for purchases of budgeted expenditures for supplies, materials, furniture, equipment and other similar items or services having a value of more than \$3,000 but less than \$150,000. If three or more quotations are not possible, the purchase request will include an explanation. The purchasing officer will determine the best quotation in accordance with this policy. Records of all quotations will be kept on file for at least one year after receipt.

**Section 3.3.** When the purchase officer determines that the purchase of goods or services might exceed \$150,000, the purchase officer will prepare a Request for Proposal detailing the goods or services to be bid and such other factors that must be included in the proposal submitted by the vendors. Proposals shall be kept sealed until the date specified for opening.

#### **Section 4. Exceptions to General Purchasing Policy**

When materials or services are urgently needed and/or the bid or quote process is not practical, a waiver from the normal purchasing procedures may be requested. The purchasing officer shall make the determination of whether to grant such a waiver. For example, unless otherwise required by law, the purchasing officer may waive the requirement for competitive bids or proposals when he or she has determined that there exists a threat to life, property, public health, or public safety or when immediate expenditure is necessary in order to protect against further loss of or damage to property, or to prevent or minimize a serious disruption in services. Emergency purchases shall be made with as much competition as is practical under the circumstances and will only be utilized for purchases that are necessary to alleviate the emergency. In addition, the purchasing officer may waive the requirement for competitive bids or proposals when he or she has determined there exists a single feasible source for the goods or services. Any such waiver shall be documented by the purchasing officer.

#### **Section 5. Debarred or Suspended Providers**

The School will not do business with providers who have been suspended or debarred on a state or federal level unless the purchasing officer authorizes the transaction and provides the Board with written justification. If the School is currently under contract with a provider who becomes suspended or debarred, then the School will comply with all legal obligations to the provider but will not do business with the provider in the future until the provider is no longer suspended or debarred or until the purchasing officer approves the purchase in writing.

#### **Section 6. Confidentiality**

Sealed bids and related documents will be kept confidential until bids are opened. The School staff will not disclose offers, bids or price quotations to competitors except as necessary to conduct negotiations or as required by law. All contract negotiations and related documents are considered closed until a contract is executed or all proposals are rejected.

#### **Section 7. Conflict of Interest**

As provided in the Conflict of Interest Policy adopted by the Board, the School will not purchase services, supplies or materials from a staff member, a Board member, or their families, except in compliance with such policy

#### **Section 8. Endorsements**

Employees will not endorse products or services in such a manner that will identify the employee as an employee of the School.

#### **Section 9. Credit and Purchasing Cards**

**Section 9.1.** All purchases made using School credit or purchasing cards must be attributed to the appropriate budget code and must conform to the Board-adopted budget.

**Section 9.2.** Unless otherwise authorized by the Board, only the President and CEO, the purchasing officer, or other designees, will have access to a School credit card, and the Board will set the amounts that may be charged to those cards.

**Section 9.3.** Any employee or Board member using a School credit card or purchasing card shall sign a card usage agreement if the purchasing officer determines that such a usage agreement should be part of the School's procurement procedure. School employees or the Board member issued a card must provide documentation, such as receipts and applicable budget codes, justifying expenditures. The purchasing officer will examine all documentation prior to payment and will notify the President and CEO immediately if any purchase was made in violation of law or School policies or procedures.

**Section 9.4.** All employees issued a credit or purchasing card must take all reasonable measures to protect the cards against damage, loss, theft, or misuse. Any damage, loss, theft, or misuse of the card must be reported to the Business and Operations Manager or purchasing officer immediately. No person may use the card other than the authorized employee to whom the card was issued. School employees will surrender all cards upon completion of their employment or upon demand.

**Section 9.5.** School expects all staff members to comply with the letter and intent of all policies and procedures regarding purchasing. Under no circumstances may employees use the School funds to make unauthorized or personal purchases. Staff members may not artificially divide purchases to avoid bidding requirements or design bid specifications to favor a particular provider.

**Section 9.6.** All School employees must report suspected fraud, theft, or misuse of funds to the President and CEO or purchasing officer immediately. School employees may be disciplined or terminated from employment for failing to follow Board policy or procedures and for any misuse of School resources, including School cards.

**Section 9.7.** The President and CEO, Business and Operations Manager, or purchasing officer will contact law enforcement and file a report or sign a complaint on behalf of School in situations where a crime may have occurred.

## **Section 10. Use of Federal Grant Funds for Procurement**

The School seeks to abide by all purchasing guidelines and regulations for Federal grants and special funds, as outlined in the federal Office of Management and Budget final regulations known as the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (the "Omni Super Circular"). The following requirements shall apply to all Federal grants (including, but not limited to Title I, Title II, and Title IV of NCLB or ESSA, Perkins Grants, etc.).

The President and CEO or its delegate shall ensure that all procurement transactions are conducted in a manner that provides open and free competition. Awards must be made to the bidder/offeror whose bid/offer is responsive to the solicitation and is most advantageous to the School considering price, quality, and other relevant factors deemed appropriate by the School.

No Board member, employee, officer, or agent of who has a real or apparent conflict of interest, will participate in the selection, award, or administration of a contract supported by federal funds. Board members, employees, officers, and agents may also not solicit or accept favors, gratuities, or anything of monetary value from contractors or their agents.

Open and Free Competition. The President and CEO shall ensure that all procurement transactions are conducted in a manner that provides open and free competition. Awards must be made to the bidder/offeror whose bid/offer is responsive to the solicitation and is most advantageous to the School considering price, quality, and other relevant factors deemed appropriate by the School.

Conflicts of Interest. Pursuant to the Conflict of Interest Board Policy, no employee, officer, or agent of, who has a real or apparent conflict of interest, will participate in the selection, award, or administration of a contract supported by federal funds. Employees, officers, and agents may also not solicit or accept favors, gratuities, or anything of monetary value from contractors or their agents.

### **Additional Requirements**

- a) The solicitation of bids or offers must provide a clear and accurate description of the requirements to be fulfilled by the bidder, technical requirements to be performed including the minimum acceptable standards and specific features of brand name or equal descriptions that bidders are required to meet.
- b) Positive efforts shall be made to utilize small businesses, minority-owned firms, and women's business enterprises whenever possible.
- c) The type of procurement instruments used (e.g. purchase orders) must be appropriate for the particular procurement.
- d) Contracts are made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement.
- e) Procurement documents shall be made available, upon request, to appropriate government officials.

### **Record Documentation**

The President and CEO shall ensure there is a cost or price analysis made and documented with every procurement action as well as appropriate documentation for the basis for contractor selection. The President and CEO shall also ensure the evaluation of the contractor performance and document whether the contractor has met the terms, conditions, and specifications of the contract.

### **Section 11. Conformance with other Policies and Laws**

Nothing in this policy shall be construed to contradict any other Board policy. No provision of the purchasing policy shall be deemed to permit any expenditure of public education revenues outside the parameters of applicable state or federal laws. It is acknowledged that state law regarding bidding may apply to certain procurements and that as a condition of the receipt of certain federal funds, federal procurement requirements also apply.

## **2006 GRANTS AND FEDERAL FISCAL COMPLIANCE MODEL POLICY [REQUIRED]**

The governing body ("Board") of The Biome School adopts the following policy which shall be effective on the date the policy is adopted by the Board.

The Board is authorized to accept grants, gifts, or other donations to the School and to authorize the expenditure and use of the same. No grant, grant, gift, or donation, however, may be accepted if it is subject to any condition contrary to law applicable to charter schools, or contrary to the terms of the School's charter.

### **Federal Grant Programs**

#### **Section 1. Fiscal Requirements under Title I, Title II, and Title IV of NCLB or ESSA**

**Section 1.1.** Supplement not Supplant. The Biome School shall ensure federal funds will be used to supplement, not supplant regular non-federal funds.

**Section 1.2.** Documentation. Documentation of the supplementation shall be maintained, or caused to be maintained, by the President and CEO. The documentation must clearly demonstrate the supplementary nature of federal funds.

#### **Section 2. Federal Grant Allowable Expenditures**

Prior to expending funds, the President and CEO shall consult the OMNI Super Circular, or other appropriate OMB Circular or federal guidance, to determine what costs are allowable under the grant awarded. The President and CEO shall ensure all grant funds are expended in accordance with the requirements in section 2.1 and the OMNI Super Circular or other applicable federal law or rule.

##### **Section 2.1 Allowability**

To be allowable under a federal award, costs must meet the following general criteria and be documented that such criteria are met:

- Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.
- Conform to any limitations or exclusions set forth in these principles or in the Federal award as to the types or amount of cost items.
- Be consistent with the policies and procedures that apply uniformly to both federally financed and other activities of the non-Federal entity.
- Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a Federal award as an indirect cost.
- Be determined in accordance with generally accepted accounting principles (GAAP).
- Not be included as a cost or used to meet cost sharing or matching requirements of any other federally financed program in either the current or a prior period.
- Be adequately documents; and
- Be net of all applicable credits.

#### **Section 3. Standards for Documentation of Personnel Expenses**

Time and Effort: Records are required for all employees, including teachers, paraprofessionals, administrators, and other staff that are paid with federal funds to document the time and effort they spend within the program. The

portion of the federally paid salary should reflect the actual activity, not budgeted activity, the individual has put forth for that 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 match for a federal program.

**Semi-Annual Certification:** Where employees are expected to work solely on a single Federal award or cost objective, charges for their salaries and wages will be supported by periodic certifications that the employees worked solely on that program for the period covered by the certification. These certifications are required to be prepared at least semi-annually.

**Monthly Personnel Activity Report (PAR):** Where employees work on multiple activities or cost objectives, a distribution of their salaries or wages will be supported by personnel activity reports (PARs). Salaries and wages of employees used in meeting cost sharing or matching requirements of Federal awards must be supported in the same manner as those claimed as allowable costs under Federal awards. Charges for salaries must be based on records that accurately reflect the work performed. These records must be:

- Supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated.
- Incorporated into the official records.
- Reflect the total activity for which the employee is compensated, not to exceed 100%.
- Encompass all activities (federal and non-federal).
- Compliant with established accounting policies and practices; and
- Distributed among specific activities or cost objectives.

#### **Section 4. Charter Schools Program (CSP) Grants, (NCLB Title V, Part B or ESSA)**

**Section 4.1. Compliance.** If The Biome School receives CSP grants, the President and CEO shall ensure that The Biome School shall comply and use the CSP federal funds in accordance with all statutes, regulations, and approved applications.

**Section 4.2. Fiscal Control.** The President and CEO (or designated employee of School to administer the grant) shall directly administer or supervise the administration of any projects receiving CSP funds and shall use fiscal control and fund accounting procedures that ensure proper disbursement of, and accounting for, federal funds.

**Section 4.3. Procurement.** When using CSP funds to contract for equipment or services the President and CEO shall comply with the applicable federal procurement standards.

#### **Section 5. Use of Federal Grant Funds for Procurement**

**Section 5.1. Open and Free Competition.** The President and CEO shall ensure all procurement transactions are conducted in a manner that provides open and free competition. Awards must be made to the bidder/offeror whose bid/offer is responsive to the solicitation and is most advantageous to The Biome School considering price, quality, and other relevant factors deemed appropriate by The Biome School.

**Section 5.2. Conflicts of Interest.** Pursuant to the Conflict of Interest Board Policy, no employee, officer, or agent of, who has a real or apparent conflict of interest, will participate in the selection, award, or administration of a contract supported by federal funds. Employees, officers, and agents may also not solicit or accept favors, gratuities, or anything of monetary value from contractors or their agents.

#### **Section 5.3. Solicitation of Bids or Offers**

1. The solicitation of bids or offers must provide a clear and accurate description of the requirements to be fulfilled by the bidder, technical requirements to be performed including the

minimum acceptable standards and specific features of brand name or equal descriptions that bidders are required to meet.

2. Positive efforts shall be made to utilize small businesses, minority-owned firms, and women's business enterprises whenever possible.
3. The type of procurement instruments used (e.g. purchase orders) must be appropriate for the particular procurement.
4. Contracts are made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement.
5. Procurement documents shall be made available, upon request, to appropriate government officials.

**Section 5.4. Record Documentation.** The President and CEO shall ensure there is a cost or price analysis made and documented with every procurement action as well as appropriate documentation for the basis for contractor selection. The President and CEO shall also ensure the evaluation of the contractor performance and document whether the contractor has met the terms, conditions, and specifications of the contract.

**Section 5.5.** All prequalified lists of persons, firms, or products which are used in acquiring goods and services must be reviewed and kept current and shall include enough qualified sources to ensure open and free competition.

**Section 5.6.** The school shall utilize the most appropriate procurement method based on the particular procurement. The school shall utilize one of the following methods or any more restrictive method:

1. Micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services which are up to \$10,000. This purchase may be awarded without soliciting competitive quotations.
2. Small purchase procedures. Small purchase procedures are those simple and informal procurements for securing services, supplies or other property that cost between \$10,001 to \$249,999. Price and rate quotations must be obtained from at least two qualified sources.
3. Sealed bids (formal advertising). Bids are publicly solicited, and a firm fixed price contract is awarded. This method is preferred for procuring construction.
4. Competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer and either a fixed price or cost reimbursement type of contract is awarded.
5. Noncompetitive proposals. This is the solicitation of a proposal from only one source and may be used only when one or more of the following applies:
  - a. The item is available only from a single source.
  - b. The public emergency for the requirement will not permit a delay.
  - c. The pass-through entity authorizes noncompetitive proposals in response to a written request; and/or
  - d. After solicitation of a number of sources, competition is determined inadequate.

## **Section 6. Travel Costs**

Travel costs are the reasonable expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the School. These costs are reimbursable with appropriate approval and documentation of expenses. Travel costs charged to Federal awards/funds must meet the requirements of 2 C.F.R. § 200.474 and any other applicable requirements outlined in the Omni Super Circular.

Section 6.1 Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip and results in charges consistent with those normally allowed in like circumstances in the school's non-federally-funded activities and in accordance with the school's written travel reimbursement policies.

Section 6.2 Cost incurred by employees for travel, including costs of lodging, other subsistent, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the school in its regular operations as a result of the school's written travel policy.

If these costs are charged to the Federal award, documentation must justify that (1) the participation of the individual is necessary to the Federal award; and (2) the costs are reasonable and consistent with the school's travel policy. Document may include any or all of the following: an agenda, list of attendees, prior written approval, and/or written justification statement.

Section 6.3 The school shall not use its federal grant funds for temporary dependent care costs unless specifically permitted by the authorizing federal statute and regulations.

### **Section 7. Compliance with the Cash Management Improvement Act.**

**Section 7. 1.** In order to comply with the Cash Management Improvement Act (CMIA) the Department of Elementary and Secondary Education will only make payments to the school for reimbursements. Reimbursements are only for funds "spent"—transactions that are recorded on the school's books and the funds delivered to the recipients.

**Section 7.2.** The school may only make requests for payment once an initial budget application for the grants has been approved and must only include actual cumulative expenditures up to the payment request submission date.

**Section 7.3.** The school must at least annually submit an accounting of any interest earned on any Federal funds to the federal Department of Health and Human Services through the Department of Elementary and Secondary Education. The school may retain up to \$500 of earned interest annually on all combined Federal programs for administrative expenses. The school must document all administrative expenses in order to claim the interest offset. Under this section, the interest calculation is the amount of reimbursement times the annualized Federal interest rate for the fiscal year times the number of business days the funds were held until delivery. The federal interest rates may be found online.

### **Section 8. Written Procedures**

The School shall maintain and follow written policies and procedures required by federal regulation governing federal grant programs, including, but not limited to payment procedures (Cash Management Improvement Act), allowable/reasonable/allocable costs, cash management, procurement (including gratuity, conflict of interest, micro-purchases) and other written procedures.



## **2007 AUTHORIZED SIGNATURES MODEL POLICY[REQUIRED]**

The Board of The Biome School adopts the following policy which shall be effective on the date the policy is adopted by the Board.

**Section 1.** The Board of The Biome School shall designate at least one current board member to be included as an authorized signature on all financial accounts of the School.

**Section 2.** The Board shall notify all financial institutions that serve the School of the board member who is to be included as an authorized signature on financial accounts.

**Section 3.** The Board of The Biome School shall annually certify to its Sponsor that the financial institutions that serve the School have on file the authorization form for the board member who is to be the signature on all financial account.

## **2008 RECORDS RETENTION POLICY**

The Biome School will keep records in accordance with the requirements of the Missouri Secretary of State's Public School Records Retention Schedule.

# SECTION 3 HUMAN RESOURCES

## **3000 WORKING HOURS AND SALARY DEDUCTIONS [REQUIRED]**

### **Section 1. General**

**Section 1.1.** The Biome School will regularly pay employees for work performed and will not make deductions from salary except as required by law, as authorized by the employee in writing, or in accordance with Board policy.

**Section 1.2.** Nothing in the policy shall prevent The Biome School from properly charging absences against Board-approved Paid Time Off or other such leave or from making deductions from pay for unapproved or unpaid absences, as established in Board policy.

### **Section 2. Working Hours**

**Section 2.1.** Non-exempt employees must maintain a record of the total hours worked each day. These hours must be accurately recorded on a time sheet that will be provided by The Biome School. The employee must sign the time sheet to verify that the reported hours worked are complete and accurate. The time sheet must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures, and meal breaks. Employees should review each paycheck and verify immediately that the employee was paid correctly for all regular and overtime hours worked during each work week. Errors shall be reported immediately in writing to the direct supervisor.

**Section 2.2.** Employees should not work any hours that are not authorized by a supervisor. Employees should not start work early, finish work late, work during a meal break or perform any overtime work unless authorized to do so and the time is recorded on the time sheet. Employees are prohibited from performing any “off-the-clock” work. “Off-the-clock” work means work performed but not reported on the employee’s timesheet. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination.

### **Section 3. Voluntary Deductions**

**Section 3.1.** The employee must authorize all voluntary deductions in writing. The Biome School will deduct the administrative cost of compliance in addition to the deduction amounts authorized by the employee.

**Section 3.2.** The Board may authorize voluntary payroll deductions from compensation earned by employees. These deductions may be taken for, but are not limited to, credit unions, individual retirement accounts (IRAs), group insurance premiums or other voluntary contributions. The amount deducted will be remitted to the organization, company or association authorized by the employee. The Board shall not be responsible for any good-faith error in the administration of this service.

### **Section 4. Involuntary Deductions**

**Section 4.1.** The Biome School will make all deductions as required by law and will make deductions when presented with a garnishment, wage attachment or other legal order. The President and CEO or designee may authorize an administrative fee for processing these mandatory deductions when allowed by law.

**Section 4.2.** In addition, The Biome School may make deductions from an employee's salary or wages for unauthorized absences, absences for which there is no paid leave or absences that exceed the paid leave provided to the employee. The Biome School may also make deductions for disciplinary purposes, such as an unpaid suspension, in accordance with law and The Biome School policy.

The Biome School may make deductions when an employee clearly owes The Biome School money, and the deduction does not otherwise violate the law.

**Section 4.3.** Salary deductions for exempt employees shall be computed by dividing the salary, excluding extra-duty pay, by the number of days in the contract period. Deductions for nonexempt employees shall be based upon the hourly rate of the individual employee.

### **Section 5. Improper Deductions**

**Section 5.1.** The Biome School will comply with federal and state wage and hour regulations. The President and CEO or designee shall be informed of any required wage adjustments and any necessary budget adjustments shall be brought to the Board of Directors for approval.

**Section 5.2.** The Biome School shall pay its exempt employees on a salary basis and will not make deductions from the salary that are prohibited under the Fair Labor Standards Act (FLSA). Employees who believe their pay has been improperly reduced should immediately report this information to their direct supervisor(s). If not resolved by the supervisor to the employee's satisfaction, the employee should contact the President and CEO or designee to request an investigation. The employee will be asked to complete an investigation form. If the deduction is determined to be improper, The Biome School will reimburse the employee as promptly as possible, but in no case longer than two pay periods from the identification of the problem. The resolution of the situation will be documented on the part of the employee that the situation has been resolved and placed with the employee's pay records.

### **3001 DRUG FREE WORKPLACE MODEL POLICY[REQUIRED]<sup>2</sup>**

The Board of The Biome School adopts the following policy, effective on the date of adoption by the Board.

The unlawful manufacture, possession, use, sale, or distribution, or being under the influence of unauthorized controlled substances and/or alcohol on school premises or as a part of school activities is strictly prohibited.

Employees under the influence of alcohol or unauthorized controlled substances while on duty are a serious risk to themselves, students, and other employees. Any employee who violates this policy will be subject to disciplinary action up to and including termination and referral for prosecution. Employees may also be required to participate in and complete rehabilitation programs.

Employees will be tested for alcohol and/or unauthorized controlled substances if the school has reasonable suspicion that the employee has violated this policy. All testing will be conducted in accordance with law.

The Biome School may search an employee when the school has reasonable suspicion to believe that an employee has violated this policy.

As a condition of employment, all employees must abide by the terms of this policy. Employees who are convicted of a drug offense which occurred on school premises or while on duty must notify the President and CEO of their conviction. Notification must be made by the employee to the President and CEO within five (5) days of the conviction. Within ten (10) days, the President and CEO will provide notice of such violation to the Impact Aid Program, United States Department of Education, or other appropriate government agency.

The School will institute a drug-free awareness program to inform employees of:

1. The dangers of drug and alcohol abuse in the workplace.
2. This policy of maintaining a drug-free workplace.
3. Available counseling and rehabilitation.
4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

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

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<sup>2</sup>HR, App. C.

## **3002 EMPLOYEE ALCOHOL AND DRUG TESTING [REQUIRED]**

The Board of The Biome School adopts the following policy, effective on the date of adoption by the Board.

### **Section 1. General**

**Section 1.1.** No employee may manufacture, use, possess, sell, distribute or be under the influence of alcohol or unauthorized controlled substances in violation of The Biome School's Drug-Free Workplace policy. The Biome School may elect to test an employee for alcohol and/or unauthorized controlled substances if The Biome School has reasonable suspicion that the employee has consumed alcohol or unauthorized controlled substances in violation of The Biome School policy.

### **Section 2. Program Coordinator and Training**

**Section 2.1.** The President and CEO or designee will serve as the program coordinator to implement the alcohol and drug testing program within the guidelines of this policy.

**Section 2.2.** All staff who have supervisory duties over other staff members will be provided training on the effects of drug and alcohol use. The training will include physical, behavioral, speech and performance indicators of drug and alcohol use.

### **Section 3. Testing Program**

**Section 3.1.** Any employee who suspects that an employee has violated the alcohol or drug prohibitions of this policy, or the Drug-Free Workplace policy shall immediately report that concern to the President and CEO. The President and CEO will determine if there is reasonable suspicion that the employee has consumed alcohol or drugs in violation of The Biome School policy and will determine if a drug or alcohol test is appropriate.

**Section 3.2.** Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. The President and CEO or designee must escort the employee to the facility and make arrangements for the employee to be transported home from the facility.

**Section 3.3.** The Biome School will use testing facilities with appropriately trained personnel for alcohol and drug testing. The testing program shall provide individual privacy in the collection of specimen samples to the maximum extent possible. The drug and alcohol testing program shall provide individual privacy in the collection of specimen samples to the maximum extent possible. The specimen collection procedures and chain of custody shall ensure that specimen security, proper identification and integrity are not compromised. The testing program will allow for review by a Medical Review Officer, including an opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result.

**Section 3.4** Any alcohol or drug test will be administered as soon as possible. Employees will be drug- tested for marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, phencyclidine (PCP), benzodiazepines, methadone, methaqualone, and propoxyphene.

### **Section 4. Refusal to Submit to Tests**

**Section 4.1.** Drug and/or alcohol tests administered pursuant to this policy are mandatory. An employee refuses to submit when he or she fails to provide adequate breath, saliva or urine for testing when notified of the need to do so or engages in conduct that clearly obstructs the testing process.

## **Section 5. Consequences**

**Section 5.1.** Employees who refuse to submit to a test, who test positive for prohibited substances or who take deliberate action with the intent to falsify test results will be subject to discipline, including but not limited to suspension, termination, and/or referral for prosecution in accordance with Board policy and law.

**Section 5.2.** If an employee who violates or is suspected of violating this policy is not terminated, the employee may be required to satisfactorily participate in one or more rehabilitation programs and to submit to substance testing, all in accordance with terms established by The Biome School.

**Section 5.3.** In addition to any disciplinary action taken, The Biome School will provide employees a list containing the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs when employees have a positive drug or alcohol test, refuse to take a test, or otherwise request information about substance abuse treatment.

## **Section 6. Records and Reports**

**Section 6.1.** Alcohol and drug test results and records shall be maintained by The Biome School under strict confidentiality and released only in accordance with law. Upon written request, an employee shall receive copies of any records maintained by The Biome School pertaining to his or her use of alcohol or drugs, including any records pertaining to his or her tests.

**Section 6.2.** Test records shall be maintained with the separate medical files of each employee. The Biome School shall maintain records and reports of its alcohol and drug prevention program as required by law.



### **3003 FAMILY AND MEDICAL LEAVE ACT MODEL POLICY[REQUIRED]<sup>3</sup>**

The Board of The Biome School adopts the following policy, effective on the date of adoption by the Board.

This policy is limited to any rights or benefits contained in the Family and Medical Leave Act (FMLA).

#### **SECTION 1. Eligible Employees**

**SECTION 1.1.** Employees of the [school/Board/management organization] employed by the Board who have been employed for at least twelve (12) months and who have worked at least 1250 hours during the 12 month period immediately prior to requesting leave and are employed at a school where 50 or more employees are located within 75 miles of the school are eligible to take twelve (12) weeks of unpaid leave under the FMLA. **The Biome School has no eligible employees as The Biome School does not employ 50 or more employees.**

<sup>3</sup>HR, App. A.

## **3004 STAFF LEAVES AND ABSENCES POLICY**

The Board of The Biome School adopts the following policy, effective on the date of adoption by the Board.

Consistent contact with students and staff is important to the learning environment and school operations and therefore is an essential function of a staff member's position. The Biome School will allow staff members to be absent from their duties for the reasons and lengths of time specified in Board policy or an employee's contract, if applicable, as long as the absences are not excessive or otherwise protected by law.

### **SECTION 1. Paid Time Off Leave Eligibility**

**Section 1.1.** Full time Biome employees have 10 PTO days that may be used for sick and personal use. In addition, they have 2 Professional Development days. An employee may not use PTO days during the employee's initial thirty (30) days of employment with The Biome School, except with prior written permission from their supervisor.

**Section 1.2.** PTO cannot be carried over from one year to the next nor is pay granted in lieu of taking the actual time off.

**Section 1.3.** Employees will not receive payment for any unused PTO days upon resignation or termination of employment, nor will employees receive any payment for unused PTO days accumulated beyond the maximum allowed under this policy.

### **SECTION 2. Use of Paid Time Off**

**Section 2.1. Sick Leave.** PTO days may be used for sick leave, defined as follows:

- a. Illness, injury, or incapacity of the employee. The Biome reserves the right to require a healthcare provider's certification attesting to the illness or incapacity of the employee and/or inclusive dates of the employee's incapacitation.
- b. Illness, injury, or incapacity of member of the employee's immediate family and for which it is necessary for the employee to be with the family member during the incapacity.
- c. Illness, injury, or incapacity of other relatives with permission granted by the supervisor or designee.

**Section 2.2. Court Appearances.** PTO days may be used for required court appearances other than jury duty or appearances required by subpoena or other court order arising out of the employee's duties as an employee of the school.

**Section 2.3. Religious Observance.** PTO days may be used for mandatory religious observance.

**Section 2.4. Bereavement Leave.** Employees may use PTO days to extend bereavement leave beyond the three days provided in Section 3 of this policy.

**Section 2.5. Pregnancy, Childbirth and Adoption Leave.** PTO days may be used for the birth, first year- care, adoption, or foster care of a child. An employee must exhaust all accumulated PTO days, prior to any unpaid leave as provided in Section 4. The employee shall provide notice of the need for use of maternity/paternity leave as soon

as is reasonably possible, but at least thirty days prior to the commencement of the anticipated leave.

**Section 2.6. *Vacation.*** Twelve month employees are permitted to use PTO days for vacation. An employee must submit a written request for vacation to their supervisor and receive written authorization before taking vacation days.

**Section 2.7. *Personal Leave.*** PTO days may be used for personal leave under the following conditions:

- a. The supervisor or designee shall be given five days prior notification when feasible.
- b. No more than two instructional employees may use personal leave on any one day.
- c. Personal leave may not be used the day before or the day after holidays or breaks.
- d. Any exceptions to these requirements must be approved by the President and CEO.

### **SECTION 3. Bereavement Leave**

**Section 3.1.** Employees may use three (3) days of bereavement leave for bereavement of family members. Employees may use PTO days for bereavement leave exceeding three days.

### **SECTION 4. Jury Duty and Court Subpoena Leave**

**Section 4.1.** All School employees shall be allowed a leave of absence without loss of pay for the purpose of attending jury duty or a judicial proceeding in response to a subpoena or other court order or process arising out of the employee's duties as an employee of the school.

**Section 4.2.** Employees who qualify for this leave are required to assign any jury duty pay vouchers to The Biome School before payment is made for days of jury duty. 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.

**Section 4.3.** Employees who receive a summons for jury duty or a subpoena for a court appearance must provide a copy to the President and CEO or designee as soon as soon as practicable.

### **SECTION 5. Voting Leave**

**Section 5.1.** The Biome School believes that every employee should have the opportunity to vote in any state or federal election, general primary, or special primary. Any employee whose work schedule does not provide him or her three consecutive hours to vote while polls are open will be granted up to two paid hours off in order to vote. Any additional time off will be without pay or deducted from an employee's PTO days. The Biome School reserves the right to select the hours the employee is excused to vote.

**Section 5.2.** An employee must notify his or her supervisor or designee of the need for voting leave at least five days before the election. When the employee returns from voting leave, the employee must present a voter's receipt to the President and CEO or designee as soon as possible.

### **SECTION 6. Military Leave**

**Section 6.1** All employees will be granted military leave in accordance with state and federal law.

## **SECTION 7. Pregnancy, Childbirth and Adoption Leave**

**Section 7.1** This section creates no rights extending beyond any contracted period of employment if a contract exists. FMLA procedures, including certification and recertification procedures, apply to FMLA-eligible employees, if any.

**Section 7.2** Employees eligible for FMLA leave for the birth, first-year care, adoption or foster care of a child will have such leave applied in accordance with the FMLA. The Biome School shall only apply accrued paid leave up to the maximum allotted PTO days under this policy.

## **SECTION 8. Unauthorized Absences**

**Section 8.1** The Biome School considers one (1) day of unauthorized absences without notice to be a voluntary resignation.

## **3005 EMPLOYMENT STATUS POLICY<sup>4</sup>**

The Board of The Biome School adopts the following policy, effective on the date of adoption by the Board.

### **Section 1. Employment Status.**

**Section 1.1.** Employees of The Biome School are considered at-will employees, unless otherwise explicitly designated in writing by the Board of Directors.

#### Section 1.2. Eligibility for Public Service Loan Forgiveness

Employees of the School may be eligible for public service loan forgiveness. The School will provide current, accurate and complete information to each new employee regarding eligibility for public service loan forgiveness. The notice will be provided within ten days following the start of employment.

### **Section 2. Hiring**

**Section 2.1.** The Board of Directors may, upon recommendation of the President and CEO, employ certified and non-certified staff members in order to accomplish the School's mission, goals, and objectives. The Board of Directors may, in its discretion, elect to delegate to the President and CEO the authority to hire staff members for positions approved by the Board.

**Section 2.2** Prior to offering employment to any teacher who was employed previously by a Missouri school district or charter school, the School must contact the Missouri Department of Elementary and Secondary Education to determine the school district or charter school that previously employed such applicant. The School shall request from the most recent prior school district or charter school having employed the individual information relating to prior sexual misconduct.

### **Section 3. Suspension**

**Section 3.1.** The President and CEO may suspend employees, with or without pay. An employee may request review by the Board of Directors of a suspension without pay. The Board may consider such a review in appropriate circumstances, as determined by the Board in its sole discretion.

### **Section 4. Termination**

**Section 4.1.** Unless otherwise explicitly designated by the Board, employment at the School is at-will, and thus can be terminated by the Board of Directors at any time for any lawful reason.

**Section 4.2.** The Board of Directors may, in its discretion, elect to delegate to the President and CEO the authority to terminate the employment of staff members. When the authority to terminate has been delegated to the President and CEO, and an employee is terminated, the employee may request review by the Board of Directors of the termination. The Board may consider such a review in appropriate circumstances, as determined by the Board in its sole discretion.

<sup>4</sup>HR, App. F.

## **3006 PERSONNEL EVALUATIONS MODEL POLICY[REQUIRED]<sup>5</sup>**

The Board of The Biome School adopts the following policy, effective on the date of adoption by the Board.

### SECTION 1. Staff Observations and Evaluations

SECTION 1.1. The President and CEO shall be formally evaluated by the Governing Board on at least an annual basis using an evaluation instrument adopted by the Governing Board.

SECTION 1.2. The Principal shall be formally evaluated by the President and CEO on at least an annual basis using an evaluation instrument adopted by the President and CEO.

SECTION 1.3. Each certified staff member shall be formally observed and evaluated by the Principal on at least an annual basis using an evaluation instrument.

SECTION 1.4. Each classified staff member shall be formally evaluated by the principal on at least an annual basis using an evaluation instrument

SECTION 1.5. The (President and CEO or other title) shall provide a copy of the completed evaluation instrument to the employee being evaluated.

SECTION 1.5.1. The Employee shall have the right to acknowledge acceptance of the evaluation or to dissent and provide written commentary with the dissent; however, the document, regardless of acknowledgment or dissent, shall remain a part of the staff member's personnel record throughout the duration of employment.



## **3008 BACKGROUND CHECK POLICY [REQUIRED]**

The Board of The Biome School adopts the following policy, effecting on the date of adoption by the Board.

The Biome School is committed to providing a safe learning environment for our students. Accordingly, The Biome School requires criminal background checks of employees, as well as members of the Board of Directors, certain volunteers and others working on school grounds. The Board directs the President and CEO to develop procedures and practices consistent with this policy.

### **Section 1. Definitions**

**Section 1.1. *Criminal Background Check*** – A search of the Federal Bureau of Investigation’s criminal history files; the Missouri Highway Patrol’s criminal history database and sexual offender registry; the Family Care Safety Registry (FCSR) or the central registry of child abuse and neglect of the Children’s Division (CD) of the Department of Social Services; Missouri Case.net; and other databases required by law or by The Biome School.

**Section 1.2. *Driving Records*** – Traffic-related offenses contained in the Missouri Department of Revenue’s databases.

**Section 1.3. *Screened Volunteer*** – any person who assists a school by providing uncompensated service and who periodically be left alone with students. Screened volunteers include, but are not limited to, person who regularly assist in the office or library, mentor or tutor students, coach or supervise or sponsor a school-sponsored activity before or after school, and/or chaperone students on an overnight trip.

### **Section 2. Employees**

**Section 2.1.** Generally, The Biome School shall conduct criminal background checks in accordance with law on all new employees, screened volunteers, contractors, or others authorized to have contact with students prior to the employees working with students; however, The Biome School may forgo a criminal background check when:

- a) A teacher is employed to work on a part-time or substitute basis within one year of having retired from The Biome School.
- b) An employee or potential employee has had a background check conducted by another Missouri public school within the past year and The Biome School receives a copy of the background check directly from the other school or district.
- c) An employee or potential employee has successfully completed a criminal background check, including a check of the FCSR, as part of the professional license application process within one year prior to employment.

**Section 2.2.** Any offer of employment is contingent upon the satisfactory outcome of the criminal background check, when required by The Biome School. The Biome School has the sole and absolute discretion to determine whether the outcome is satisfactory.

### **Section 3. Board Members**

**Section 3.1.** The Biome School will conduct a search of the Missouri Highway Patrol’s criminal history database and the FCSR or the central registry of child abuse and neglect of the CD on each person serving as a member of

The Biome School's Board of Directors.

#### **Section 4. Volunteers**

**Section 4.1.** The Biome School will conduct a full criminal background check consistent with Section 1.1 above on all screened volunteers. All screened volunteers must satisfactorily complete the criminal background check required of employees prior to being left alone with a student or students. The Executive Director or designee is directed to identify any additional volunteer positions at The Biome School that will also require a criminal background check. Volunteers that are not screened shall not be left alone with a student or students.

**Section 4.2.** The President and CEO or designee must receive the results of the background check and officially approve the volunteer before he or she may begin service in the identified volunteer position.

#### **Section 5. Payment**

**Section 5.1.** In general, applicants for employment and volunteers are responsible for the cost of the criminal background checks, but The Biome School may later reimburse the person at The Biome School's discretion. However, when an applicant has had a background check conducted by another Missouri public school within the past year and The Biome School receives a copy of the background check directly from the other school or district, The Biome School will not require an additional background check as a condition of employment unless The Biome School pays the cost, in accordance with law.

**Section 5.2.** The Biome School will pay the expenses associated with conducting and renewing criminal background checks for current employees. In cases where The Biome School requires independent contractors to conduct criminal background checks, payment for the background checks will be determined by the contract.

#### **Section 6. Updating Information**

**Section 6.1.** The Biome School reserves the right to require any employee or volunteer to submit to additional criminal background checks at The Biome School's expense or to rerun background checks at any time. The Biome School will provide the Department of Elementary and Secondary Education (DESE) the relevant personnel information necessary to conduct postemployment background checks as allowed by law.

**Section 6.2.** Any employee refusing to submit to a background check may be disciplined or terminated. The Biome School may decline to utilize the services of volunteers or contractors who refuse to submit to background checks.

#### **Section 7. School Notification**

**Section 7.1.** As a condition of continuing to work within The Biome School, all employees and other persons required to submit to a criminal background check pursuant to this policy must notify The Biome School if they are charged, convicted, plead guilty to, or are otherwise found guilty of any misdemeanor or felony, regardless of the imposition of sentence. This notification must be made as soon as possible, but no later than five business days after the event.

#### **Section 8. Reporting Requirements**

**Section 8.1.** The Biome School will report to DESE when information is obtained that a certificated person has pled

guilty or no contest to or been found guilty of a crime or offense, regardless of whether a sentence has been imposed, in Missouri, another state or another country that may put the person's certificate in jeopardy pursuant to Missouri law.

### **Section 9. Confidentiality**

**Section 9.1.** Information received by The Biome School pursuant to a criminal background check is confidential. Except as allowed by law, The Biome School will only use this information for The Biome School's internal purposes in determining the suitability of an applicant, employee, volunteer, or other worker on The Biome School property. The Biome School will keep this information in a location that is only accessible to persons who need to know the information to carry out their responsibilities with The Biome School.

**Section 9.2.** Any person submitting to a criminal background check may, upon request, receive a copy of the background check information received by The Biome School.

**Section 9.3.** Pursuant to state law and upon the written request of an employee or former employee, The Biome School may transfer a criminal background check to another public school or school district within one year of receiving the background check.

### **Section 10. Consequences**

**Section 10.1.** The President and CEO or designee is directed to exclude from employment or to take action to terminate individuals whose criminal background checks reveal that they have exhibited behavior that is violent or harmful to children or adults.

**Section 10.2.** Employees who fail to keep background checks confidential as required by law or this policy or who violate any portion of this policy, or The Biome School procedure will be subject to disciplinary action up to and including termination.

## **3009 MANDATORY REPORTING POLICY [REQUIRED]**

The Board of The Biome School adopts the following policy, effecting on the date of adoption by the Board.

### **Section 1. Mandatory Reporting.**

**Section 1.1.** School employees, volunteers, and contractors who know or have reasonable cause to suspect that a child has been or may be subject to abuse or neglect, or observes a child being subject to conditions or circumstances which would reasonably result in abuse or neglect, by any person (whether a parent, a school employee or a third party) shall immediately report such belief to the Children's Division of the Department of Social Services. With student safety paramount, the employee(s), volunteer(s), or contractor(s) shall be temporarily relieved of other duties for such time as required to make the mandated report. After the report is made to the Children's Division, the President and CEO or designee may also make contact law enforcement.

**Section 1.2.** Regardless of the source, The Biome School takes all allegations of sexual misconduct against a student seriously, especially if the allegations involve a The Biome School employee, volunteer, or contractor. If a report is received alleging sexual misconduct on the part of an employee, volunteer or contractor to a school employee, volunteer, or contractor, both that employee, volunteer, or contractor and the President and CEO shall report the allegation to Children's Division.

**Section 1.3.** No internal investigation shall be initiated until such a report has been made, and even then, the internal investigation may be limited in accordance with law if the report involves sexual misconduct by a school employee, volunteer, or contractor. The Biome School may investigate the allegations for the purpose of making employment decisions.

**Section 1.4.** Employees who make such reports to Children's Division must notify the President and CEO that a report has been made. No supervisor or administrator may impede any reporting under state law.

**Section 1.5.** No employee making a good faith report in accordance with this policy shall be subject to any sanction, including any adverse employment action, for making such a report.

### **Section 2. Training**

The President and CEO or designee shall implement annual training necessary to assist staff members, volunteers, and relevant contractors in identifying possible instances of child abuse and neglect, including annual updates regarding any changes in the law. Such training shall:

1. Provide current and reliable information on identifying signs of sexual abuse in children and danger signals of potentially abusive relationships between children and adults.
2. Emphasize how to establish an atmosphere of trust so that students feel that their school has concerned adults with whom they feel comfortable discussing matters related to abuse.
3. Emphasize that all mandatory reporters shall, upon finding reasonable cause, directly and immediately report suspected child abuse or neglect. These reports must be made even if the person suspected of abusing the child is another mandated reporter, such as another school employee.
4. Emphasize that no supervisor or administrator may impede or inhibit any reporting under state law.
5. Emphasize that no person making a report in accordance with law shall be subject to any sanction, including any adverse employment action, for making such a report.

## **3010 STAFF – STUDENT RELATIONS**

The Board of The Biome School adopts the following policy, effecting on the date of adoption by the Board.

### **Section 1. Expectations Regarding Communications with Students**

**Section 1.1.** Staff members of The Biome School are expected to always maintain courteous and professional relationships with students. For purposes of this policy, “staff member” means any individual employed by The Biome School, including part-time and substitute employees, and student teachers. All staff members have a responsibility to provide an atmosphere conducive to learning through consistently and fairly applied discipline and the maintenance of physical and emotional boundaries with students. These boundaries must be maintained regardless of the student's age, the location of the activity, whether the student allegedly consents to the relationship or whether the staff member directly supervises the student. Maintaining these boundaries is an essential requirement for employment at The Biome School.

**Section 1.2.** Staff member communication with students shall be appropriate and consistent with Board policy and The Biome School's mission. This requirement applies to both personal and professional communication regardless of when, where, in what form (verbal or non-verbal) or through what medium (in person or electronic) the communication occurs.

**Section 1.3.** Communication shall be deemed to be inappropriate if such communication is sexually suggestive; suggests romantic activity with student or students; or is otherwise inconsistent with Board policy or The Biome School mission.

**Section 1.4.** Although this policy applies to the communications and relationships between staff members and The Biome School students, staff members who inappropriately interact with any child may be disciplined or terminated when The Biome School determines such action is necessary to protect students.

### **Section 2. Goal and Scope of this Policy**

**Section 2.1.** The goal of this policy is to protect students from harm and staff members from allegations of misconduct by requiring staff members to maintain professional boundaries with students. The Biome School does not intend to interfere with or impede appropriate interactions between staff members and students. This policy does not apply to staff members' communications with their children, stepchildren or other persons living within the staff member's home who happen to be students at The Biome School.

### **Section 3. Absolute Prohibitions**

**Section 3.1.** There are some interactions between staff members and students that are never acceptable and are absolutely prohibited. Examples of such behavior include, but are not limited to:

1. Dating a student or discussing or planning a future romantic or sexual relationship with a student
2. Making sexual advances toward a student, engaging in a sexual relationship with a student, or touching a student in a sexual manner
3. Engaging in any conduct that constitutes illegal harassment or discrimination as defined by law or in Board Policy, or that could constitute a violation of that policy if pervasive.
4. Engaging in any conduct that violates Board policies and procedures, or that constitutes criminal behavior.

### **Section 3.2**

Any staff member who engages in any of these behaviors will be disciplined up to and including termination of

employment.

#### **Section 4. Electronic Communication**

**Section 4.1.** Staff members are encouraged to communicate with students and parents/guardians for educational purposes using a variety of effective methods, including electronic communication. As with other forms of communication, staff members must maintain professional boundaries with students while using electronic communication regardless of whether the communication methods are provided by The Biome School or the staff member uses his or her own personal electronic communication devices, accounts, web pages or other forms of electronic communication.

**Section 4.2.** Staff members may use electronic communication with students only as frequently as necessary to accomplish an educational purpose. Communication for an educational purpose would include communications related to a staff member's position, including but not limited to teaching, counseling, athletics, extracurricular activities, treatment of a student's physical injury, or other purposes related to a staff member's job duties.

**Section 4.3.** When communicating electronically with students for educational purposes, staff members are encouraged to use The Biome School provided devices, accounts, and forms of communication (such as computers, phones, telephone numbers, email addresses and The Biome School sponsored web pages or social networking sites), when available. Staff members must maintain professional boundaries with students while communicating electronically, regardless of whether the communication methods are provided by The Biome School or the staff member uses his or her own electronic communication devices, accounts, web pages or other forms of electronic communication. Staff members' electronic communications may be monitored. With the President and CEO's permission, staff members may establish websites or other accounts on behalf of The Biome School that enable communications between staff members and students or parents/guardians. Any such website or account is considered The Biome School-sponsored and must be professional and conform to all The Biome School policies and procedures.

**Section 4.4.** Staff use of any electronic communication is subject to The Biome School's policies and procedures including, but not limited to, policies, procedures and legal requirements governing the confidentiality and release of information about identifiable students. Staff members who obtain pictures or other information about identifiable students through their connections with The Biome School are prohibited from posting such pictures or information on personal websites or personal social networking websites without permission from the President and CEO or designee and the student's parent or legal guardian.

**Section 4.5.** The Biome School discourages staff members from communicating with students electronically for reasons other than educational purposes. However, an emergency situation or the temporary unavailability of The Biome School's communication systems might justify deviation from the policy's restrictions on electronic communications. Likewise, staff members might be related to students or have contact with students through participation in civic, religious, or other organizations. These contacts might justify deviation from this policy as well. If concerns are raised, the staff member must be prepared to demonstrate that the communications are appropriate. The Biome School encourages staff members to consult with their supervisors prior to engaging in behaviors or activities that might violate any of the restrictions set forth in this policy. As stated above, this policy does not limit staff members from communicating with their own children, stepchildren or other persons living within the staff member's home who happen to be students at The Biome School.

#### **Section 5. Consequences for Violation**

**Section 5.1.** Staff members who violate this policy may be disciplined, up to and including termination of employment. Depending on the circumstances, The Biome School may report staff members to law enforcement and the Children's Division (CD) of the Department of Social Services for further investigation, and The Biome School may seek revocation of a staff member's license(s) with the Department of Elementary and Secondary Education (DESE).

#### **Section 6. Reporting**

**Section 6.1.** Any person, including a student, who has concerns about or is uncomfortable with a relationship or activities between a staff member and a student, should bring this concern immediately to the attention of a

teacher, counselor, or administrator. If illegal discrimination or harassment is suspected, The Biome School policies related to discrimination and harassment will be followed.

**Section 6.2.** Any staff member who possesses knowledge or evidence of possible violations of this policy must immediately make a report to a The Biome School administrator. All staff members who know or have reasonable cause to suspect child abuse shall immediately report the suspected abuse in accordance with The Biome School policy and state law. Staff members must also immediately report a violation or perceived violation of The Biome School's discrimination and harassment policy to The Biome School's nondiscrimination compliance officer. Staff members may be disciplined for failing to make such reports.

**Section 6.3.** The Biome School will not discipline, terminate, or otherwise discriminate or retaliate against any student or staff member for reporting in good faith any action that may be a violation of this policy.

### **Section 7. Training**

**Section 7.1.** The Biome School will provide training to staff members that includes current and reliable information on identifying signs of sexual abuse of children and potentially abusive relationships between children and adults. The training will emphasize legal reporting requirements and cover how to establish an atmosphere where students feel comfortable discussing matters related to abuse.

## **3011 STAFF CONDUCT POLICY**

The Board of The Biome School requires all staff members to serve as positive role models for The Biome School students. The Biome School exists to provide high quality, effective education for The Biome School students in a positive learning environment. In achieving these objectives, staff are required to meet certain performance criteria including, but not limited to:

1. Review and comply with Board policies, regulations, and procedures as well as related building rules and practices.
2. Properly prepare for student instruction.
3. Fully utilize instructional time for learning activities.
4. Maintain students under active supervision at all times.
5. Assess student performance in a regular and accurate manner.
6. Modify instructional goals to meet the needs of each student.
7. Comply with administrative directives.
8. Communicate with students in a professional and respectful manner.
9. Communicate with colleagues, parents, and community members in a professional manner.
10. Properly operate and maintain The Biome School property.
11. Utilize [School] technology solely for The Biome School business.
12. Maintain required records and submit requested reports in a timely manner.
13. Comply with all safety guidelines and directives.
14. Refrain from the use of profane and obscene language.
15. Dress in a professional manner.
16. Attend to all duties in a punctual manner.
17. Maintain student confidentiality pursuant to state and federal law.
18. Follow and implement student Individual Education Programs (IEP) under the Individuals with Disabilities Education Act (IDEA) or plans under Section 504 of the Rehabilitation Act.
19. Maintain and account for The Biome School funds in the staff member's possession and



control.

20. Maintain professional relationships with students. With the exception of students who are immediate family with the staff member, this requirement also includes avoiding situations that could lead to allegations of inappropriate relationships with students, including, but not limited to:
  - a. Being present in any setting where students are provided or are consuming alcohol or illegal drugs.
  - b. Inviting students to be alone with a staff member at a staff member's residence, on staff member's private property, or in a staff member's motor vehicle without the prior consent of the administration.
  - c. Communicating with students, electronically or in person, about the student's sexual activity or concerning the staff member's sexual or romantic conduct.
  - d. The Biome School premises alone with a student in a room where the door is closed, the door is locked, or the lights are off, unless required temporarily due to emergency circumstances. Counselors and administrators are exempted from this prohibition in performance of professional duties.
  - e. Covering the interior window(s) of instructional space and offices with any material that blocks or obscures outside vision into the space, unless required temporarily due to emergency circumstances.
  - f. Communicating with students about sexual topics outside approved The Biome School curriculum, unless done as part of a The Biome School investigation into sexual abuse or harassment.
  - g. Utilizing students to attend to personal errands for the staff member.
  - h. Allowing students to drive a staff member's vehicle.
22. Provision to a student of any pictorial, three-dimensional or visual depiction of sexual acts of any sort as well as human genitals. However, works of art, when taken as a whole, have serious significance or materials used in science class are not considered to be violations of this subparagraph. Questions regarding the applicability of the subparagraph must be directed to the teacher's building administrator.

## **3012 EMPLOYEE REFERENCE MODEL POLICY [REQUIRED]<sup>6</sup>**

The Board of The Biome School adopts the following policy, effective on the date of adoption by the Board.

### **Section 1. Definitions**

**Section 1.1. *Employee*** – Any staff member or student teacher at the Biome School.

**Section 1.2. *Former Employee*** – An employee who was terminated or resigned or whose contract was nonrenewed, and/or an employee who has been notified that his or her contract with The Biome School will not be renewed.

**Section 1.3. *Potential Employer*** – Another charter school, school district, business or person seeking to hire a current or former employee or screening the current or former employee for a volunteer position, internship, or other activity.

**Section 1.4. *Reference*** – Information regarding the employment of, or services provided by, a current or former employee including, but not limited to, specific information regarding dates of employment or service, salary, job duties, performance, or character.

**Section 1.5. *Sexual Misconduct*** – Includes, but is not limited to, any conduct with a student, on or off The Biome School property, that could constitute a crime that is sexual in nature under Chapter 566 of the Missouri Revised Statutes, including, but not limited to, the crime of sexual misconduct; any conduct with a student that could constitute a serious violation of The Biome School's policies prohibiting sexual harassment, as determined by The Biome School; any conduct that is inappropriate and of a sexual nature that endangers the welfare of a student or students, as determined by The Biome School; or child abuse involving sexual behavior, as determined by the Children's Division (CD) of the Department of Social Services.

### **Section 2. General References**

**Section 2.1.** The Biome School will maintain information regarding current and former employees as confidential within the limits of the law. Only the President and CEO or a person or persons specifically designated by the President and CEO may respond on behalf of The Biome School to a reference request for a current or former employee. The Biome School employees must direct reference requests to the President and CEO or designee. Upon request, employees will assist the President and CEO or designee with the preparation of accurate reference information.

**Section 2.2.** In response to a reference request, the President and CEO or designee may provide information regarding the employee's work performance, including, but not limited to, the following information:

1. Name, positions, salary, and length of service.
2. A description of the employee's job duties when employed.

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<sup>6</sup>HR, App. O.

3. Additional School-sponsored committees, activities, or duties the employee volunteered for or was designated to perform.
4. Honors and awards received by the employee.
5. Factual information on work performance.
6. Whether the employee resigned, was terminated, or the employee's contract, if any, was

- not renewed.
7. When requested, a "yes" or "no" answer to a question about whether The Biome School would re-employ the current or former employee if an appropriate position existed or whether the President and CEO would recommend re-employment.
  8. Allegations of sexual misconduct with a student as required below.

### **Section 3. Disclosing Allegations of Sexual Misconduct to Other Public Schools**

**Section 3.1.** If a potential public school employer requests a reference regarding a former employee whose job involved contact with children, The Biome School will, in accordance with state law, notify the potential public school employer if the employee was terminated, nonrenewed or allowed to resign in lieu of termination (whether through a separation agreement or otherwise) as a result of allegations of sexual misconduct with a student or as a result of such allegations being substantiated by the CD's child abuse and neglect review board. In addition, The Biome School is required to disclose, to any public school that contacts The Biome School about a former employee, information regarding any violation of The Biome School's policies by the former employee if such violation related to sexual misconduct with a student and was determined to be an actual violation by the Board of Directors.

**Section 3.2.** If a potential public school employer contacts The Biome School for a reference for any former employee about whom the CD has investigated allegations of sexual misconduct with a student and reached a finding of substantiated, The Biome School will provide the results of the CD investigation to the potential public school employer, regardless of whether the employee's job involved contact with children.

### **Section 4. Recordkeeping**

**Section 4.1.** When The Biome School is contacted for a reference for a current or former employee, the President and CEO or designee will document the date, the name of the person and entity requesting the information, the person responding to the request, the method of disclosure, the information provided and, when applicable, the consent received.

### **Section 5. Notice**

**Section 5.1.** The Biome School will notify all current employees of this policy. The President and CEO or designee will provide notification of the existence of this policy to all potential employers who contact The Biome School for a reference. The notification must also include a statement that the Biome School's responses are limited to the scope of this policy.

**Section 5.2.** The Biome School will also provide copies of the policy to former employees upon request.

### **Section 6. Immunity**

**Section 6.1.** Any The Biome School employee who is permitted under this policy to respond to requests for references regarding former employees and who communicates only the information authorized by this policy in good faith and without malice is entitled to immunity against any civil action for damages brought by the former employee arising out of the communication of such information, in accordance with law.

**Section 6.2.** The Biome School employees responding to requests for references in accordance with this policy may request the attorney general to defend them if sued.

### **3013 Lactation Accommodation Policy**

The School will provide facilities to accommodate lactating employees within the school. These facilities will permit students and employees to express breast milk, breastfeed a child, and to address other needs relating to breastfeeding.

Implementation of this policy will provide a minimum of three opportunities during the school day, at intervals agreed upon by the School and the individual, to accommodate the affected individual's needs to express breast milk or breastfeed a child. Affected individuals may utilize the facilities for a period of at least one year following birth of the employee's child. The School may permit this accommodation for longer than the one-year period.

The space for implementation of this policy will be in the form of a room, other than a restroom for the exclusive use of women to express breastmilk or breastfeed a child. This room will be in close proximity to a sink with running water and a refrigerator for breastmilk storage and will have at a minimum the following features:

1. Ventilation and a door that may be locked in privacy.
2. A work surface and a chair; and
3. Conveniently placed electrical outlets.

Lactation Area(s)  
Annex Building, Nurses Office

# SECTION 4 SCHOOL OPERATION

**4000 PROHIBITIONS AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION POLICY**

**[REQUIRED]**

The Board of The Biome School adopts the following policy, effective on the date of adoption by the Board.

**Section 1. General Rule**

**Section 1.1.** The School 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 school strictly prohibits discrimination and harassment against employees, students, or others on the basis of race, color, religion, sex, sexual orientation, national origin, ancestry, familial status, disability, age, veteran status, genetic information, or any other characteristic protected by law. The School is an equal opportunity employer.

**Section 1.2.** The Board of Directors (“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 school, 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.

**Section 1.3.** All employees, students and visitors must promptly report to the President and CEO for investigation any incident or behavior that could constitute discrimination, harassment, or retaliation in accordance with this policy. If discrimination, harassment, or retaliation that occurs off school property and that is unrelated to the school’s activities negatively impacts the school environment, the School will investigate and address the behavior in accordance with this policy, as allowed by law.

**Section 2. Boy Scouts of America Equal Access Act**

**Section 2.1.** As required by law, the School will provide equal access to school 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.

**Section 3. School Nutrition Programs**

**Section 3.1.** 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 School), 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.

**Section 3.2.** 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 School's compliance officer identified in this policy. 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 confidentiality laws, such as the Privacy Act of 1974.

**Section 3.3.** The School staff who receive a complaint alleging illegal discrimination in the school's nutrition program will forward the complaint to the School's compliance officer immediately. The compliance officer 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 complaint has been directed to the USDA, the School will take action to investigate the concern and make necessary corrections as required by this policy.

#### **Section 4. Interim Measures**

**Section 4.1.** When a report is made or the school otherwise learns of potential discrimination, harassment or retaliation, the School will take prompt and appropriate action to protect the alleged victim, including implementing interim measures. For example, the school may alter a class seating arrangement, provide additional supervision for a student, or suspend an employee pending an investigation. The School will take prompt and appropriate 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.

#### **Section 5. Consequences and Remedies**

**Section 5.1.** If the school determines that discrimination, harassment, or retaliation have occurred, the school will take prompt, effective and appropriate action to address the behavior, prevent its recurrence and remedy its effects.

**Section 5.2.** 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 or otherwise restricted while on school grounds. The President and CEO or designee will contact law enforcement or seek a court order to enforce this policy when necessary or when actions may constitute criminal behavior.

**Section 5.3.** In accordance with law and School policy, any person suspected of abusing or neglecting a child will be reported to the Children's Division (CD) of the Department of Social Services.

**Section 5.4.** Remedies provided by the School 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, 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 School may provide additional training to students and employees, make periodic assessments to make sure behavior complies with school policy, or perform a climate check to assess the environment in the school.

#### **Section 6. Definitions**

**Section 6.1. *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.

**Section 6.2. *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, sexual orientation, national origin, ancestry, disability, age, veteran status, genetic information, or any other characteristic protected by law, or based on a belief that such a characteristic exists.

**Section 6.3. *Grievance*** – A verbal or written report (also known as a complaint) of discrimination, harassment, or retaliation (as defined in Section 1.2 of this policy) made to the compliance officer. Formal complaints under Title IX will be handled in accordance with the School's Title IX Sexual Harassment policy.

**Section 6.4. *Harassment*** – Harassment is unwelcome conduct that is based on race, color, religion, sex, sexual orientation, national origin, ancestry, disability, age, veteran status, genetic information, or any other characteristic protected by law. Behaviors that could constitute harassment include, but are not limited to, the following acts: graffiti; display of written material, pictures, or electronic images, including text messages; 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. Harassment is unlawful when it is sufficiently severe or pervasive that it denies or limits a student's ability to participate in educational programs or it creates a work environment that a reasonable person would consider intimidating, hostile, or abusive.

**Section 6.5. *Working Days*** – Days on which the school's business offices are open.

## **Section 7. Compliance Officer**

**Section 7.1.** The Board designates the following individual to act as the School's compliance officer:

- a) Bill Kent - bkent@thebiomeschool.org

**Section 7.2.** 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, which shall be the Board Chair.

**Section 7.3.** The compliance officer or acting compliance officer will:

1. Coordinate school compliance with this policy and the law.
2. Receive all grievances regarding discrimination, harassment, and retaliation.
3. Serve as the school'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 school employees with knowledge of discrimination, harassment or retaliation failed to carry out their reporting duties and recommend disciplinary action, if necessary.
7. Oversee discrimination, harassment, or retaliation grievances, including identifying and addressing any patterns or systemic problems and reporting such problems and patterns to the Board.
8. Seek legal advice when necessary to enforce this policy.
9. Report to the Board aggregate information regarding the number and frequency of

- grievances and compliance with this policy.
10. Make recommendations regarding changing this policy or the implementation of this policy.
  11. Coordinate and institute training programs for school staff and supervisors as necessary to meet the goals of this policy, including instruction in recognizing behavior that constitutes discrimination, harassment, and retaliation.
  12. Perform other duties as assigned by the Board.

## **Section 8. Public Notice**

**Section 8.1.** The President and CEO or designee will publicize the School's policy prohibiting discrimination, harassment and retaliation and disseminate information on how to report discrimination, harassment, and retaliation. Notification of the school'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.

**Section 8.2.** School bulletins, catalogs, application forms, recruitment material and the school's website will include a statement that the school does not discriminate in its programs, services, activities, facilities or with regard to employment. The school will provide information in alternative formats when necessary to accommodate persons with disabilities.

## **Section 9. Reporting**

**Section 9.1.** 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 school.

**Section 9.2.** 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 school employees will instruct all persons seeking to make a grievance to communicate directly with the compliance officer. Even if the potential victim of discrimination, harassment or retaliation does not file a grievance, school employees are required to report to the compliance officer any observations, rumors 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 school to take action upon finding a violation of law, school policy or school expectations.

**Section 9.3.** Even if a grievance is not directly filed, if the compliance officer otherwise learns about possible discrimination, harassment, or retaliation, including violence, the school 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.

## **Section 10. Student-on-Student Harassment**

**Section 10.1.** The President and CEO or designee may discipline a student for prohibited behavior in accordance with the school's discipline policy. If an administrator other than designated compliance officer disciplines the student, that administrator will report any incident of discrimination, harassment and retaliation to the designated compliance officer and will direct the parent/guardian and student to the compliance officer for further assistance.

**Section 10.2.** 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.

### **Section 11. Investigation**

**Section 11.1.** The School will promptly investigate all grievances. All persons are required to cooperate fully in the investigation. The compliance officer or other designated investigator may utilize an attorney or other professionals to conduct the investigation but is not required to do so.

**Section 11.2.** In determining whether alleged conduct constitutes discrimination, harassment or retaliation, the school 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 School will take prompt and appropriate corrective action.

### **Section 12. Grievance Process Overview**

**Section 12.1.** 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 President and CEO, the compliance officer may designate someone outside the school to hear the grievance in lieu of the President and CEO, or the grievance may be heard directly by the Board.

**Section 12.2.** An extension of the investigation and reporting deadlines may be warranted if extenuating circumstances exist as determined by the school'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, an appeal may be taken to the next level.

**Section 12.3.** Failure of the person filing the grievance to appeal within the timelines given will be considered acceptance of the findings and remedial action taken.

**Section 12.4.** The school 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.

**Section 12.5.** The school 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.

**Section 12.6.** Upon receiving a grievance, school 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.

### **Section 13. Grievance Process**

**Section 13.1. Level I –** A grievance is filed with the school's compliance officer. The compliance officer may, at his or her discretion, assign the President and CEO or other appropriate employee to conduct the investigation when appropriate.

Regardless of who investigates the grievance, an investigation will commence promptly, 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 President and CEO 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. The person who filed the grievance, the alleged victim if someone other than the alleged 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 school policy, regarding whether the school's compliance officer or designee determined that school policy was violated.

**Section 13.2** *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 President and CEO by notifying the President and CEO in writing. The President and CEO may, at his or her discretion, designate another person (other than the compliance officer) to review the matter when appropriate. When the President and CEO has acted as the compliance officer, the appeal will be heard directly by the Board as described in Level III.

Within ten working days, the President and CEO 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 President and CEO conducts the appeal, the President and CEO 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 President and CEO's decision, regarding whether the President and CEO or designee determined that the School policy was violated.

**Section 13.3.** *Level III* – Within five working days after receiving the Level II decision, the person filing the grievance, the alleged victim if someone other than the victim filed the grievance, or any alleged perpetrator may appeal the President and CEO's decision to the Board in writing. The person filing the grievance, the alleged victim if someone other than the victim filed 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 decision of the Board is final.

## **Section 14. Confidentiality and Records**

**Section 14.1.** To the extent permitted by law and in accordance with Board policy, The School 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 School will disclose information to the school's attorney, law enforcement, the CD, and others when necessary to enforce this policy or when required by law. In implementing this policy, The School 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.

**Section 14.2.** The school 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 school's attorney.

### **Section 15. Training**

**Section 15.1.** The school will provide training to employees on identifying and reporting acts that may constitute discrimination, harassment, or retaliation. The School will instruct employees to make all complaints to the designated compliance officer or acting compliance officer and will provide current contact information for these persons. The School will inform employees of the consequences of violating this policy and the remedies the school may use to rectify policy violations. All employees will have access to the School's current policy, required notices and grievance forms. The School will provide additional training to any person responsible for investigating potential discrimination, harassment, or retaliation.

## **4001 TITLE IX SEXUAL HARASSMENT MODEL POLICY [REQUIRED]**<sup>7</sup>

The Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

### **Section 1. Definitions**

**Section 1.1. Complainant** – A Complainant is any individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX, in connection with his or her participation in or attempt to participate in an educational program or activity of the School. A Complainant may be a student, an employee, or a third party. However, a Title IX Coordinator who signs a Formal Complaint is not considered a complainant.

**Section 1.2. Respondent** – A Respondent is an individual who is purported to be the perpetrator of conduct that could constitute sexual harassment. A Respondent need not be affiliated with the School in any respect.

**Section 1.3. Complaint** - A verbal or written report of discrimination, harassment, or retaliation made to the Compliance Officer/Title IX Coordinator or designee. A “Formal Complaint” for purposes of Title IX complaints includes a document or electronic complaint filed with or signed by the Title IX Coordinator involving a Complainant that is participating in or attempting to participate in the education program or activities of the School. Formal Complaints will be handled in accordance with the grievance procedure described in this Policy.

**Section 1.4. Sexual Harassment** – Sexual harassment is conduct based on sex that may be one or more of the following:

- 1) Employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct (i.e., often called *quid pro quo* harassment).
- 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive it effectively denies a person equal access to the School’s education program or activity; or
- 3) Sexual assault, stalking, dating/domestic violence, as defined herein.
  - *Sexual Assault* – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - *Domestic Violence* – Domestic violence includes violent misdemeanor and felony offenses, committed by a victim’s current or former spouse, current or former co-habitant, person similarly situated under domestic or family law, or anyone else protected under domestic or family violence law.
  - *Stalking* – Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress. A course of conduct is two or more incidents. Stalking includes “cyber-stalking,” a particular form stalking in which a person uses electronic media.
  - *Dating Violence* – Violence by a person who has been in a romantic or intimate relationship with the individual to whom the violence is directed. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

Sexual harassment may occur between members of the same or opposite sex.

**Section 1.5. Business Days** – Days on which the school’s business offices are open.

**Section 1.6. Title IX Coordinator** – The School designates the following employee as the Title IX Coordinator:

b) [Bill Kent, 4471 Olive St., St. Louis MO. 63108, 314-531-0982, bkent@thebiomeschool.org] “Title IX Coordinator” and “Compliance Officer” may be used interchangeably in this policy.

## **Section 2. Supportive Measures**

**Section 2.1.** When a Formal Complaint is made or the School otherwise learns of alleged discrimination, harassment, or retaliation against a student without a Formal Complaint, the School will take prompt and appropriate action to protect the alleged victim or the Respondent (i.e., the accused party), including implementing supportive measures, as appropriate and as reasonably available. For example, supportive measures may include counseling, extensions of deadlines or other class-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security, and monitoring of certain areas of the school, and other similar measures.

The School shall maintain the confidentiality of the supportive measures provided to the Complainant or the Respondent, so long as maintaining such confidentiality does not impair the School’s ability to provide such measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures and explaining the grievance procedures to the Complainant and Respondent. The School will take prompt and appropriate 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.

## **Section 3. Scope of Sexual Harassment Grievance Process**

**Section 3.1.** The Sexual Harassment Grievance Process pertains to sexual harassment under Title IX, as defined by this Policy, committed by or against students and/or employees when: (1) the conduct occurs at school or other property owned or controlled by the School; or (2) the conduct occurs in the context of a School employment or education program or activity within the United States.

**Section 3.2.** All members of the School community have the right to submit a complaint or raise concerns regarding sexual harassment under Title IX pursuant to this Policy without fear of retaliation.

## **Section 4. Filing a Formal Complaint**

**Section 4.1.** If a Complainant wishes for the School to proceed with an investigation into the allegations of sexual harassment pursuant to the grievance procedures in this section of the Policy, the Complainant must file a Formal Complaint. A Formal Complaint is a document alleging sexual harassment against a Respondent and requesting that the School investigate the allegation of sexual harassment. The Complainant must be participating in or attempting to access a School program or activity at the time the Formal Complaint is submitted. A Formal Complaint must be in written form, but it may be submitted in person, by mail, or by email to the Title IX Coordinator. It must be signed by the Complainant, but the required signature may be physical or digital.

**Section 4.2.** The Title IX Coordinator may also initiate a Formal Complaint by signing it. The Title IX Coordinator may consider the specific facts and circumstances and whether there is a pattern of misconduct involving a particular Respondent. The Title IX Coordinator may only sign a Formal Complaint after he or she has contacted the Complainant and discussed supportive measures and the Formal Complaint process with the Complainant. The Title IX Coordinator must consider the Complainant’s wishes for how the School responds to the report of Sexual Harassment.

**Section 4.3.** The Title IX Coordinator may consolidate Formal Complaints where the allegations of sexual

harassment arise out of the same facts or circumstances. Where a Formal Complaint includes more than one Complainant or more than one Respondent, any references in this policy to a single Complainant and/or Respondent will also refer to multiple complainants or respondents.

### **Section 5. Dismissal of Formal Complaints**

**Section 5.1.** Upon receipt of a Formal Complaint, the Title IX Coordinator will review the allegations set forth therein and determine whether the Complaint may proceed. Although the allegations may be investigated and resolved pursuant to another School policy, Formal Complaints of sexual harassment brought pursuant to this policy *must* be dismissed if:

1. The conduct alleged would not constitute Sexual Harassment as defined in this policy.
2. The conduct did not occur in connection with a School education program or activity.
3. The conduct did not occur against a person in the United States.

Furthermore, the Title IX Coordinator may, in his or her discretion, determine that even though it meets the basic threshold requirements to proceed, a particular Formal Complaint should be dismissed. Specifically, a Formal Complaint *may* be dismissed if:

1. Complainant notified Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations within.
2. Respondent is no longer enrolled in or employed by the School.
3. Specific circumstances prevent the School from gathering evidence to reach a determination.

After an initial review of the Formal Complaint, the Title IX Coordinator will continue to monitor the investigation and evaluate the Formal Complaint to determine if the above criteria for dismissal apply.

Following any dismissal of a Formal Complaint, the Title IX Coordinator will simultaneously send a written notice to the parties of the dismissal and the reasons for the dismissal.

**Section 5.2.** To the extent the behavior alleged in the Formal Complaint could constitute a violation of another School policy, it may be pursued under that policy. The Title IX Coordinator has the discretion to refer the allegations to the Superintendent or appropriate designee.

### **Section 6. Interim Action**

**Section 6.1.** The School may remove the Respondent from its education programs and activities prior to the start or completion of the grievance procedure on an emergency basis provided that the School:

1. Performs an individualized safety and risk analysis.
2. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
3. Provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

This provision may not be construed to modify any rights under federal disability laws.

**Section 6.2.** The School may place a Respondent who is an employee on administrative during the pendency of the grievance process in accordance with Board policy and law.



## **Section 7. Sexual Harassment Grievance Process**

**Section 7.1.** If any party believes that the Title IX Coordinator has a conflict of interest or bias for or against the individual parties and/or for or against complaints or respondents generally, that party should report their concern to the Superintendent within five (5) business days of filing a Formal Complaint. If the Superintendent determines that a conflict of interest or bias exists, the Superintendent will designate another individual to serve as Title IX Coordinator for the purposes of the specific grievance process involving the parties.

**Section 7.2.** The Respondent will be presumed not responsible for the policy violation that is alleged in the Formal Complaint unless and until the Respondent is found responsible by the decision maker at the conclusion of the grievance process.

**Section 7.3.** The grievance process generally will be completed within ninety (90) days. However, extensions to this time frame may be granted at the request of either party, or at the discretion of the Title IX Coordinator when good cause exists for the delay. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The Title IX Coordinator will notify all parties in writing of the delay, the length of the extension granted and the reason for the extension.

**Section 7.4.** Within five (5) business days of the receipt of a Formal Complaint, the Title IX Coordinator or designee will issue a written notice to the parties. The written notice should include, if known, the identity of the parties, the conduct alleged to be Sexual Harassment, and the date(s) and location(s) of the incident(s). The notice will also include a statement that the Respondent is presumed to be not responsible for any policy violations. The notice must also inform the parties that they have the right to an advisor of their choice during the grievance process, that they may inspect, and review evidence gathered during the investigation, and that policies related to student conduct prohibit making false statements or submitting false information during the grievance procedure.

**Section 7.5.** If during the course of the investigation, additional allegations are going to be investigated that were not included in the original notice, the Title IX Coordinator or designee will issue a supplemental written notice to the parties.

**Section 7.6.** Parties will also be provided with notice of all meetings, interviews, or hearings at least three (3) days in advance. Such notice will include the date, time, location, participants, and purpose of the meeting, interview, or hearing.

**Section 7.7.** Each party has the right to select an advisor of their choice, and for that advisor to accompany the party to any part of the grievance process, including all meetings and interviews. An advisor can be a family member, staff member, mentor, attorney, or any other person of the party's choice who is available and agrees to serve as advisor.

**Section 7.8.** The Title IX Coordinator or designee will designate an investigator (which may be himself or herself) to conduct a fair, thorough investigation of the allegations in the Formal Complaint. The investigator will have received training as required by Title IX regulations. The School may designate an outside investigator as the investigator.

**Section 7.9.** The investigator will provide written notice of any meetings or interviews to the parties and/or witnesses at least three (3) business days in advance of the meeting or interview. This notice will include the date, time, and location for the meeting, as well as who will be participating in the meeting and the purpose for the meeting.

**Section 7.10.** The burden will be on the investigator to fully and fairly investigate the allegation in the Formal Complaint. All parties will have an equal opportunity to present witnesses and evidence to the investigator.

**Section 7.11.** At the conclusion of the investigation, the investigator will send a copy of the evidence that is directly related to the allegations in the Formal Complaint to the parties and their advisors for inspection and review. The parties will then have ten (10) business days to submit a written response to the evidence, if they choose to do so. The investigator will consider any written response to the evidence before the completion of the investigative report.

**Section 7.12.** The investigator will prepare an investigative report that fairly summarizes all the relevant evidence. The investigative report should include a description of all steps taken in the investigation as well as summaries of all interviews with parties and/or witnesses and all relevant evidence reviewed by the investigator. The investigator will send a copy of the report to the parties and their advisors within ten (10) business days following completion of the investigation report.

**Section 7.13.** Following the delivery of the investigative report to the parties and before reaching a determination, the decision-maker(s) (who may not be the Title IX Coordinator or investigator) will allow the parties the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions or evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant in most scenarios.

**Section 7.14.** The Decision-maker(s) shall issue a written determination whether the Respondent is responsible for the policy violations alleged in the Formal Complaint within five (5) business days of the conclusion of the follow-up period described in Section 6.13. The Decision-maker(s) must determine the weight of the evidence and credibility of the parties in reaching a determination. The written determination shall include:

- An identification of the allegations in the Formal Complaint;
- A description of procedural steps taken from the receipt of the Formal Complaint through the determination, including any notices, interviews, investigators, and hearings;
- Findings of fact that support the determination;
- Conclusions regarding the application of the policy to the facts;
- A statement and rationale for the result of each allegation including the determination of responsibility, any sanctions that will be imposed on the Respondent, and whether any remedies designed to restore and preserve equal access to the School's educational program will be provided to the Complainant; and
- The procedures and acceptable bases for appeal of the determination.
- The standard of proof will be "preponderance of the evidence," which means whether the evidence shows it is more likely than not that a policy violation occurred.

The written determination will be provided simultaneously to all parties. It will become final and any sanctions will take effect after the resolution of any appeal, or if no appeal is filed, within 48 hours after the issuance of the written determination.

**Section 7.15.** If a Respondent is found responsible for any violations of policy, then the decision-maker will determine what disciplinary sanctions will be imposed on the Respondent and what remedies designed to restore and preserve equal access to the School's educational programs will be offered to the Complainant. Possible sanctions that can be imposed on a Respondent found responsible include but are not limited to: (a) written warning/behavioral agreement; (b) loss of privilege; (c) educational project or service hours; (d) removal from activities; (e) no contact with certain persons; (f) suspension; (g) expulsion; or (h) termination. The discipline of employees and students is addressed in the policies, regulations, procedures and handbooks of the School.

## **Section 8. Appeals of Decision**

**Section 8.1.** A party may appeal the determination of responsibility or a dismissal of a Formal Complaint by submitting a written request to the designated Appeals Officer: The Biome School Board Chair within 48 hours of the issuance of the decision-maker's determination of responsibility or dismissal. The request should include a short

statement outlining the basis for appeal. Appeals are limited to the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the determination of responsibility or the dismissal of the Formal Complaint that would affect the outcome of the matter; or
- The Title IX Coordinator, Investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally that affected the outcome of the matter.

The Appeals Officer will notify the parties in writing that an appeal has been filed. Each party will then have five (5) days to submit a written statement in support of or challenging the outcome of the hearing.

**Section 8.2.** The Appeals Officer will issue a written determination of the outcome of the appeal, describing the result of the appeal and the rationale in support of that decision within five business days of the deadline for parties to submit their written statements. The Appeals Officer's written determination will be provided simultaneously to all parties.

### **Section 9. Recordkeeping**

The Title IX Coordinator must create and maintain for a period of at least seven years records of any actions, including any supportive measures taken in response to a report or Formal Complaint of Sexual Harassment. For each instance, the Title IX Coordinator must document: 1) the basis for the conclusion that the School's response was not deliberately indifferent, and 2) that the School has taken measures designed to restore or preserve equal access to the School's educational program or activity. If the Title IX Coordinator does not provide the Complainant with supportive measures, then the Title IX Coordinator must document why it was not clearly unreasonable to not provide supportive measures.

The Title IX Coordinator will also maintain the following records for a period of at least seven years:

- Records related to each Sexual Harassment investigation, including any determination regarding responsibility;
- Any audio or audiovisual recording or transcript from a grievance hearing, if any;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;
- Any appeal from a grievance process and the result of the appeal;
- Records related to any informal resolution and the result of the informal resolution;
- All materials used to train the Title IX Coordinators, Investigator, decision maker, and any individual who facilitates an informal resolution.

## **4002 SCHOOL CALENDAR MODEL POLICY**

The Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

### **Section 1. APPROVAL OF ANNUAL CALENDAR**

**Section 1.1.** The President and CEO or his/her designee shall submit for approval by the Governing Board a calendar for the upcoming school year no later than [month] of each preceding year. The calendar shall specify the dates of the school year for students, the work year for staff, holidays and breaks, and other critical activities and events. The annual calendar shall comply with the School's policies and applicable laws and regulations.

**Section 1.2.** No later than the last regularly scheduled board meeting of the current school year, the Governing Board shall officially adopt the upcoming school year calendar.

**Section 1.3.** Information pertaining to dissemination and publishing of the adopted calendar shall be published on the School's website and via other communication channels no later than the end of July of the upcoming school year.

### **Section 2. Attendance Hours**

**Section 2.1** The school calendar adopted by the Board will provide for a minimum of 1,044 hours of pupil attendance. The calendar shall also include thirty-six make-up hours for possible loss of attendance due to inclement weather<sup>8</sup>.

**Section 2.2.** The School shall be required to make up the first 36 hours of school lost or canceled due to inclement weather and half the number of hours lost or cancelled in excess of the 36 make-up hours if the make-up of the hours is necessary to ensure the students attend a minimum of 1,044 hours for the school year.

**Section 2.3.** The School is exempt from the requirement to make-up school lost or cancelled due to inclement weather when the school has made up the required thirty-six hours (see above) and half the number of additional lost or cancelled hours (with a cap of forty-eight hours), resulting in no more than sixty total make-up hours.

The School shall be exempt from making up, up to 36 hours of school, lost or cancelled to due to exceptional or emergency circumstances<sup>9</sup> if the School has an alternative methods of instruction plan approved by the department of elementary and secondary education.<sup>10</sup>

**Section 2.4.** The President and CEO has the authority to make the final decision to close school buildings on a day-to-day or short-term basis due to inclement weather or other exceptional or emergency circumstances where the safety of employees or students could be at immediate risk, or the School does not have the necessary resources available to education students in the building(s).

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<sup>8</sup> For purposes of this Policy, "inclement weather" means ice, snow, extreme cold, flooding or a tornado

<sup>9</sup> For purposes of this Policy, exceptional or emergency circumstances shall include, but not be limited to, inclement weather, a utility outage, or an outbreak of a contagious disease.

<sup>10</sup> § 171.033, RSMo.

### **Section 3. Alternative Methods of Instruction**

**Section 3.1.** The School will develop and maintain a plan for educating students during times when school

buildings must be closed. Such planning will particularly address potential long-term school building closures. In accordance with law, the President and CEO or designee will seek approval for the plan from the Department of Elementary and Secondary Education. If approved, these methods may be used to avoid lost hours of instruction and make-up days. Any alternatives proposed will ensure rigorous instruction of students that is equivalent to the instruction missed due to canceled school.

#### **Section 4. Authorization to Revise the Annual Calendar**

**Section 4.1.** The Governing Board, upon recommendation by the President and CEO or his/her designee has the authority to make changes to the official school calendar through a duly adopted board resolution.

## **4003 TITLE I MODEL POLICY [REQUIRED]<sup>11</sup>**

The Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

### **Section 1. Parent Involvement**

The Board recognizes the importance of parental involvement in the education of their children. The School believes that the education of each student is a responsibility shared by the school, parents, families, and other members of the community. Therefore, the School will work to provide a variety of parental involvement activities throughout the school year.

### **Section 2. Title I Parental Involvement Plan.**

School administrators, staff, and parents will jointly develop and agree upon a written parental involvement program that will be distributed to parents of all children participating in a Title I program. The written parental involvement program will be reviewed annually, and will describe how the school will:

1. Involve parents in the joint development of the Title I program plan and in the process of reviewing the implementation of the plan and suggesting improvements.
2. Provide the coordination, technical assistance and other support necessary to assist the school in planning and implementing effective parental involvement activities to improve student academic achievement and school performance.
3. Build the school's and parents' capacity for strong parental involvement.
4. Coordinate and integrate Title I parental involvement strategies with those of other educational programs.
5. Conduct, with the involvement of parents, an annual evaluation of the content of the parental involvement program and its effectiveness in improving the academic quality of the school. This will include identifying barriers to greater participation by parents in activities authorized by law, particularly by parents who are economically disadvantaged, have disabilities, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background. The School will use the findings of such evaluation to design strategies for more effective parental involvement and to revise, if necessary, the parental involvement policies.
6. Involve parents in the activities of the school.

### **Section 3. Reporting Requirements**

Pursuant to the provisions of the Every Student Succeeds Act of 2015, the School will submit its Federal Title I LEA Plan, describing the School's Title I services.

## **4004 ACCOMMODATIONS OF STUDENTS WITH DISABILITIES [REQUIRED][REVISED]<sup>12</sup>**

The Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

### **Section 1. General**

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any School program, including nonacademic services and extracurricular activities. The School seeks to identify and evaluate students who may have disabilities as defined by Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA). The School will provide students with disabilities a free and appropriate public education as required by law.

The President and CEO or designee is directed to create procedures to assist the School in properly identifying, evaluating and serving students with disabilities who need accommodation to participate in the School's educational programs.

### **Section 2. Section 504 and ADA Compliance Officer**

The School designates the SPED Coordinator as the School's Section 504 and ADA compliance officer. All complaints or concerns regarding illegal discrimination must be brought to the attention of the compliance officer.

### **Section 3. Notice and Child Find**

School publications will include notification to students and the public that the School does not discriminate on the basis of disability in admission or access to, or treatment in, its programs or activities. The notice will provide School contact information for members of the public to notify the School if they know or believe that a child may have a disability.

### **Section 4. Grievance Procedure**

All complaints alleging discrimination, violation of law or failure to follow School policies or procedures regarding the education or accommodation of students with disabilities will be made to the compliance officer and will be investigated immediately. The School will use the grievance procedure outlined in the Nondiscrimination and Anti-Harassment Policy. Complaints may be made at any time to the U.S. Department of Education, Office for Civil Rights.

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<sup>12</sup> Op., App. H.

## **4005 STUDENT EDUCATIONAL RECORDS MODEL POLICY[REQUIRED]<sup>13</sup>**

The Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

### **Section I. General**

**Section 1.1.** A cumulative educational record shall be maintained for each student from his/her entrance into the School through the last date of attendance or through graduation, whichever occurs first. Education records shall be retained according to the guidelines set forth in the retention schedules developed by the Office of the Missouri Secretary of State.

**Section 1.2.** Each student's educational record will include information required by state and federal statutes, regulations or agencies and shall include other information considered necessary by school officials.

### **Section 2. Confidentiality**

**Section 2.1.** The School will comply with the mandates of the Family Educational Rights and Privacy Act (FERPA) and the Safe Schools Act regarding confidentiality of student records and disclosure of personally identifiable information.

**Section 2.2.** All information contained in a student's educational record, except information designated as directory information by the School, shall be confidential and shall be accessible only to school officials who demonstrate a legitimate educational interest in the student's records and to parents/guardians or eligible students, except as otherwise authorized by law.

### **Section 3. Directory Information**

**Section 3.1.** "Directory information" is information contained in an education record of a student that generally would not be considered harmful or an invasion of privacy if disclosed without the consent of a parent or eligible student. The School will designate the types of information included in directory information and may release this information without first obtaining consent from a parent or eligible student unless a parent or eligible student notifies the School in writing as directed. Parents and eligible students will be notified annually of the information the School has designated as directory information and the process for notifying the School if they do not want the information released.

**Section 3.2.** The School designates the following items as directory information:

*General Directory Information* – The following information the School maintains about a student may be disclosed by the School without first obtaining written consent from a parent or eligible student:

Student's name; parents' names; grade level; enrollment status; participation in school- sponsored or school-recognized activities and sports; weight and height of members of athletic teams; dates of attendance; degrees, honors and awards received; artwork or course work displayed by the school; schools or school districts previously attended; and photographs, videotapes, digital images and recorded sound unless such records would be considered harmful or an invasion of privacy.

*Limited Directory Information* – In addition to general directory information, the following information the School



maintains about a student may be disclosed to: parent groups or booster clubs that are recognized by the Board and are created solely to work with the School, its staff, students and parents and to raise funds for school activities; parents of other students enrolled in the School; governmental entities including, but not limited to, law enforcement, the juvenile office and the Children's Division (CD) of the Department of Social Services:

The student's address, telephone number and e-mail address and the parents' addresses, telephone numbers and e-mail addresses.

#### **Section 4. Release of Education Records**

**Section 4.1.** Disclosure of information from a student's education records will be made only with the written consent of the parent or eligible student, subject to the following exceptions. The School may disclose education record information without consent in accordance with law, including when the disclosure is:

1. To school officials who have a legitimate educational interest in the records.
2. To officials of another school in which a student is enrolled or seeks or intends to enroll as long as the disclosure is for purposes related to the enrollment or transfer.
3. Directory information.
4. To military recruiters or institutions of higher education that have requested the names, addresses and telephone listings of secondary school students. However, the School will honor a request from a secondary school student or her parent not to release the information.
5. To organizations conducting studies for or on behalf of the School or other educational agencies or institutions to develop, validate or administer predictive tests, administer student aid programs or improve instruction if the legal requirements for disclosure are met.
6. To state and local authorities, when allowed by state statute, if the disclosure concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed may be required to certify in writing that the information will not be disclosed to any other party except as allowed by law or with the written consent of the parent.
7. To accrediting organizations to carry out their accrediting functions.
8. To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1986.
9. To parents of a student who is not an eligible student or to the student.
10. To comply with a judicial order or a lawfully issued subpoena. Unless otherwise ordered, and except in cases where a parent is a party to a court proceeding involving child abuse or neglect or dependency matters and the order or subpoena is issued in the context of that proceeding, the School will make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or student may seek protective action.
11. In connection with a student's request for or receipt of financial aid to determine the eligibility, amount or conditions of the financial aid or to enforce the terms and conditions of the aid.
12. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the United States Department of Education or state and local education authorities in connection with an audit or evaluation of federally or state-supported education programs or for the enforcement of or compliance with federal legal requirements relating to these programs.
13. To appropriate parties when there is an articulable and significant threat to the health or safety of a student or other persons. The nature of the threat and the persons to whom the information was disclosed must be recorded.
14. To an agency, caseworker or other representative of a state or local child welfare agency or tribal organization who has a right to access the student's case plan, as determined by the state or tribal organization, when such agency or organization is legally responsible for the

care and protection of the student. This disclosure is limited to student records or information from those records used for the purpose of addressing the student's education needs.

15. To other persons authorized to receive education records pursuant to FERPA and 34 C.F.R., Part 99, or other applicable laws.

## **Section 5. Military Recruiters**

**Section 5.1.** Upon request by military recruiters or an institution of higher learning, the School will provide students' names, addresses and telephone listings. Parents will be notified annually of their right to individually request that such information not be released without prior parental consent. Military recruiters will be provided the same access to students as is given to institutions of higher learning.

## **Section 6. Inspection and Review**

**Section 6.1.** All parents may inspect and review their student's education records, seek amendments, consent to disclosures and file complaints regarding the records as allowed by law. These rights transfer from the parent to the student once the student becomes an eligible student. An eligible student is a student or former student of the School who has reached age 18 or is attending a postsecondary school. The School will annually notify parents and currently enrolled eligible students of their rights in accordance with law.

**Section 6.2.** The School will extend the same access to records to either parent, regardless of divorce, custody or visitation rights, unless the School is provided with evidence that the parent's rights to inspect records have been legally modified.

### **Section 6.3 Review Procedures**

1. The parents or the eligible student should submit to the President and CEO a written request that identifies as precisely as possible the record or records they wish to inspect. The President and CEO or designee will make the needed arrangements for access as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. Access must be given as soon as possible, but within forty-five (45) days.
2. If a parent or eligible student requests an education record that contains information on more than one identifiable student, the School will not disclose the record unless the School is able to effectively redact information pertaining to the other student(s) or the law otherwise allows for the disclosure.
3. If a parent or eligible student believes the education records related to the student contain information that is inaccurate, misleading or in violation of the student's privacy, he or she may ask the School to amend the record by following the appeals procedure outlined in section 6.4 of this policy.

**Section 6.4 Appeal Procedures** Parents or eligible students have the right to request correction of education records that they believe are inaccurate, misleading or in violation of their privacy rights. Following are the procedures for the correction of education records:

1. Parents or the eligible student must ask the School to amend a record. In so doing, they must identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy rights. The request should be made to the President and CEO.
2. The President and CEO or designee will decide, within a reasonable period of time after receiving the request, whether to amend the record as requested. The President and CEO will notify the

parents or eligible student of the decision and, if the request for amendment is denied, will inform them of their right to a hearing to challenge the content of the student's education records on the grounds that the information included is inaccurate, misleading or in violation of the student's privacy rights.

3. The President and CEO will hold a hearing within a reasonable period of time after a request for a hearing is received. The President and CEO will notify the parents or eligible student, reasonably in advance, of the date, place and time of the hearing.
4. The hearing will be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be a School official. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The parents or eligible student may be assisted by one or more individuals of their choice, including an attorney.
5. The hearing officer will prepare a written decision based solely on the evidence presented at the hearing and provide a copy to the School and the parents or the eligible student within a reasonable period of time after the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If the hearing officer decides that the information is inaccurate, misleading, or in violation of the student's privacy rights, the School will amend the record and notify the parents or eligible student of the amendment in writing.
7. If the hearing officer decides that the challenged information is not inaccurate, misleading or in violation of the student's privacy rights, the School will notify the parents or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the School discloses the contested portion of the record, it must also disclose the statement.

## **Section 7. Recordkeeping**

**Section 7.1.** Unless exempted below, the School will maintain a record of all requests for and disclosures of information from a student's education records. The School will maintain the record of requests and disclosures with the education records of the student as long as the records are maintained. The record will indicate the name of the party making the request, any additional party to whom the information may be redisclosed and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the parents or eligible student.

**Section 7.2.** When the School discloses personally identifiable information from education records to third parties without parental consent in a health or safety emergency, the School will record the articulable and significant threat to the health or safety of individuals that formed the basis for the disclosure and the parties to whom the School disclosed the information.

**Section 7.3.** The School is not required to maintain a record of requests by or disclosures to:

1. The parent or eligible student.
2. School officials within the School who have a legitimate educational interest in the student's education record.
3. A party with written consent from the parent or eligible student.
4. A party seeking directory information.
5. A party seeking or receiving the records as directed by a law enforcement subpoena if the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the

information furnished in response to the subpoena not be disclosed.

## **4006 COMMUNICABLE DISEASES POLICY [REQUIRED]**

The Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

The School recognizes its responsibility to protect the health of students and employees from the risks posed by communicable diseases. The School also has a responsibility to protect individual privacy, educate all students regardless of medical condition and treat students and employees in a nondiscriminatory manner.

### **Section 1. Immunization**

**Section 1.1.** In accordance with law, students cannot attend school without providing satisfactory evidence of immunization, unless they are exempted from immunization.

### **Section 2. Standard Precautions**

**Section 2.1.** The School requires all staff to routinely employ standard precautions to prevent exposure to disease-causing organisms. The School will provide the necessary equipment and supplies to implement standard precautions.

### **Section 3. Categories of Potential Risk**

**Section 3.1.** Students or employees with communicable diseases that pose a risk of transmission in school or at school activities (such as, but not limited to, chicken pox, influenza and conjunctivitis) will be managed as required by law and in accordance with guidelines provided by the Department of Health and Senior Services (DHSS) and local county or city health departments. Such management may include, but is not limited to, exclusion from school or reassignment as needed for the health and safety of students and staff.

**Section 3.2.** Students or employees infected with chronic communicable diseases that do *not* pose a risk of transmission in school or at school activities (such as, but not limited to, hepatitis B virus or HIV) shall be allowed to attend school or continue to work without any restrictions based solely on the infection. The School will not require any medical evaluations or tests for such diseases.

### **Section 4. Exceptional Situations**

**Section 4.1.** There are certain specific types of conditions, such as frequent bleeding episodes or uncoverable, oozing, skin lesions that could potentially be associated with transmission of both bloodborne and nonblood borne pathogens. In the case of students, certain types of behaviors, such as biting or scratching, may also be associated with transmission of pathogens.

**Section 4.2.** Students who exhibit such behaviors or conditions may be educated in an alternative educational setting or, if appropriate, disciplined in accordance with the discipline code. In the case of a student with a disability, the Individualized Education Program (IEP) team or 504 team will make any change of placement decisions.

**Section 4.3.** Employees who exhibit such conditions will not be allowed to work until the condition is resolved or appropriately controlled in a way that minimizes exposure.

## **Section 5. Confidentiality**

**Section 5.1.** The President and CEO or designee shall ensure that confidential student and employee information is protected in accordance with law. Medical information about an individual, including an individual with HIV, will only be shared with School employees who have a reasonable need to know the identity of the individual in order to provide proper health care or educational services. Examples of people who may need to know a student's medical information are a school nurse, or other employee designated to administer medications, and the IEP or 504 team if applicable. An example of an individual who may need to know an employee's medical information is the employee's immediate supervisor, if accommodations are necessary.

**Section 5.2.** All medical records will be maintained in accordance with law and Board policy. Breach of confidentiality may result in disciplinary action, including termination.

## **Section 6. Reporting and Disease Outbreak Control**

**Section 6.1.** Reporting and disease outbreak control measures will be implemented in accordance with state and local law, DHSS rules governing the control of communicable diseases and other diseases dangerous to public health, and any applicable rules distributed by the appropriate county or city health department.

## **Section 7. Notification**

**Section 7.1.** Missouri state law provides that chief administrative officers of schools who supply a copy of this policy, adopted by the school's Board, to DHSS shall be entitled to confidential notice of the identity of any school student reported to DHSS as HIV-infected and known to be enrolled in the school. Missouri law also requires the parent or guardian to provide such notice to the chief administrative officer.

## **4007 DISTRIBUTION OF MEDICINE MODEL POLICY[REQUIRED][REVISED]<sup>14</sup>**

The Board of The Biome School adopts the following policy effective on that date that the policy is adopted by the Board.

### **Section 1. School Distribution and Administration of Medication**

**Section 1.1.** The school nurse (or another employee designated by the President and CEO or his/her designee) may administer medication (this includes prescription or over-the-counter medication) only if all of the following requirements are met:

**Section 1.1.1.** Prescription drugs must be in the original container, bear the name of the student, the name of the physician and the name of the pharmacy filing the prescription. Over-the-counter drugs must be maintained in the original container.

**Section 1.1.2.** The appropriate approval form for medication distribution must have been completed and signed by the parent or guardian for each medication.

**Section 1.2.3.** The school nurse or other designated employee shall keep a written report of medication taken by the student.

**Section 1.2.4.** Medications will be administered at school only when it is not possible or effective for the student to receive the medication at home.

**Section 1.2.** The School reserves the right to refuse to administer certain types of medication (at the discretion of the school nurse or other employee authorized by the President and CEO's or his/her designee) when such administration could prove harmful to staff or student without proper training or direction of a physician.

### **Section 2. Student Possession and Self-Administration of Medication**

**Section 2.1.** The School prohibits students from possessing or self-administering medications while on School ground, on School transportation or during School activities unless explicitly authorized in accordance with this section.

**Section 2.2.** The school shall grant any student authorization for the possession and self-administration of medication to treat the student's chronic health condition, including but not limited to asthma or anaphylaxis if:

**Section 2.2.1.** A licensed physician prescribed or ordered such medication for use by the pupil and instructed such pupil in the correct and responsible use of such medication.

**Section 2.2.2.** The pupil has demonstrated to the pupil's licensed physician or the licensed physician's designee, and the school nurse, if available, the skill level necessary to use the medication and any device necessary to administer such medication prescribed or ordered.

**Section 2.2.3.** The pupil's physician has approved and signed a written treatment plan for managing the pupil's chronic health condition, including asthma or anaphylaxis episodes and for medication for use by the pupil. Such plan shall include a statement that the pupil is capable of self-administering the medication under the treatment plan.

**Section 2.2.4.** The pupil's parent or guardian has completed and submitted to the school any written documentation required by the school, including the treatment plan and the liability statement.

**Section 2.2.5.** The pupil's parent or guardian has signed a statement acknowledging that the school and its employees or agents shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil or the administration of such medication by school staff. Such statement shall not be

construed to release the school and its employees or agents from liability for negligence.

**Section 2.3.** Pupils authorized to possess and self-administer medication may possess and self-administer such medication while in school, at a school-sponsored activity, and in transit to or from school or school-sponsored activity.

**Section 2.4.** Such authorization shall only be effective for the school year in which it is granted. Such authorization shall be renewed by the student's parent or guardian each subsequent school year.

**Section 2.5.** Any current duplicate prescription medicine, if provided by a student's parent or guardian or by the school shall be kept at the school in a location at which the student or school staff has immediate access in the event of an asthma or anaphylaxis or other emergency.

**Section 2.6.** The written treatment plan, liability statement, and any other written documentation shall be kept on file at the school in a location easily accessible in the event of an emergency.

**Section 2.7.** Permission to possess and self-administer medications may be revisited if there is evidence that the student is not handling or administering the medication appropriately or that the student's actions may be harming their own health or the health and safety of others.

### **Section 3. Consequences**

**Section 3.1.** Students who possess or consume medications in violation of this policy while on School grounds, on School transportation or during a School activity may be disciplined up to and including suspension or expulsion.

**Section 3.2.** Employees who violate this policy may be disciplined up to and including termination.

**Section 3.3.** The School will notify law enforcement when they believe a crime has occurred.



## **4008 IMMUNIZATIONS MODEL POLICY<sup>15</sup>[REQUIRED]<sup>16</sup>**

The Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

### **Section 1. General**

**Section 1.1.** It is the policy of the School that all students attending the School shall be immunized in accordance with law.

**Section 1.2.** The School will not allow a student to attend school until the School has satisfactory evidence on file demonstrating that the student has been immunized, that the immunization process has begun and satisfactory progress is being accomplished or that the student is exempted from obtaining immunizations in accordance with law.

### **Section 2. Immunization Exceptions**

**Section 2.1.** A student is exempted from obtaining immunizations if the School has the completed, original forms from the Missouri Department of Health and Senior Services (DHSS) necessary to prove that the student will not be immunized for religious or medical reasons. An exemption for medical reasons requires certification by a licensed doctor of medicine or doctor of osteopathy that either the immunization would seriously endanger the child's health or life or that the child has documentation of laboratory evidence of immunity to the disease. An exemption for religious reasons requires written certification from one parent/guardian that immunization of the student violates his or her religious beliefs.

**Section 2.2.** Homeless students, students in the custody of the Children's Division (CD) of the Department of Social Services and students in the household of an active duty member of the military who do not have an exemption and cannot provide evidence of having received immunizations required under Missouri law shall be immediately enrolled, permitted to attend and given 30 days to provide satisfactory evidence that the student has completed all age-appropriate immunizations or has begun the process of immunization. If the student has begun the process of immunization, the student may continue to attend as long as the process is being accomplished according to the schedule recommended by DHSS.

### **Section 3. Failure to Provide Evidence of Required Immunizations**

**Section 3.1.** The School will exclude from school all students who are not immunized or exempted as required by law.

**Section 3.2.** The School must report to DHSS the names of any parents/guardians who neglect to immunize their student or refuse to permit the immunization of a nonexempted student. The School will also report to the CD any instance of educational or medical neglect.

**Section 3.3.** Pursuant to law, any contacts with parents/guardians regarding immunizations will also include information about influenza and influenza vaccines.

<sup>16</sup> Missouri Department of Health immunization information can be found here:  
<http://health.mo.gov/living/wellness/immunizations/pdf/1415schoolrequirements.pdf>

### **Section 4. Records**

The President and CEO or designee shall institute procedures for the maintenance of health records that show the immunization status of every child enrolled in or attending the School and for the completion of all necessary reports in accordance with guidelines prepared by DHSS.

## **4009 TRANSPORTATION MODEL POLICY[REVISED]17**

The Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

### **Section 1. Car Riders**

**Section 1.1.** The School's primary transportation method shall be parent or guardian drop off or pick up of students to and from school daily.

**Section 1.2.** To ensure the safety of all students, staff, and visitors, the President and CEO or his/her designee shall establish procedures including, but not limited to: authorization processes for drop off, dismissal, and pickup, drop off and pick up times, routes, supervision, and load/un-load processes. These procedures shall be published in the student handbook each year and updated periodically as needed for efficiency and safety.

**Section 1.3.** Parents, guardians, day-care buses/vans, and other authorized individuals dropping off or picking up students shall comply with all procedures set forth by the President and CEO or his/her designee. The President and CEO or his/her designee is authorized to take measures (including prohibiting access to the property) to address habitual non-compliance with the School's transportation policy and procedures that jeopardizes the safety of students, staff, and visitors or impedes the efficiency of arrival and dismissal processes.

**Section 1.4.** The School will accept or release students from the car rider area only to the care of a parent or guardian or other individual previously approved in writing by the parent or guardian.

### **Section 2. Busing**

**Section 2.1.** When available, students may be transported to and from school in vehicles owned by The Biome School or other approved vehicles, including contracted school buses, charter buses or vans, which are compliant with applicable laws and regulations related to transporting students.

**Section 2.2.** Students shall be required to follow all safety regulations required of passengers riding on school vehicles.

### **Section 4. Field Trips and Off-site Events**

**Section 4.1.** For fieldtrips and other off-site events where transportation is provided, School shall procure the permission and medical release for students by parents or guardians and shall maintain records in accordance with the approved records retention schedule.

**Section 4.2.** Transportation for field trips and off-site events is subject to the requirements of this Policy.

### **Section 5. Transportation Safety**

**Section 5.1.** When applicable, School officials must provide safe transportation of School students to and from school and/or School activities. Drivers, students and School personnel will follow all laws and School policies and procedures.

**Section 5.2.** School vehicles carrying students will be considered extensions of the school environment. Any student whose conduct on School-provided transportation is improper or jeopardizes the safety of other students may be suspended from School-provided transportation services and may be disciplined in accordance with School policy.

Uniform rules of conduct and disciplinary measures will be enforced. Students with disabilities will be disciplined according to law. Access to all School transportation is limited to authorized riders and staff. All School staff and drivers shall report any instance of trespass to appropriate administrators and law enforcement agencies.

## **4010 BUILDING MAINTENANCE MODEL POLICY<sup>18</sup>**

The Board of The Biome School adopts the following policy effective on the date of adoption by the Board.

Safe and adequate grounds shall be maintained for the educational and recreational programs providing at the School. The Governing Board shall maintain the building(s) and equipment through a continuous program of assessment, repair, reconditioning, and remodeling. The Board's Planning Committee, in collaboration with the President and CEO or his/her designee shall develop and implement capital improvement projects that ensure proper maintenance of the school in accordance with the approved budget.

The President and CEO or his/her designee shall manage janitorial and custodial staff in maintaining all school facilities and grounds.

## **4011 SOLICITATIONS OF STAFF AND STUDENTS MODEL POLICY<sup>19</sup>**

The Board of The Biome School (School) adopts the following policy effective on the date that the policy is adopted by the Board.

### **Section 1. Approval of Solicitation**

**Section 1.1.** School employees shall have the freedom to perform professional duties in an environment uninterrupted by solicitations from colleagues or from outside agencies without approval of the President and CEO or his/her designee. Solicitation within the school must have prior approval of the President and CEO or his/her designee.

**Section 1.2.** Prior to each school year the Board shall approve an annual Fundraising Plan.

**Section 1.3.** No fundraising organizations shall be permitted to solicit funds from students or employees without prior approval from the President and CEO or his/her designee. Charitable organizations' solicitations must be approved annually.

**Section 1.4.** [Door-to-door collection shall be prohibited for all students.]

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<sup>19</sup> Op., App. T.

## **4012 STUDENT AND CLASSROOM OBSERVATIONS MODEL POLICY[REQUIRED]<sup>20</sup>**

The Governing Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

### **Section 1. Classroom Observations**

**Section 1.1.** While the School acknowledges that some educational benefit may be derived from third parties wishing to conduct classroom observations for research purposes for educational products or services, it is the responsibility of the School to protect the privacy of all students.

**Section 1.2.** Requests for observations by an outside educational or clinical professional for research purposes must be submitted in writing to the President and CEO or his/her designee for consideration at least two weeks in advance of the requested observation. The request must include the name and credentials of the professional who will be observing the classroom, the purpose of the classroom observation, the data that will be collected and a certification that the third party will comply with the Family Educational Rights and Privacy Act ("FERPA") and any other applicable state or federal laws pertaining to student privacy. In addition, the third party may be required to execute a confidentiality agreement.

**Section 1.3.** President and CEO or his/her designee must provide parents of students in the classroom written notice of a third party's desire to observe the classroom, and parent concerns regarding outside observers shall be taken into consideration in the decision whether or not to allow the third party to observe the classroom.

**Section 1.4.** If the outside professional is approved for the observation, all data collected shall be provided to the President and CEO or his/her designee.

**Section 1.5.** Upon request, President and CEO or his/her designee may, at his/her discretion, grant permission for visits by outside service providers who currently provide private educational or therapy services, including evaluation services, to a current student. To minimize disruption to the instructional program, outside service providers must comply with the guidelines for all visitors plus the following additional guidelines: (1) the third party must currently provide educational or therapy services to the student; (2) provide the President and CEO or his/her designee an appropriate Release of Confidential Information under the Family Educational Rights and Privacy Act (FERPA), signed by the parent/guardian; (3) complete a certification that the provider will comply with FERPA and other applicable state or federal laws pertaining to student privacy; (4) have the parent/guardian coordinate the observation date and time; (5) limit the observation to one hour unless an extended time period has been granted in advance of the scheduled observation; and (6) conduct the session in such a manner that allows the regular school program to continue during the visit by refraining from engaging the attention of the teacher or student(s) through conversation or other means.

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<sup>20</sup> Op., App. U.

## **4013 PARENTS AND STUDENT COMPLAINTS AND GRIEVANCES MODEL POLICY<sup>21</sup>**

The Governing Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

### **Section 1. Purpose and General Policy Provisions Related to Resolution of Concerns**

Section 1.1. Students and parents have the right and responsibility to express school related concerns and grievances to the faculty and administration. Students and parents shall be assured the opportunity for an orderly presentation and timely review of concerns.

### **Section 2. Process**

The faculty and administration shall make an honest and forthright effort to resolve grievances as quickly as possible at the most immediate level of authority.

**Section 2.1.** The levels of authority shall be as follows:

1. Classroom related concerns – teachers
2. **School related concerns** (including policies, procedures, administration, unresolved classroom related concerns, etc.) – President and CEO or designee
3. **Appeals** – Governing Board or Board Committee

Decisions rendered by the Governing Board shall be considered final.

**Section 2.2** Any teacher, staff member, or administrator shall have the authority to table any meeting considered to be unproductive, threatening, hostile, inappropriate, or lacking appropriate representation.

### **Section 3. Appeals**

All Appeals to the Governing Board must be submitted in writing and submitted [insert process]. The Governing Board may determine, in its sole discretion, whether to hear such appeal.

## **4014 TECHNOLOGY ACCEPTABLE USE MODEL POLICY<sup>22</sup>**

The Governing Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

### **Section 1. Technology Use and Safety**

The School recognizes that its technology resources have an important educational purpose when used properly.

**Section 1.2.** The School will monitor the online activities of minors and operate a technology protection measure (“content filter”) on the network and all School technology with Internet access, as required by law. In accordance with law, the content filter will be used to protect against access to visual depictions that are obscene or harmful to minors or are child pornography. Content filters are not foolproof, and the School cannot guarantee that users will never be able to access offensive materials using School equipment. Evading or disabling, or attempting to evade or disable, a content filter installed by the School is prohibited. The President and CEO or designee will create a procedure that allows students, employees, or other users to request that the School review or adjust the content filter to allow access to a website or specific content.

**Section 1.3.** In addition to the use of a content filter, the School will take measures to prevent minors from using School technology to access inappropriate matter or materials harmful to minors on the Internet. Such measures shall include, but are not limited to, supervising and monitoring student technology use, careful planning when using technology in the curriculum, and instruction on appropriate materials. The President and CEO, designee and/or the technology administrator will develop procedures to provide users guidance on which materials and uses are inappropriate, including network etiquette guidelines.

**Section 1.4.** All minor students will be instructed on safety and security issues, including instruction on the dangers of sharing personal information about themselves or others when using e-mail, social media, chat rooms or other forms of direct electronic communication. Instruction will also address cyberbullying awareness and response and appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms.

This instruction will occur in the School's computer courses, courses in which students are introduced to the computer and the Internet, or courses that use the Internet in instruction. Students are required to follow all School rules when using School technology resources and are prohibited from sharing personal information online unless authorized by the School.

**Section 1.5.** All School employees must abide by state and federal law and Board policies and procedures when using School technology resources to communicate information about personally identifiable students to prevent unlawful disclosure of student information or records.

**Section 1.6.** All users are prohibited from using School technology to gain unauthorized access to a technology system or information; connect to other systems in evasion of the physical limitations of the remote system; copy School files without authorization; interfere with the ability of others to utilize technology; secure a higher level of privilege without authorization; introduce computer viruses, hacking tools, or other disruptive/destructive programs onto school technology; or evade or disable a content filter.

### **Section 2. Privileges**

**Section 2.1.** The use of Internet is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. The system administrators and teachers will deem what is inappropriate use and their decision is final. The school may deny, revoke, or suspend specific user access.



**Section 2.2.** Employees may be disciplined or terminated, and students suspended or expelled, for violating the School's technology policies and procedures. Any attempted violation of the School's technology policies or procedures, regardless of the success or failure of the attempt, may result in the same discipline or suspension of privileges as that of an actual violation. The School will cooperate with law enforcement in investigating any unlawful use of the School's technology resources.

### **Section 3. Staff Responsibilities for Use of Technology**

- Develop and help students develop the skills needed to discriminate among information sources, to identify information appropriate to age and developmental levels, and to evaluate and use information to meet educational goals.
- Supervise and/or monitor all to whom one grants access to technology resources regarding implementation of this policy.
- Take an active role in ensuring that students and their parents are aware of the individual student's responsibility to use technology resources in an ethical and educational manner.
- Supervise student Internet and computer usage.
- Comply with School policies

### **Section 4. Student Responsibilities for Use of Technology**

- Never give out personal or family information such as phone numbers, credit card numbers, or home addresses.
- Never arrange for a face-to-face meeting with a stranger and never respond to abusive or suggestive messages. Report all such instances immediately to a teacher or member of the technology staff.
- Use appropriate language when using electronic email or other use of the computer. Do not swear, use vulgarities or any other inappropriate language.
- Comply with School policies when using School technology.

### **Section 4. Network User Responsibilities**

- Use of the School's technology resources must be in support of education and research consistent with the educational objectives of the School.
  - Comply with all rules and laws regarding access and copying of information as prescribed by Federal, State, or local law, and Internet providers.
23. Be polite and appropriate. Adhere to all standards of courtesy, etiquette, and existing board policies as they may be interpreted to apply to technology resources.

- Help maintain security of LEA technology resources by following this policy and maintaining secrecy of all passwords. All known breaches of security must be reported to the President and CEO or authorized President and CEO.
- Be aware that network files and electronic mail are not guaranteed to be private. School technology personnel shall have access to all files.
- Do not permit others to use your account.

**Section 5. Unacceptable Uses Include, but are not limited to:**

- Providing unauthorized or inappropriate access to School technology resources.
- Any attempt to harm or destroy data of another user or other networks connected to the Internet.
- Activities involving the loss or unauthorized use of others' work.
- Distribution or use of obscene, abusive, or threatening material, including child pornography and any other material that is harmful to minors. Material that is harmful to minors is any picture, image, graphic image file, or other visual depiction that (a) taken as a whole and with respect to minors, appeals to the prurient interest in nudity, sex, or excretion; (b) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals, and (c) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- Unauthorized use of school resources for commercial, illegal, or profit-making enterprises.
- Knowingly wasting technology resources.
- Physical abuse of the equipment.
- Using technology resources in ways that violate school policies and behavior standards.
- Degrading or disrupting equipment or system performance.
- Installing unauthorized software on school computers, or any violation of copyright established for computer software.
- Knowingly uploading or creating computer viruses.

**Section 7. Transmission of any material in violation of any federal or state regulation is prohibited.**

This includes, but is not limited to; copyrighted material, threatening or obscene material, or material protected by trade secret. Use for product advertisement or political lobbying is also prohibited. Use for commercial activities is generally not acceptable.

**Section 8. User Privacy**

**Section 8.1.** A user does not have a legal expectation of privacy in the user's electronic communications or other activities involving the School's technology resources including, but not limited to, voice mail, telecommunications, e-mail and access to the Internet or network drives. By using the School's network and technology resources, all users are consenting to having their electronic communications and all other use monitored by the School. A user ID with e-mail access will only be provided to authorized users on condition that the user consents to interception of or access to all communications accessed, sent, received or stored using School technology.

**Section 8.2.** Electronic communications, downloaded material and all data stored on the School's technology resources, including files deleted from a user's account, may be intercepted, accessed, monitored or searched by School administrators or their designees at any time in the regular course of business. Such access may include, but is not limited to, verifying that users are complying with School policies and rules and investigating

potential misconduct. Any such search, access or interception shall comply with all applicable laws. Users are required to return School technology resources to the School upon demand including, but not limited to, mobile phones, laptops and tablets.

### **Section 9. Closed Forum**

**Section 9.1.** The School's technology resources are not a public forum for expression of any kind and are to be considered a closed forum to the extent allowed by law. The School's webpage will provide information about the school, but will not be used as an open forum.

**Section 9.2.** All expressive activities involving School technology resources that students, parents/guardians and members of the public might reasonably perceive to bear the imprimatur of the School and that are designed to impart particular knowledge or skills to student participants and audiences are considered curricular publications. All curricular publications are subject to reasonable prior restraint, editing and deletion on behalf of the school for legitimate pedagogical reasons. All other expressive activities involving the school's technology are subject to reasonable prior restraint and subject matter restrictions as allowed by law and Board policies.

### **Section 10. No Warranty/No Endorsement**

**Section 10.1.** The School makes no warranties of any kind, whether expressed or implied, for the services, products or access it provides. The School's technology resources are available on an "as is, as available" basis.

**Section 10.2.** The School is not responsible for loss of data, delays, nondelivered, mis deliveries or service interruptions. The School does not endorse the content nor guarantee the accuracy or quality of information obtained used the School's technology resources.

## **4015 DRUG FREE SCHOOLS MODEL POLICY [REQUIRED]<sup>23</sup>.**

The Governing Board of The Biome School adopts the following regulation effective on the date that the policy is adopted by the Board.

**Section 1.** Pursuant to requirements of the 1989 amendments of the Drug-Free Schools and Communities Act and to the requirements of the Safe Schools Act, and for the purpose of preventing the use of illicit drugs and alcohol by students, the School shall provide age-appropriate, developmentally based drug and alcohol education and prevention programs to all students. Such programs will address the legal, social, and health consequences of drug and alcohol use, and provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol.

**Section 2.** The School shall provide information about any drug and alcohol counseling and rehabilitation and re-entry programs that are available to students. Students may be required to participate in such programs in order to avoid suspension or expulsion if they are found to be in violation of this policy. All parents/guardians and students shall annually be provided with a copy of this policy.

**Section 3.** The School certifies that it has adopted and implemented the drug prevention program described in this policy in the form required by the Department of Elementary and Secondary Education or the United States Department of Education. The School conducts a biennial review of such program to determine its effectiveness, to implement necessary changes and to ensure that the disciplinary sanctions are consistently enforced.

## **4016 STUDENT DISCIPLINE MODEL POLICY [REQUIRED]<sup>24</sup>**

The Governing Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

### **Section 1. Purpose**

**Section 1.1.** The School's discipline policy sets out the rules of student behavior applicable to all students and the procedures for imposing discipline on students who violate these rules. In general, discipline is designed to correct a student's misconduct and to encourage the student to be a responsible citizen of the School community. Disciplinary actions will be in proportion to the severity of the unacceptable behavior, its impact on the school environment, the student's age and grade level, the student's previous discipline history, and other relevant factors.

The disciplinary process may include due consideration of student support services that may be available through the school, the school system, other public entities, or community organizations. Where feasible, the School prefers to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.

Parental notification and parental involvement are essential to any effort to modify a student's inappropriate behavior. The intent of this policy will only be effective if parents and guardians, teachers, and school administrators work together to improve student behavior and enhance academic performance.

The Board authorizes the immediate removal of a student upon a finding by a President and CEO that the student poses a threat of harm to self or others, as evidenced by the prior conduct of such student. Any such removal will be subject to the appropriate due process procedures and in accordance with law.

No student may be confined in an unattended locked space except in an emergency situation while awaiting the arrival of law enforcement personnel. For the purpose of this policy, a student is unattended if no person has visual contact with the student, and a locked space is a space that the student cannot reasonably exit without assistance.

### **Section 2. Enforcement**

The President and CEO is responsible for the development of additional regulations and procedures regarding student conduct needed to maintain proper behavior in schools under their supervision. All such regulations and procedures shall be consistent with Board-adopted discipline policies.

Teachers have the authority and responsibility to make and enforce necessary rules for internal governance in the classroom, subject to review by the President and CEO. The Board expects each teacher to maintain a satisfactory standard of conduct in the classroom. All LEA staff is required to enforce LEA policies, regulations and procedures in a manner that is fair and developmentally appropriate and that considers the student and the individual circumstances involved.

All employees of the LEA shall annually receive instruction related to the specific contents of the LEA's discipline policy and any interpretations necessary to implement the provisions of the policy in the course of their duties including, but not limited to, approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

### **Section 3. Definitions of Disciplinary Methods**

**Section 3.1.** In-School Suspension. Defined as the removal of a student from regular classes and assignment to an in-school suspension setting in the School. The student's teachers send class assignments to in-school suspension. The student may not attend or participate in extracurricular activities while assigned to in-school suspension.

A teacher may request that a student who has been assigned to in-school suspension be allowed to attend his/her class (such as lab classes). The granting of this request is limited to cases where it is extremely important that a class not be missed or where a class cannot be made up at a later date. The President and CEO has the final decision.

For minor offenses, in lieu of in-school suspension, and upon student or parent request, students may be given the option of school service (i.e., picking up trash on the school grounds, cleaning lunchroom tables, etc.), provided the school service is age-appropriate, supervised, and does not include restroom duties.

**Section 3.2.** Out-of-School Suspension. Defined as the removal of a student from School for a specific number of days. The President and CEO may impose an out-of-school suspension of up to ten school days. Schoolwork missed during 1-3 day suspensions may be made up when the student returns to school. For suspensions of 4-10 school days, parents/guardians may request schoolwork and pick up the schoolwork during school hours.

Long-term suspension is defined as the removal of a student from School for more than ten school days and up to 180 school days. Only the Student Evidentiary Hearing Committee (defined below) or the school's Governing Board may impose long-term suspension.

A student on long-term suspension who has not been referred to an alternative school may not receive homework, make up work, or take semester exams unless allowed to do so by the President and CEO. A student who is suspended out of school is not allowed on school property and may not participate in any school activities or school functions during the period of suspension.

**Section 3.3.** Expulsion. Defined as the removal of a student from School for an indefinite period. Only the school's Governing Board may impose expulsion.

**Section 3.4.** Alternative School. A student who is removed from his/her school for more than 10 school days may be allowed to attend an alternative school or program for instruction, academic support, and counseling. Alternative school enables a student to take academic classes that allow the student to keep up with the course credit requirements toward graduation. The student may not return to his/her school or any other school or attend any extracurricular activities while attending an alternative school pursuant to a long-term suspension or expulsion.

**Section 4.5.** Restrictions on School Activities. Students who are suspended or expelled will not be allowed to participate in any school-sponsored activities, [including the prom or graduation exercises] if these occur during the period of suspension or expulsion. A parent or guardian may, for good cause, petition the President and CEO for permission for the student to participate in school-sponsored activities.

## **Section 5. Suspension and Expulsion Procedures**

**Section 5.1** In Missouri, a principal may suspend a student for up to ten school days. A President and CEO may suspend a student for up to 180 school days. Procedures for suspending a student are outlined below.

1. Before suspending a student, a principal or President and CEO must (a) tell the student, either orally or in writing, what misconduct he or she is accused of; (b) if the student denies the accusation, explain, either orally or in writing, the facts that form the basis of the proposed suspension; and (c) give the student an opportunity to present his or her version of the incident.
2. If the principal or President and CEO concludes that the student has engaged in misconduct

punishable by suspension, the procedures described below apply. If the student has a disability as defined in the Individuals with Disabilities Education Act (IDEA) as amended or Section 504 of the Rehabilitation Act additional procedural safeguards described in the policy dealing with the discipline of students with disabilities apply.

3. The principal or President and CEO should determine whether the student should be suspended or whether less drastic alternative measures would be appropriate. In many cases, the principal or President and CEO may decide not to suspend a student unless conferences (between the teacher, student and principal and/or between the parent, student and principal) have been held and have failed to change the student's behavior.
4. If suspension is imposed, the student's parents or guardians must be promptly notified of the suspension and the reasons for the action.
5. Any suspension by a principal must be reported, immediately and in writing, to the President and CEO, who may revoke the suspension, either part or in full, at any time.
6. If a student is suspended for more than ten school days, the following rules also apply:
  - a. The student, his or her parents, guardians or others having custodial care have a right to appeal the President and CEO's decision to the Board or a committee of the Board appointed by the Board.
  - b. If the student gives notice that he or she wishes to appeal the suspension to the Board, the suspension shall be stayed until the Board renders its decision, unless in the President and CEO's judgment, the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process.
  - c. All notices of appeal shall be transmitted, either by the appealing party or by the President and CEO, to the secretary of the Board. Oral notices, if made to the President and CEO, shall be reduced to writing and communicated to the secretary of the Board.
  - d. The President and CEO, when notified of an appeal, shall promptly transmit to the Board a full written report of the facts relating to the suspension, the action taken by the superintendent, and the reasons for the action.
  - e. Upon receipt of a notice of appeal, the Board will schedule a hearing and within a reasonable time in advance of the scheduled date, will notify, by certified mail, the appealing party of the date, time and place of the hearing and of the right to counsel and procedural requirements for the hearing.
  - f. Hearings of appealed suspensions will be conducted as described in the section of this policy dealing with student disciplinary hearings.

## **Section 5.2 Suspensions For More Than 180 School Days and Expulsions**

Only the Board may expel a student or suspend a student for more than 180 school days. The applicable procedures are outlined below.

1. Before recommending to the Board that a student be expelled or suspended for more than 180 school days, the President and CEO must (a) tell the student, either orally or in writing, what misconduct he or she is accused of; (b) if the student denies the accusation, explain, either orally or in writing, the facts that form the basis of the proposed suspension/expulsion; and (c) give the student an opportunity to present his or her version of the incident.
2. If the President and CEO concludes that the student has engaged in misconduct and should be expelled or suspended for more than 180 school days, the procedures described below apply unless the student has a disability. (In the case of a student with a disability, the procedures described in the policy dealing with the discipline of students with disabilities shall apply.)
  - a. The President and CEO will recommend to the Board that the student be expelled or suspended for more than 180 school days. The President and CEO may also immediately suspend the student for up to 180 school days.
  - b. Upon receipt of the President and CEO's recommendation, the Board will follow the

procedures described in the section of this policy dealing with student disciplinary hearings.

- c. If the student is expelled, he or she may later apply to the Board for readmission. Only the Board can readmit an expelled student.

### **Section 5.3. Student Discipline Hearings**

The Board of Directors may originate student discipline hearings upon recommendation of the President and CEO. In such cases, the Board of Education will review the President and CEO's report and determine whether to conduct a discipline hearing. In addition, student discipline hearings also will be held upon written request of the student or the student's parents, to consider appeals from student suspensions in excess of ten school days. A discipline hearing will always be held in cases of suspensions in excess of 180 school days or expulsions, unless after meeting with the President and CEO or designee, the parent or guardian waives, in writing, the right to an expulsion hearing.

The hearing shall be heard by the Board or a committee thereof, which shall have full authority to act in lieu of the Board. A decision of the Board committee shall be considered the decision of the Board. In conducting a discipline hearing, the Board, or its designated committee, will carefully consider the information presented by the administration and by the parent/guardian and student. Generally, the hearing will be informal; however, the Board or the designated committee, in its discretion, may decide to conduct the hearing as a contested case proceeding in accordance with Chapter 536 of the Missouri Revised Statutes.

The following procedures apply to all hearings before the Board:

1. The student and the student's parents/guardians will be provided written notice of the date, time and place of the hearing.
2. The parent/guardian may represent their student or may retain an attorney to act as a representative of the student. If the parent/guardian elects to have the student represented by an attorney at the hearing, the parent/guardian shall notify the Board of such representation at least forty-eight hours prior to the scheduled time of the hearing.
3. The student and parent/guardian will be advised of the charges against the student, and will be given the opportunity to respond to those charges. Prior to the hearing, the student and parent/guardian, or their attorney, may review the student's file, the discipline report, and related records.
4. The hearing will be closed unless the Board or its designated committee decides otherwise. The hearing may only be open with parental consent.
5. The student and the student's parents/guardians will be provided written notice of the Board's decision.

When the Board of Directors or its designated committee elects to conduct a contested case hearing, the following procedures will also apply:

1. The student, student's parents/guardians, or their representative will be provided written notice of the date, time and place of the hearing, and their right to call witnesses, enter exhibits and cross-examine adverse witnesses during the hearing.
2. Prior to the hearing, the student and the student's parents/guardians will be advised of the identity of the witnesses to be called by the administration. In addition, the student and the student's parents/guardians will be provided copies of the documents to be introduced at the hearing by the administration.
3. At the hearing, the administration or their counsel will present the charges and such testimony and evidence to support such charges. The student, the student's parents/guardians or their



representatives shall have the right to present witnesses, introduce exhibits, and to cross-examine witnesses called in support of the charges.

4. At the conclusion of the hearing, the Board or the designated committee shall deliberate in executive session and shall render a decision to dismiss the charges, to suspend the student for a specified period of time, or to expel the student from The Biome. The administration or its counsel, by direction of the Board or the designated committee, shall promptly prepare and transmit to the student and the student's parents/guardians written notice of the Board's decision.

## **Section 6. Remedial Conference**

Prior to the readmission or enrollment of any student who has been suspended out of school or expelled in accordance with this policy for any "act of school violence" as defined in § 160.261.2, RSMo., a conference must be held to review the student's conduct that resulted in the suspension or expulsion and any remedial actions needed to prevent future occurrences of such conduct or related conduct. The conference shall include the appropriate school officials including any teacher directly involved with the conduct that resulted in the suspension or expulsion, the student, and the parent or guardian of the student or any agency having legal jurisdiction, care, custody or control of the student. The President and CEO shall notify, in writing, the parents or guardians and all other parties of the time, place and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. This requirement applies to enrolling students transferring from another school as well, regardless of whether the "act of school violence" was committed at a public school or at a private school in Missouri.

## **Section 7. Offenses and Consequences**

**Section 7.1. Reporting to Law Enforcement.** It is the policy of the School to report crimes occurring on school grounds to law enforcement, including, but not limited to, the crimes the School is required to report in accordance with law.

The following acts, regardless of whether they are committed by juveniles, are subject to this reporting requirement:

1. First or second degree murder under §§ 565.020, .021, RSMo.
2. Voluntary or involuntary manslaughter under § 565.023, .024, RSMo.
3. Kidnapping under § 565.110, RSMo.
4. First, second or third degree assault under §§ 565.050, .060, .070, RSMo.
5. Sexual assault or deviate sexual assault under §§ 566.040, .070, RSMo.
6. Forcible rape or sodomy under §§ 566.030, .060, RSMo.
7. Burglary in the first or second degree under §§ 569.160, .170, RSMo.
8. Robbery in the first degree under § 569.020, RSMo.
9. Possession of a weapon under chapter 571, RSMo.
10. Distribution of drugs under §§ 195.211, .212, RSMo.
11. Arson in the first degree under § 569.040, RSMo.
12. Felonious restraint under § 565.120, RSMo.
13. Property damage in the first degree under § 569.100, RSMo.
14. Child molestation in the first degree pursuant to § 566.067, RSMo.
15. Sexual misconduct involving a child pursuant to § 566.083, RSMo.
16. Sexual abuse pursuant to § 566.100, RSMo.
17. Harassment under § 565.090, RSMo.
18. Stalking under § 565.225, RSMo.

The President and CEO shall also notify the appropriate law enforcement agency if a student is discovered to possess a controlled substance or weapon in violation of the LEA's policy.

In addition, the President and CEO shall notify the appropriate division of the juvenile or family court upon suspension for more than ten days or expulsion of any student who the School is aware is under the jurisdiction of the court.

**Section 7.2.** Documentation in Student's Discipline Record. The President and CEO, his/her designee or other administrators or school staff will maintain all discipline records as deemed necessary for the orderly operation of the schools. In addition, any of the following offenses constitute a serious violation of the School's policy and must be documented in the student's discipline record in accordance with law:

1. Any act of school violence or violent behavior.
2. Any offense that occurs on school property, on school transportation or at any school activity and that is required by law to be reported to law enforcement officials.
3. Any offense that results in an out-of-school suspension for more than ten school days.

**Section 7.3.** Prohibition Against Being On or Near School Property During Suspension. All students who are suspended or expelled are prohibited from being on school property for any reason unless permission is granted by the President and CEO or his/her designee. Any student who is suspended for any offenses listed in section 160.261, RSMo., or any act of violence or drug-related activity shall not be allowed to be within 1,000 feet of any public school in the LEA unless one of the following conditions exist:

1. The student under the direct supervision of the student's parent, legal guardian, or custodian.
2. The student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the President and CEO of the school that suspended the student.
3. The student is in an alternative school that is located within 1,000 feet of a public school in the LEA.
4. The student resides within 1,000 feet of a public school in the LEA and is on the property of his or her residence.

If a student violates this prohibition he or she may be subject to additional discipline, including suspension or expulsion, in accordance with the offense, "Failure to Meet Conditions of Suspension," listed below.

**Section 7.4.** Prohibited Conduct. The following are descriptions of prohibited conduct as well as potential consequences for violation. In addition to the consequences specified here, school officials will notify law enforcement and document violations in the student's discipline file pursuant to law and Board policy.

Arson – Starting or attempting to start a fire or causing or attempting to cause an explosion.

First Offense: President and CEO/Student conference, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion. Restitution if appropriate.

Subsequent 1-180 days out-of-school suspension or expulsion. Restitution if appropriate. Offense:

Assault

1. Hitting, striking and/or attempting to cause injury to another person; placing a person in reasonable apprehension of imminent physical injury; physically injuring another person.

First Offense: President and CEO/Student conference, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.  
Subsequent Offense: In-school suspension, 1-180 days out-of-school suspension, or expulsion.

2. Attempting to kill or cause serious physical injury to another; killing or causing serious physical injury to another.

First Offense: Expulsion.

Automobile/Vehicle Misuse – Discourteous or unsafe driving on or around school property, unregistered parking, failure to move vehicle at the request of school officials, failure to follow directions given by school officials or failure to follow established rules for parking or driving on school property.

Bullying – Intimidation, harassment and attacks on a student or multiple students, perpetuated by individuals or groups. Bullying includes, but is not limited to: physical violence, verbal taunts, name-calling and put-downs, threats, extortion or theft, damaging property, cyber-bullying, and exclusion from a peer group.

First Offense: President and CEO/Student conference, detention, in-school suspension, or 1-180 days out-of-school suspension or expulsion.  
Subsequent Offense: 1-180 days out-of-school suspension or expulsion.

Bus or Transportation Misconduct– Any offense committed by a student on, while waiting for, or entering transportation provided by or through the school shall be punished in the same manner as if the offense had been committed at the student's assigned school. In addition, transportation privileges may be suspended or revoked.

Dishonesty – Any act of lying, whether verbal or written, including forgery.

First Offense: Nullification of forged document. President and CEO/Student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.  
Subsequent Offense: Nullification of forged document. Detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

Disrespect to Staff– Willful or continued willful disobedience of a directive or request by a LEA staff member or disrespectful verbal, written, pictorial, or symbolic language or gesture that is directed at a LEA staff member and that is rude, vulgar, defiant, in violation of LEA policy or considered inappropriate in educational settings.

Disruptive Conduct or Speech – Verbal, written, pictorial or symbolic language or gesture that is directed at any person and that is disrespectful, rude, vulgar, defiant, in violation of LEA policy or considered inappropriate in educational settings or that materially and substantially disrupts classroom work, school activities or school functions. Students will not be disciplined for speech in situations where it is protected by law.

First Offense: President and CEO/Student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.  
Subsequent Offense: Detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

## Drugs/Alcohol

1. Possession, sale, purchase or distribution of any over-the-counter drug, herbal preparation or imitation drug or herbal preparation.

First Offense: President and CEO/Student conference, in-school suspension or 1-180 days out-of-school suspension.  
Subsequent Offense: 1-180 days out-of-school suspension or expulsion.

2. Possession, use of, or attendance while under the influence of or soon after consuming any unauthorized prescription drug, alcohol, narcotic substance, unauthorized inhalants, controlled substances, illegal drugs, counterfeit drugs, imitation controlled substances or drug-related paraphernalia.

First Offense: President and CEO/Student conference, in-school suspension, 1-180 days out-of-school suspension.  
Subsequent Offense: 1-180 days out-of-school suspension or expulsion.

3. Sale, purchase, transfer or distribution of any prescription drug, alcohol, narcotic substance, unauthorized inhalants, controlled substances, illegal drugs, counterfeit drugs, imitation controlled substances or drug-related paraphernalia.

First Offense: Expulsion.

Extortion – Threatening or intimidating any person for the purpose of obtaining money or anything of value.

First Offense: President and CEO/Student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.  
Subsequent Offense: In-school suspension, 1-180 days out-of-school suspension, or expulsion.

Failure to Meet Conditions of Suspension – Coming within 1,000 feet of any public school in the LEA while on suspension for an offense that requires reporting to law enforcement or for an act of school violence or drug-related activity. See section of this regulation entitled, "Prohibition Against Being On or Near School Property During Suspension."

In determining whether to suspend or expel a student, consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether the student's presence within 1,000 feet of the

school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy.

First Offense: Verbal warning, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.  
Subsequent Offense: Verbal warning, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

False Alarms (see also "Threats or Verbal Assaults") – Tampering with emergency equipment, setting off false alarms, making false reports; communicating a threat or false report for the purpose of frightening, disturbing, disrupting or causing the evacuation or closure of school property.

First Offense: Restitution. President and CEO/Student conference, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.  
Subsequent Offense: Restitution. In-school suspension, 1-180 days out-of-school suspension, or expulsion.

Fighting (see also, "Assault") – Mutual combat in which both parties have contributed to the conflict either verbally or by physical action.

First Offense: President and CEO/Student conference, detention, in-school suspension, or 1-180 days out-of-school suspension.  
Subsequent Offense: In-school suspension, 1-180 days out-of-school suspension, or expulsion.

Harassment/Discrimination– Use of verbal, written or symbolic language based on race, color, religion, sex, national origin, ancestry, disability, age or any other characteristic that has the purpose or effect of unreasonably interfering with a student's educational environment or creates an intimidating, hostile or offensive educational environment. Examples of illegal harassment include, but are not limited to, graffiti, display of written material or pictures, name calling, slurs, jokes, gestures, threatening, intimidating or hostile acts, theft or damage to property.

First Offense: President and CEO/Student conference, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.  
Subsequent Offense: In-school suspension, 1-180 days out-of-school suspension, or expulsion.

Hazing – Any activity that a reasonable person believes would negatively impact the mental or physical health or safety of a student or put the student in a ridiculous, humiliating, stressful or disconcerting position for the purposes of initiation, affiliation, admission, membership or maintenance of membership in any group, class, organization, club or athletic team including, but not limited to, a grade level, student organization or school-sponsored activity. Hazing may occur even when all students involved are willing participants.

First Offense: President and CEO/Student conference, in-school suspension, 1-180 days out-of-school suspension, or expulsion.  
Subsequent 1-180 days out-of-school suspension or expulsion. Offense:

Public Display of Affection – Physical contact that is inappropriate for the school setting including, but not limited to, kissing and groping.

First Offense: President and CEO/Student conference, detention, in-school suspension, or 1-180 days out-of-school suspension.  
Subsequent Detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.  
Offense:

### Sexual Harassment/Discrimination

1. Use of unwelcome verbal, written or symbolic language based on gender or of a sexual nature that has the purpose or effect of unreasonably interfering with a student's educational environment or creates an intimidating, hostile or offensive educational environment. Examples of sexual harassment include, but are not limited to, sexual jokes or comments, requests for sexual favors and other unwelcome sexual advances.

First Offense: President and CEO/Student conference, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.  
Subsequent In-school suspension, 1-180 days out-of-school suspension, or expulsion.  
Offense:

2. Unwelcome physical contact based on gender or of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with a student's educational performance or creates an intimidating, hostile or offensive educational environment. Examples include, but are not limited to, touching or fondling of the genital areas, breasts or undergarments, regardless of whether or not the touching occurred through or under clothing.

First Offense: President and CEO/Student conference, in-school suspension, 1-180 days out-of-school suspension, or expulsion.  
Subsequent 1-180 days out-of-school suspension or expulsion. Offense:

Sexual Misconduct – Exposing of body parts to another individual including, but not limited to, possession, transfer or exposure of images, electronic or otherwise, of the body parts or sexually explicit images of oneself or others, and/or initiating or participating in an act of a sexual nature.

First Offense: President and CEO/Student conference, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.  
Subsequent In-school suspension, 1-180 days out-of-school suspension, or expulsion. Offense:

### Technology Misconduct

1. Unauthorized use of cellular telephones, personal computers, or unauthorized use of electronic devices during instructional time.

First Offense: Teacher/Student conference, temporary confiscation of device, and/or detention.  
Subsequent Teacher/Student conference, President and CEO/Student conference,  
Offense: temporary confiscation of device, detention, or 1-180 days out-of-school suspension.

2. Attempting, regardless of success, to gain unauthorized access to technology system or information; to use LEA technology to connect to other systems in evasion of the physical limitations of the remote system; to copy LEA files without authorization; to interfere with the ability of others to utilize LEA technology; to secure a higher level of privilege without authorization; to introduce computer "viruses," "hacking" tools, or other disruptive/destructive programs onto or using LEA technology; or to evade or disable a filtering/blocking device.

First Offense: Restitution. President and CEO/Student conference, loss of user privileges, detention, in-school suspension, or 1-180 days out-of-school suspension.  
Subsequent Restitution. Loss of user privileges, 1-180 days out-of-school suspension, or  
Offense: expulsion.

3. Violation other than those listed in (2) or of the Board Technology Acceptable Use Policy or regulations, administrative procedures or netiquette rules governing student use of LEA technology.

First Offense: Restitution. President and CEO/Student conference, detention, in-school suspension, or 1-180 days out-of-school suspension.  
Subsequent Restitution. Loss of user privileges, in-school suspension, 1-180 days out-of-  
Offense: school suspension, or expulsion.

### Theft

Theft, attempted theft or knowing possession of stolen property.

First Offense: Return of or restitution for property. President and CEO/Student conference, detention, in-school suspension, or 1-180 days out-of-school suspension.

Subsequent Return of or restitution for property. 1-180 days out-of-school suspension or expulsion.  
Offense:

### Threats or Verbal Assault

Verbal, written, pictorial or symbolic language and/or gestures creating a reasonable fear of physical injury or causing school property damage. Threats by students, whether made on campus or off school grounds, which constitute a “true threat” against the LEA, its students or employees, will be immediately reported to law enforcement officials and will subject the student to suspension and a possible referral for expulsion. The definition of “true threat” shall be construed in accordance with applicable law and encompasses those statements that a reasonable recipient would view as a serious threat of violence or death.

First Offense: President and CEO/Student conference, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

Subsequent In-school suspension, 1-180 days out-of-school suspension, or expulsion. Offense:

### Tobacco

Defined as possession and/or use of any tobacco products on school grounds, school transportation or at any school activity.

First Offense: Confiscation of tobacco product. President and CEO/Student conference, detention, or in-school suspension.

Subsequent Confiscation of tobacco product. Detention, in-school suspension, or 1-10 day out-of-school suspension. Offense:

### Truancy

Defined as absence from school without the knowledge and consent of parents/guardians and/or the school administration; excessive non-justifiable absences, even with the consent of parents/guardians.

First Offense: President and CEO/Student conference, detention, or 1-3 days in-school suspension.

Subsequent Detention or 3-10 days in-school suspension. Offense:

### Unauthorized Entry

Entering or assisting any other person to enter a LEA facility, office, locker, or other area that is locked or not open to the general public; entering or assisting any other person to enter a LEA facility through an unauthorized entrance; assisting unauthorized persons to enter a LEA facility through any entrance.

First Offense: President and CEO/Student conference, detention, in-school suspension, or 1-180 days out-of-school suspension.

Subsequent 1-180 days out-of-school suspension or expulsion. Offense:

### Vandalism

Defined as the willful damaging or the attempt to cause damage to real or personal property belonging to the school, staff or students.



First Offense: Restitution. President and CEO/Student conference, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.  
Subsequent Offense: Restitution. In-school suspension, 1-180 days out-of-school suspension, or expulsion.

#### Weapons

1. Defined as the possession or use of any instrument or device, other than those defined in 18 U.S.C. § 921, 18 U.S.C. § 930(g)(2) or section 571.010, RSMo, which is customarily used for attack or defense against another person; any instrument or device used to inflict physical injury to another person.

First Offense: President and CEO/Student conference, in-school suspension, 1-180 days out-of-school suspension, or expulsion.  
Subsequent Offense: 1-180 days out-of-school suspension or expulsion.

2. Possession or use of a firearm as defined in 18 U.S.C. § 921 or any instrument or device defined in section 571.010, RSMo., or any instrument or device defined as a dangerous weapon in 18 U.S.C. § 930(g)(2)

First Offense: One calendar year suspension or expulsion, unless modified by the Board upon recommendation by the superintendent.  
Subsequent Offense: Expulsion.

**4018 FLAG OF THE UNITED STATES OF AMERICA AND PLEDGE OF  
ALLEGIANCE MODEL POLICY**

The Governing Board of The Biome School adopts the following policy effective on that date that the policy is adopted by the Board.

**Section 1. Display of Flag of the United States of America**

**Section 1.1.** The School shall display in a prominent place either upon the outside of the school building or upon a pole erected in the school yard the flag of the United States of America.

**Section 2. Pledge of Allegiance**

**Section 2.1.** The school shall ensure that the Pledge of Allegiance to the flag of the United States of America is recited in at least one scheduled class for every student enrolled in the school no less often than once per school day.

**Section 2.2.** No student shall be required to recite the Pledge of Allegiance.

## **4019 WEAPONS AT SCHOOL MODEL POLICY[REQUIRED]<sup>25</sup>**

The Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

**Section 1.** The presence of firearms and weapons poses a substantial risk of serious harm to School students, staff, and community members and is a violation of state law. Therefore, possession of firearms and weapons is prohibited on school property at all times except for law enforcement officials.

School property is defined as: Property utilized, supervised, rented, leased, or controlled by the School including but not limited to school playgrounds, parking lots and school buses, and any property on which any school activity takes place.

A weapon is defined to mean one or more of the following:

1. A firearm as defined in 18 U.S.C. § 921.
2. A blackjack, concealable firearm, firearm, firearm silencer, explosive weapon, gas gun, knife, knuckles, machine gun, projectile weapon, rifle, shotgun, spring gun, switchblade knife, as these terms are defined in § 571.010, RSMo.
3. A dangerous weapon as defined in 18 U.S.C. § 930(g)(2).
4. All knives and any other instrument or device used or designed to be used to threaten or assault, whether for attack or defense.
5. Any object designed to look like or imitate a device as described in 1-4.

Pursuant to the Missouri Safe Schools Act and the federal Gun-Free Schools Act of 1994, any student who brings or possesses a weapon as defined in #1 or #2 above on school property will be suspended from school for at least one (1) calendar year or expelled and will be referred to the appropriate legal authorities. The suspension or expulsion may be modified on a case-by-case basis upon recommendation by the President and CEO to the Board of Directors. Students who bring or possess weapons as defined in #3, #4 and #5 and not otherwise included in #1 and #2, will also be subject to suspension and/or expulsion from school and may be referred to the appropriate legal authorities.

## 4020 SECLUSION AND RESTRAINT POLICY

### 1. GENERAL

The School will treat all students with dignity and provide a safe learning environment for students and a safe working environment for school staff. Seclusion and restraint interventions will be used only when necessary and in accordance with this policy. The restrictions in this policy apply to the School and other provider of educational or related services to the students on behalf of the School.

### 2. DEFINITIONS

- 2.1 **Emergency situation:** one in which a student's behavior poses a serious, probable threat of imminent physical harm to self or others.
  - 2.2 **Law enforcement officer:** any public servant having both the power and duty to make arrests for violations of the laws of this state.
  - 2.3 **Physical escort:** the temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out or eloping to walk to a safe location.
  - 2.4 **Restraint:** includes but is not limited to mechanical restraint, physical restraint, and prone restraint.
- 24. **Mechanical restraint:** the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as
    - 25. adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports.
    - 26. vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.
    - 27. restraints for medical immobilization; or
    - 28. orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
  - 29. **Physical restraint:** a personal restriction that immobilizes or reduces the ability of a student to move his/her torso, arms, legs, or head freely. It does not include briefly holding a student without undo force for instructional purposes, briefly holding a student to calm them,

taking a student's hand to transport them for safety purposes, physical escort or intervening in a fight, or using an assistive or protective device prescribed by an appropriately trained professional or professional team.

30. **Prone restraint:** using mechanical or physical restraint or both to restrict a student's movement while the student is lying with the student's front or face downward.

**2.5 Publicly contracted private providers:** any person working at a school function under a contract or written agreement with the School to provide educational, behavioral, or related services to students.

**2.6 School personnel:** includes employees of the School and any person, paid or unpaid, working on school grounds in an official capacity.

**2.7 Seclusion:** the involuntary confinement of a student alone in a room or area that the student is physically prevented from leaving and that complies with the building code in effect in the School. Seclusion does not include time-out, in-school suspension, detention, or other appropriate disciplinary measures.

**2.8 Time-Out:** a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

### **3. USE OF SECLUSION OR RESTRAINT**

**3.1** The use of seclusion or restraint by the School or publicly contracted private providers is limited to situations of conditions in which there is imminent danger of physical harm to self or others. Any student placed in seclusion or restraint shall be removed from seclusion or restraint as soon as the student is no longer in imminent danger of physical harm to self or others.

**3.2** For all school years beginning on or after July 1, 2022, the School or publicly contracted private provider shall not use any mechanical, physical, or prone restraint technique that:

31. obstructs views of the student's face.
32. obstructs the student's respiratory airway, impairs the student's breathing or respiratory capacity, or restricts the movement required for normal breathing to cause positional or postural asphyxia.
33. places pressure or weight on or causes the compression of the student's chest, lungs, sternum, diaphragm, back, abdomen, or genitals.
34. obstructs the student's circulation of blood.
35. involves pushing on or into the student's mouth, nose, eyes, or any part of the face or involves covering the face or body with anything including, but not limited to, soft objects such as pillows, blankets, or washcloths.
36. endangers the student's life or significantly exacerbates the student's medical condition.
37. is purposely 'designed to inflict pain; or
38. restricts the student from communicating. If an employee physically restrains a student who uses sign language or an augmentative mode of communication as the student's primary mode of communication, the student shall be permitted to have the student's hands free of restraint for brief periods unless an employee determines that such freedom appears likely to result in harm to self or others.

#### 4. POLICY, COMMUNICATION, AND TRAINING

**4.1** All School and publicly contracted private providers shall annually review the policy and procedures involving the use of seclusion and restraint. Personnel who use seclusion or restraint shall annually complete mandatory training in the specific seclusion and restraint techniques utilized by the School.

**4.2 School personnel debriefing:** Following any emergency situation involving the use of seclusion or restraint, a debriefing shall occur as soon as possible but no later than two school days after the emergency situation. At a minimum, the debriefing shall include:

39. a discussion of the events that led to the emergency and why the de-escalation efforts were not effective.
  40. any trauma reactions on the part of the student, other students, or school personnel.
  41. what, if anything, could have been done differently; and
  42. an evaluation of the process.
43. **Parental notification:** Except as otherwise specified more stringently in a student's IEP or Section 504 plan:
44. Following an emergency situation involving the use of seclusion or restraint, the parent or guardian of the student shall be notified through verbal or electronic means of the incident as soon as possible, but no later than one hour after the end of the school day of the incident; and
  45. The parent or guardian shall receive a written report of the emergency situation within five school days of the incident.

**4,4 Personnel training:** The School shall ensure that all school personnel receive annual training and know the policy and procedures involving the use of seclusion and restraint.

The training shall include:

46. a continuum of prevention techniques.
  47. environmental management techniques.
  48. a continuum of de-escalation techniques; and
  49. information about the policy.
50. Personnel who utilize seclusion and/or restraint shall receive annual training in the following:
51. de-escalation practices.
  52. appropriate use of seclusion, inclusion, physical restraint, and mechanical restraint; professionally accepted practices in physical management and use of restraints.
  53. methods to explain the use of restraint to the student who is to be restrained and to the individual's family; and
  54. information on the policy and appropriate documentation and notification procedures.

**4.5 Reports on use of seclusion or restraint:** The School and publicly contracted private providers shall monitor each incident of seclusion or restraint used by the School and/or publicly contracted private providers and create and maintain records documenting the use of seclusion and restraint to

include the following.

55. the date, time of day, location, duration, and description of the incident and interventions.
  - any event leading to the incident and the reason for using seclusion or restraint.
56. a description of the methods of seclusion or restraint used.
57. the nature and extent of any injury to the student.
58. the names, roles, and certifications of each employee involved in the use of seclusion or restraint.
  - the name, role, and signature of the person who prepared the report.
59. the name of an employee to contact if the parent or guardian wishes to file a complaint.
60. a statement directing parents and legal guardians to a sociological, emotional, or behavioral support organization and a hotline number to report child abuse and neglect; and
  - whether the student has an IEP, Behavior Intervention Plan (BIP), or personal safety plan.

The report shall be included as an education record of the student. A copy will be provided to the parent or legal guardian within five school days. An incident report must be filed within 30 days with the Missouri Department of Elementary and Secondary Education in the form, method, and with details specified by the department.

## 5. APPLICABILITY OF THIS POLICY

- 5.1** This policy applies to all School or publicly funded private providers. School personnel assigned to programs not located on School premises (e.g., hospitals, detention centers, juvenile facilities, and mental health facilities) shall follow the policy and procedure of the facility/program where they work.
  
- 5.2** No person shall be retaliated against for reporting a violation of this policy or for providing information on a violation of Section 160.263, RSMo, by the School or member of the School's staff or publicly contracted private contractor.

## **4021 ACTIVE SHOOTER TRAINING AND DRILLS MODEL POLICY [REQUIRED]<sup>27</sup>.**

The Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

### **Section 1. Teacher and Employee Training**

At the discretion of school administration, the school may include in its teacher and school employee training a component on how to properly respond to students who provide them with information about a threatening situation and how to address situations in which there is a potentially dangerous or armed intruder in the school. Training may also include information and techniques on how to address situations where an active shooter is present in the school or on school property.

The administration may conduct the training on an annual basis. If no formal training has previously occurred, the length of the training may be eight hours. The length of annual continuing training may be four hours.

### **Section 2. Simulated Active Shooter and Intruder Response REQUIRED**

All school personnel shall participate in a simulated active shooter and intruder response drill conducted and led by law enforcement professionals. Each drill may include an explanation of its purpose and a safety briefing. The training shall require each participant to know and understand how to respond in the event of an actual emergency on school property or at a school event. The drill may include:

- (1) Allowing school personnel to respond to the simulated emergency in whatever way they have been trained or informed; and
- (2) Allowing school personnel to attempt and implement new methods of responding to the simulated emergency based upon previously used unsuccessful methods of response.

All instructors for the program shall be certified by the department of public safety's peace officers' standards training commission.

### **Section 3. Environment**

The school shall foster an environment in which students feel comfortable sharing information they have regarding a potentially threatening or dangerous situation with a responsible adult.



## **4022 ENTRANCE AGE MODEL POLICY [REQUIRED]<sup>28</sup>**

The Governing Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

### **Section 1. Kindergarten Admissions**

A student meets the age criterion for admission to kindergarten or the summer school session immediately preceding kindergarten, if offered, if:

1. The child reaches the age of five before the first day of September of the school year beginning in that calendar year.
2. Or is a child in the household of an active duty member of the military, including some veterans who are deceased or injured as defined by law, who has successfully completed an accredited prekindergarten program or who has attended an accredited kindergarten in another state, regardless of the age of the student.

### **Section 2. First Grade Admissions**

First grade students who have completed kindergarten in an accredited school may enter first grade regardless of whether or not they are age six by August of the school year beginning in that calendar year.

## **4023 PROGRAMS FOR HOMELESS STUDENTS MODEL POLICY [REQUIRED]<sup>29</sup>**

The Governing Board of The Biome School adopts the following policy effective on that date that the policy is adopted by the Board.

### **Section 1. General**

The School shall ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other students. Homeless students shall not be stigmatized or segregated into other educational programs on the basis of their status as homeless. The School shall establish safeguards that protect students from discrimination on the basis of their homelessness, and the School will remove barriers that affect the enrollment and retention of homeless students.

### **Section 2. Definitions**

**Section 2.1.** Homeless students are individuals who lack a fixed, regular, and adequate nighttime residence and include the following:

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason, are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; or are living in emergency or transitional shelters.
2. Children and youths who have a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings.
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings.
4. Migratory children who meet one of the above-described characteristics.

**Section 2.2.** For purposes of this policy, “school of origin” is defined as the school that the student attended when permanently housed or the school in which the student was last enrolled.

### **Section 3. Placement**

The School will consider the best interest of the homeless student, with parental input, in determining whether the student should be enrolled in the school of origin or a school that non-homeless students who live in the attendance area are eligible to attend. To the extent feasible, and in accordance with the homeless student’s best interest, the homeless student should continue enrollment in the student’s school of origin, unless doing so is contrary to the wishes of the parent or guardian. If the homeless student is unaccompanied by a parent or guardian, the homeless coordinator will consider the views of the homeless student in deciding where the student will be enrolled.

The School must provide a written explanation, including a statement regarding the right to appeal, to the homeless student’s parent or guardian, or to the homeless student if unaccompanied, if the School selects a school for enrollment other than the school of origin or a school requested by the parent or guardian.

If a dispute arises over school selection or enrollment in school, the homeless student shall be immediately admitted to or permitted to remain in the school in which enrollment is sought, pending resolution of the dispute. The homeless student, parent or guardian shall be referred to the School’s homeless coordinator, who will carry out the dispute resolution process as expeditiously as possible.

#### **Section 4. Enrollment**

If the School is selected as the school of best interest, and the student is otherwise eligible in accordance with the School's Student Admissions Policy, the School will immediately enroll the student, even if she is unable to produce records normally required for enrollment, such as previous academic records, immunization records, proof of residency or other documentation. However, the School may require a parent or guardian of the homeless student to submit contact information.

#### **Section 5. Services**

Homeless students attending the School shall be provided services and educational programs comparable to those offered to other students in the school. Transportation services will be provided to homeless students in accordance with the law.

#### **Section 6. Coordinator**

The Board designates the School Counselor to act as the School's homeless coordinator. The homeless coordinator will work to ensure that homeless children and youth have equal access to the same public education as is provided to other children and youth. The homeless coordinator's responsibilities include:

1. Identifying homeless students with school personnel and other entities and agencies with which the school coordinates activities.
2. Assisting with immediate enrollment of homeless children and youth and providing assistance with obtaining academic and medical records.
3. Making school placement decisions on the basis of the best interest of the child and wishes of the parent, guardian, or unaccompanied youth.
4. Handling enrollment disputes.
5. Prohibiting the segregation of homeless children and youth.
6. Informing the parents or guardians of homeless students of the educational and related opportunities available to the students and providing them with meaningful opportunities to participate in the education of their students.
7. Providing /arranging transportation for students in accordance with law.
8. Assisting in obtaining necessary immunizations or medical records.
9. Informing parent, guardian, or unaccompanied homeless youth of the educational and related opportunities available to them.
10. Disseminating public notice of the educational rights of homeless children and youth as appropriate; and
11. Coordinating and collaborating with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth.

#### **Section 7. Complaint Resolution**

*Level I* – A complaint regarding placement or access to educational programs of a homeless student should first be presented orally and informally to the School's homeless coordinator. If the complaint is not promptly resolved, the homeless student or parent/guardian may present a formal written complaint to the homeless coordinator. The written complaint should include the following: date of filing, description of complaint, the name of the person or persons involved, and a description of any action taken prior to the written complaint to resolve the complaint. The homeless coordinator will assist the parent/guardian or unaccompanied minor with filing the complaint as needed. Within five (5) business days of receiving the complaint, the coordinator will provide the complainant with a written decision regarding the complaint.

*Level II* – Within five (5) business days after receiving the decision at Level I, the complainant may appeal the decision to the President and CEO by filing a written request for appeal. The written request for appeal shall include the written complaint and written decision from Level I. The homeless coordinator will assist the parent/guardian or unaccompanied minor with filing the appeal as needed. The President and CEO may, but is not required to, meet with the complainant at a time of mutual convenience.

Within five (5) business days after receiving the written request for appeal, the President and CEO will issue a decision in writing.

*Level III* – If the complainant is not satisfied with the decision at Level II, the complainant may file a written request for appeal to the Board of Directors. The written request for appeal must be submitted to the President and CEO or the homeless coordinator within five (5) business days after receiving the written decision at Level II. The homeless coordinator will assist the parent/guardian or unaccompanied minor with filing the appeal as needed. The Board shall conduct a hearing and, within 30 business days after receiving the written request for appeal, the Board will issue its decision in writing.

*Level IV* – If the complainant is dissatisfied with the action taken by the Board of Directors, a written notice stating the reasons for dissatisfaction may be filed with the State Homeless Coordinator, Federal Discretionary Grants, P.O. Box 480, Jefferson City, MO 65102-0480. An Appeal of this decision can be made within ten days to the Deputy Commissioner of Education.

## **4024 MODEL MIGRANT PROCEDURE [REQUIRED]<sup>30</sup>**

The Governing Board of The Biome School adopts the following policy effective on that date that the policy is adopted by the Board.

### Identification

For purposes of Board policies and regulation, a child is a “migratory child” and is eligible for the Migrant Education Program (MEP) if all of the following conditions are met:

1. The child is not older than 21 years of age; and
2. The child is entitled to a free public education (through grade 12) under State law or is below the age of compulsory school attendance; and
3. The child is a migratory agricultural worker or a migratory fisher or has a parent, spouse, or guardian who is a migratory agricultural worker or a migratory fisher; and
4. The child moved within the preceding 36 months in order to seek or obtain qualifying work, or to accompany or join the migratory agricultural worker or migratory fisher identified in paragraph three above, in order to seek or obtain qualifying work; and
5. The child has moved from one LEA to another.

Potential migrant students will be identified through a question on the school enrollment form. If it appears that a migrant student is enrolling, the school will notify the State Migrant, English Language Learner (MELL) Director and request assistance with the identification of the student.

### Services

If a migrant student is identified by the MELL office, the school must:

- assess the educational, health, and social needs of the identified student and develop objectives to address those needs so that migrant children meet the same challenging State academic content standards and academic achievement standards that all children are expected to meet.
- Provide advocacy to allow children and families to gain access to health, nutrition, and social services.
- Review existing programs and resources to determine which can help meet the needs of migrant children and assure that the children have access to them.
- provide professional development activities for teachers to improve the quality of education for migrant children; and,
- provide opportunities for participation of migrant parents in the educational activities of their children.

## **4025 STRIP SEARCHES MODEL POLICY[REQUIRED][NEW]<sup>31</sup>**

The Governing Board of The Biome School adopts the following policy effective on that date that the policy is adopted by the Board.

### **Section 1. Strip Searches**

**Section 1.1.** No employee or volunteer at the school shall perform a strip search of any student at the school.

**Section 1.2.** A student may be stripped search by or under the authority of a commissioned law enforcement officer.

**Section 1.3.** A student may be strip searched by a school employee only if a commissioned law enforcement office is not immediately available and if the school employee reasonably believes that a student possesses a weapon, explosive, or substance that poses an imminent threat of physical harm to himself or herself or another person.

**Section 1.4.** If a student is strip searched by an employee of the school or a commissioned law enforcement officer, the school will attempt to notify the student's parent or guardian as soon as possible.

**Section 1.5.** For the purposes of this policy, strip search means the inspection of a person's anus or genitalia, including but not limited to inspections conducted visually, manually or by means of any physical instrument. A strip search shall not include the removal of clothing in order to investigate the potential abuse or neglect of a student; give medical attention to a student; provide health services to a student; or screen a student for medical conditions.

### **Section 2. Emblem, Insignia or Garment**

**Section 2.1.** No employee of or volunteer in or board member of the school shall direct a student to remove an emblem, insignia, or garment, including a religious emblem, insignia, or garment, as long as such emblem, insignia, or garment is worn in a manner that does not promote disruptive behavior.

### **Section 3. Violation of Policy**

**Section 3.1.** Any employee of the school who violates Section 1 of this policy shall be subject to discipline, up to and include termination of employment in accordance with policy and law.

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<sup>31</sup> § 167.166, RSMo.

## **4026 VISITORS TO SCHOOL PROPERTY MODEL POLICY**

The Governing Board of The Biome School adopts the following policy effective on that date that the policy is adopted by the Board.

### **Section 1. School Property**

Parents/Guardians and patrons of the School are welcome to visit and attend School events; however, all visitors during business hours, including Board members, must sign or check in at the building office prior to proceeding elsewhere in the building. The only exception for the visitor sign-in or check-in at the building office will be for whole school events, such as an assembly in the gym. In these instances, visitors may proceed directly to the whole school event where all visitors will be under the direct supervision of School staff members. This exception will not alter or supersede other policies or state statutes related to prohibiting visitors to schools and events. The principal or designee of the school will post appropriate signs to direct visitors to designated doors nearest the building office. It is the responsibility of all School employees to direct visitors to the office and report any person in violation of these rules.

### **Section 2. Student Visitation**

In general, visitors to School property are not allowed to speak directly with students unless it is part of the School's education program, or a parent/guardian has given permission.

The School understands that parents/guardians sometimes need to briefly communicate with a student during the school day or during a school activity and will accommodate such communications when possible. However, the School refuses to mediate visitation and custody disputes among parents/guardians and other relatives or accommodate visits that the School determines could be distracting to a student. The School discourages parents/guardians, grandparents, and other relatives from visiting students during school hours or school activities.

The President and CEO or designee has the discretion to prohibit a parent/guardian or other relative from, for example, eating lunch with a student, attending class parties or field trips or pulling a student out of class if such a visit could interfere with the education program or be disruptive; if one of the parents/guardians objects; if there is a current dispute regarding custody or visitation of the student; or if School employees are uncertain as to whether a person may legally have contact with a student..

### **Section 3. Prohibited Items**

Visitors to School property may not possess weapons, including concealed weapons, on School property, on School transportation or at any School function or activity sponsored or sanctioned by the School unless the visitor is an authorized law enforcement official or is otherwise authorized by Board policy.

Visitors to School property may not possess or use alcohol or any substances that are illegal under state or federal law on School property, on School transportation or at any School function or activity sponsored or sanctioned by the School, except when consumption of alcohol is authorized by the President and CEO for specific events.

Visitors to School property are also prohibited from smoking or using tobacco products, electronic cigarettes, vaporizers/imitation tobacco, or cigarette products in all School facilities and on any School grounds at all times.

### **Section 4. Appropriate Behavior**

The School believes that School events are a vital part of the total educational program and should be used as a means for developing positive social interaction, good sportsmanship, and appropriate behavior, in addition to knowledge and skills. Well-organized and well-conducted programs contribute to the morale of the student body and strengthen school-community relations.

To this end, the Board encourages School visitors to exhibit good sportsmanship, citizenship, ethics, and integrity at all School events and at all times while on School grounds. The Board will work with parents/guardians, alumni associations, and local service organizations to keep appropriate behavior a top priority. The President and CEO will establish procedures for crowd control at school events consistent with this policy.

### **Section 5. Registered Sex Offenders and Persons Prohibited on or Near School Property**

Sex offenders required to be listed on the Missouri Highway Patrol's sex offender registry, or who have pled guilty, pled *nolo contendere* or been convicted of crimes for which the law currently requires offenders to be listed, regardless of when those crimes were committed, are not allowed on School property or transportation or at School activities, regardless of whether those activities are held on or off school property, unless access is required by law.

In accordance with law, the School also prohibits all persons who have pled guilty or *nolo contendere* to or who have been convicted of or found guilty of violating the following provisions from being on or within 500 feet of any school building, school property, school activity or any vehicle used to transport students:

1. Any of the provisions in Chapter 566 of the Missouri Revised Statutes.
2. Incest, § 568.020, RSMo.
3. Endangering the welfare of a child in the first degree, § 568.045, RSMo.
4. Use of a child in a sexual performance, § 573.200, RSMo.
5. Promoting a sexual performance by a child, § 573.205, RSMo.
6. Sexual exploitation of a minor, § 573.023, RSMo.
7. Promoting child pornography in the first degree, § 573.025, RSMo.
8. Furnishing pornographic material to minors, § 573.040, RSMo.
9. Any offense committed in another state, a foreign country, or under tribal, federal, or military jurisdiction that, if committed in this state, would be a violation listed above.

Despite the prohibitions in this section, the President and CEO may grant permission for a parent, guardian, or custodian of a student to be on school property for the limited purpose of attending meetings with school staff or in other situations where the student may benefit. Permission will be granted sparingly, if ever, and only in situations where the parent, guardian or custodian will be supervised at all times or will not be alone with a child. The President and CEO will inform the principal and other relevant school staff of the scope of the permission granted.

This section may not apply to a student entitled by law to be on school property for educational services if the student's presence is necessary to obtain those services and the student is not otherwise prohibited by law from being on school property. The exceptions cited in this section do not apply if the person is otherwise prohibited or banned from school property by other sections of this policy.

### **Section 6. Disruptive Conduct**

If a visitor's conduct becomes disruptive, threatening, or violent, the superintendent, principal or a designee of either may require the visitor to leave. The superintendent or designee may inform the visitor that they are not welcome back on school property or at school events indefinitely or for a specific period of time. During any period of prohibition, the visitor will not be allowed on school property. The President and CEO may make exceptions for parents, guardians or custodians of students enrolled in the school if the person's presence is necessary to transport the student or may benefit the student educationally, or in situations where the parent, guardian or custodian will be supervised at all times. The School may make an exception for visitors to attend a meeting of the Board or its committees but is not obligated to do so. This paragraph does not apply if the person is otherwise prohibited or banned from school property by other sections of this policy.



## **Section 7. Enforcement**

If a visitor prohibited from school property or events under this policy is on school property, school staff will contact law enforcement and/or escort the person from school grounds and inform the person of the school policy prohibiting his or her presence.

The President and CEO or a designee of either may file a report or sign a complaint with law enforcement on behalf of the School. The Board grants the President and CEO or designee the authority to consult an attorney for guidance or to seek a court order banning the visitor from School property. A visitor denied access to school property may communicate with the Board in writing but will not be allowed back onto school property unless allowed by the Board.

## **4027 SURVEYING, ANALYZING OR EVALUATING STUDENTS MODEL POLICY**

The Governing Board of The Biome School adopts the following policy effective on that date that the policy is adopted by the Board.

### **Section 1. Inspection**

**Section 1.1.** Any parent may inspect, upon request, any instructional material used as part of the educational curriculum and all instructional materials, including teachers' manuals, films, tapes, or other supplementary material, that will be used in connection with any survey, analysis, or evaluation as part of any applicable program. Further, a parent may inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to a student. The term "instructional material" does not include academic tests or academic assessments.

**Section 1.2.** In general, the School will not collect, disclose, or use personal student information for the purpose of marketing or selling that information or otherwise providing the information to others for that purpose. In the rare case where the School may collect information from students for the purpose of marketing or selling that information, parents may inspect any instrument used before the instrument is administered or distributed to a student, upon request and in accordance with Board policy.

### **Section 2. Consent Required**

In accordance with law, no student, as part of any program wholly or partially funded by the U.S. Department of Education, shall be required to submit to a survey, analysis, or evaluation (hereafter referred to as "protected information survey") that reveals any of the following information without written consent of a parent:

1. Political affiliations or beliefs of the student or the student's parent.
2. Mental or psychological problems of the student or the student's family.
3. Sex behavior or attitudes.
4. Illegal, antisocial, self-incriminating or demeaning behavior.
5. Critical appraisals of other individuals with whom respondents have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations or beliefs of the student or the student's parent.
8. Income other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

### **Section 3. Notice and Opportunity to Opt Out**

In accordance with law, parents will receive prior notice and an opportunity to opt a student out of:

1. Any other protected information survey, as defined above, regardless of the funding source.
2. Any nonemergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent and not necessary to protect the immediate health and safety of a student, or any physical exam or screening permitted or required under state law, except for hearing, vision, or scoliosis screenings.
3. Activities involving the collection, disclosure or use of personal information obtained from students for marketing, selling or otherwise distributing information to others.

The School will directly notify parents at the beginning of the school year of the specific or approximate dates during the school year when the above-listed activities will occur or are expected to be scheduled.

### **Section 3. Notification of Policy and Privacy**

In accordance with law, parents will be directly notified of this policy at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in the policy. The School will take measures to protect the identification and privacy of the students participating in a protected information survey, regardless of the source of funding. These measures may include limiting access to the completed surveys and the survey results as allowed by law. All student educational records will be protected in accordance with law and Board policy. The provisions of this policy applicable to parents will transfer to a student who is 18 years old or emancipated.

## **4028 HAZING AND BULLYING MODEL POLICY**

The Governing Board of The Biome School adopts the following policy effective on that date that the policy is adopted by the Board.

### **Section 1. General**

**Section 1.1.** In order to promote a safe learning environment for all students, the School prohibits all forms of hazing, bullying and student intimidation. Students participating in or encouraging inappropriate conduct will be disciplined in accordance with the Student Code of Conduct. Such discipline may include, but is not limited to, suspension or expulsion from school and removal from participation in activities. Students who have been subjected to hazing or bullying are instructed to promptly report such incidents to a school official.

**Section 1.2.** In addition, School staff, coaches, sponsors, and volunteers shall not permit, condone, or tolerate any form of hazing or bullying or plan, direct, encourage, assist, engage or participate in any activity that involves hazing or bullying. School staff will report incidents of hazing and bullying to the President and CEO.

The President and CEO or designee shall promptly investigate all complaints of hazing and bullying and shall administer appropriate discipline to all individuals who violate this policy. School staff who violate this policy may be disciplined or terminated.

**Section 1.3.** Reprisal and/or retaliation against any person who reports an act of bullying or hazing is strictly prohibited. Students who violate this provision are subject to discipline, up to and including possible suspension or expulsion. School staff who violate this provision may be disciplined or terminated.

**Section 1.4.** The President and CEO will provide for appropriate training designed to assist staff, coaches, sponsors, and volunteers in identifying, preventing, and responding to incidents of hazing and bullying.

### **Section 2. Definitions**

**Section 2.1. Hazing.** For purposes of this policy, hazing is defined as any activity, on or off school grounds, that a reasonable person believes would negatively impact the mental or physical health or safety of a student or put the student in a ridiculous, humiliating, stressful or disconcerting position for the purposes of initiation, affiliation, admission, membership or maintenance of membership in any group, class, organization, club or athletic team including, but not limited to, a grade level, student organization or school-sponsored activity.

Hazing may include those actions that subject a student to extreme mental stress including, but not limited to, sleep deprivation, physical confinement, forced conduct that could result in extreme embarrassment or criminal activity, or other stress-inducing activities. Hazing may also include but is not limited to acts of physical brutality; whipping; beating; branding; exposing to the elements; forcing consumption of any food, liquor, drug, or other substance; forcing inhalation or ingestion of tobacco products; or any other forced physical activity that could adversely affect the physical health or safety of an individual.

Hazing may occur even when all students involved are willing participants. Hazing does not occur when a student is required to audition or try out for an organization when the criteria are reasonable, approved by the school and legitimately related to the purpose of the organization.

**Section 2.2. Bullying.** For purposes of this policy, bullying is defined as intimidation, unwanted aggressive behavior, or harassment that is repetitive or is substantially likely to be repeated and causes a reasonable student to fear for her physical safety or property; substantially interferes with the educational performance, opportunities, or benefits of

any student without exception; or substantially disrupts the orderly operation of the school. Bullying may be perpetuated by individuals or groups.

Bullying includes, but is not limited to physical actions, including violence, gestures, theft, or damaging property; oral or written taunts, including name-calling, put-downs, extortion, or threats; or threats of retaliation for reporting such acts. Bullying may also include cyberbullying or cyberthreats. Cyberbullying is bullying through the transmission of a communication including, but not limited to, a message, text, sound, or image by means of an electronic device including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. Cyberthreats are online materials that threaten or raise concerns about violence against others, suicide, or self-harm.

## **4029 STUDENTS IN FOSTER CARE POLICY [REQUIRED]**

The Governing Board of The Biome School adopts the following policy effective on that date that the policy is adopted by the Board.

The Biome School is committed to ensuring and facilitating the proper educational placement, enrollment in school and checkout from school for foster children.

In order to facilitate this process and to serve as the educational liaison for The Biome School's foster children, The Biome School will designate a staff member to oversee and assess The Biome School's foster care program.

The Biome School's educational liaison for foster care children will serve in an advisory capacity to:

- Ensure and facilitate proper educational placement, enrollment in school, and checkout from school.
- Assist foster care children when transferring from one school to another or from one school district to another, including, among other things, proper transfer of credit, records, and grades.
- Request school records within two (2) business days of placement of a foster care child in The Biome School.
- Submit school records of foster care pupils within three (3) business days of receiving a request for school records from another school or school district; and
- Facilitate access to student records to any child placing agency for the purpose of fulfilling education case management responsibilities required of the juvenile officer or by law and to assist with the school transfer or placement of a child under foster care.

The Biome School recognizes students in foster care experience mobility in and out of the foster care system and from one home placement to another that may disrupt their education, and which may create barriers to academic success and on-time graduation. The Biome School, in collaboration with state and local agencies, will work to minimize or eliminate educational barriers for students in foster care, particularly in enrollment, transfer of student records, and transportation to their school of origin, where appropriate. For purposes of this policy, "school of origin" is the school in which the student is enrolled at the time of placement in foster care. The Biome School will, to the largest extent possible, ensure that a child in foster care enrolls or remains in his or her school of origin, unless a determination is made that remaining in the student's school of origin is not in the student's best interest.

In determining the student's best interest for purposes of this policy, the following factors will be considered:

1. Preference of the student.
2. Preference of the student's parent or educational decision making.
3. The student's attachment to the school, relationships with staff and peers.
4. Placement of the student's siblings.
5. Influence of the school climate on the student, including safety.
6. Availability and quality of the services in the school in meeting the student's educational and socioemotional needs.
7. History of school transfers and their impact.
8. Impact of the length of commute.
9. Whether the student has a disability under the IDEA or Section 504.
10. Whether student is an EL student receiving language services.

A foster care child whose home placement is changed may remain enrolled and attend their school of origin or return to a previously attended school in an adjacent district. The Biome School will accept for credit full or partial course work satisfactorily completed by a foster child while attending a public school, nonpublic school, or non-sectarian school in compliance with The Biome School policies, regulations, and practices.

If a child in foster care is absent from school due to a decision to change the placement of a pupil made by a court or child placing agency, or due to a verified court appearance or related court-ordered activity, the grades and credits of the pupil will be calculated as of the day the pupil left school and no reduction in grades will occur as a result of the pupil's absence under these circumstances.

If a foster care student transfers into The Biome School prior to or during a school year, The Biome School will initially honor the placement of the student in educational courses and programs based on the student's prior enrollment or educational assessments; will provide comparable services to transferring foster care students with disabilities based on the student's current IEP; and will make reasonable accommodations and modifications to address the needs of a student with disabilities, subject to an existing 504 or Title II Plan in order to provide equal access to education. The Biome School will conduct evaluations, where necessary, to ensure proper placement and services.

The Biome School will waive specific courses required for graduation if similar course work has been satisfactorily completed at another school. Similarly, The Biome School may waive prerequisites for placement in a The Biome School course or program based upon courses taken at a prior school. If a waiver is denied for reasonable justifications, The Biome School will provide an alternative means of acquiring the required course work so that graduation may occur on time. If foster care students who transfer at the beginning of their senior year or during their senior year are deemed ineligible to graduate after all alternatives have been considered, the sending school district and The Biome School will ensure that a qualified student who satisfied graduation requirements of the sending school, will receive a diploma from the sending school.

Students in foster care who have completed the graduation requirements of The Biome School while under juvenile court jurisdiction will receive a diploma in the same manner as other The Biome School students.

### **Transportation**

Some students in foster care who are residents of the City of St. Louis may need transportation to remain in their school of origin when it is in their best interest. To facilitate transportation for such students, The Biome School will collaborate with the state and/or local child welfare agencies to ensure that transportation for such students is arranged, provided, and funded. If there are additional costs incurred in providing transportation to the school of origin, The Biome School will provide such transportation if:

- a) The local child welfare agency agrees to reimburse The Biome School for such costs.
- b) The Biome School elects to pay the costs; or
- c) The Biome School and the local child welfare agency agree to share the cost.

### **Dispute Resolution**

In the event that a caregiver or education decision-maker disputes The Biome School's decision regarding the best interest or the provision of other educationally related services for a student in foster care, the caregiver or education decision-maker may use The Biome School's dispute resolution procedure.

During the pendency of the dispute resolution, the student shall remain in his or her school of origin in order to minimize disruptions and to reduce the number of moves between schools. Similarly, students attending their school of origin are entitled to continue to receive transportation during the appeal.

In the event of such dispute, The Biome School will inform the educational decision-maker or parent of their right to appeal the Best Interest Determination in a language and format reasonably calculated to inform the parent/educational decision-maker of their rights. They will also be provided with the following:

1. Contact information for The Biome School's foster care point of contact.
2. An explanation of the Best Interest Determination.
3. A step-by-step description of how to appeal the Best Interest Determination at Level I.
4. A statement advising that the student will remain in the school of origin, receiving all appropriate educational services during the pendency of the appeal.
5. Timelines for dispute resolution at each level.
6. Notice of rights to appeal to DESE if the parent/educational decision-maker is not satisfied of the level decision.

### **Level I**

In order to appeal from the Best Interest Determination, a parent/educational decision-maker must submit their appeal in writing. This writing must contain the following:

1. The school in which enrollment is sought.
2. The basis for seeking enrollment.
3. The requesting parent/educational decision-maker's name and contact information.

If the appeal is submitted by email, the subject line should provide "Foster Care Appeal."

The appeal letter must be submitted within ten (10) weekdays of receiving The Biome School's notice of the right to appeal the decision. Failure to timely submit an appeal letter may result in dismissal of the appeal.

The Chief Executive Officer/designee will arrange for a personal conference with the parent/educational decision-maker, the student where appropriate, and the student's case manager or point of contact. Prior to the meeting, the Chief Executive Officer will have reviewed the documentation from the Best Interest Determination meeting. The conference will be arranged within ten (10) days of receipt of the appeal letter and will be conducted as soon as practicable.

Within five (5) days of the conference, the Chief Executive Officer/designee will inform the parent/educational decision-maker as well as other parties attending the meeting of the Chief Executive

Officer/designee's decision. The decision will be communicated in writing. The written decision will include the following:

1. Copy of the complete Level I appeal packet (appeal, Best Interest documents, notices, and decision).
2. The decision and an explanation of the decision.
3. Directions concerning the procedure to appeal the decision to Level II, including the DESE foster care point of contact, including that individual's name, phone number and email address.

### **Level II**

If the parent/educational decision-maker disagrees with the Level I decision, they may submit a written and dated appeal letter headed "Foster Child Appeal" which must include:

1. The school in which enrollment is sought and the basis for seeking such enrollment.
2. The parent/educational decision-maker's name and contact information.



3. Best Interest Determination notes and reports.
4. Copy of the Level I appeal letter.
5. Copy of The Biome School's Level I decision.

The appeal letter must be submitted to the DESE contact person and The Biome School's Chief Executive Officer within five (5) days of receipt of the Level I decision. The Biome School will have five (5) days from receipt of the Level II appeal letter to submit its response, which will be headed "Foster Child Appeal." Documents submitted after the stated deadline will not be considered.

The State's decision will be made by a three-person panel including the DESE foster care point of contact, an additional DESE representative, and a representative of the state child welfare agency. The panel will make its decision within thirty (30) days of receipt of the Level II appeal letter. The DESE foster care point of contact will send the written decision to the parent/educational decision-maker and the Chief Executive Officer. The decision will include:

1. Copy of the Level II packet.
2. The decision and its explanation.

## **4030 THE BIOME SCHOOL WELLNESS POLICY [REQUIRED]**

The Governing Board of The Biome School adopts the following policy effective on that date that the policy is adopted by the Board.

### **Preamble**

In accordance with 7 CFR 210.31(c), a Local Education Agency that participates in the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) must establish a Local School Wellness Policy for all schools under its jurisdiction. As of June 30, 2017, Local Wellness Policies must meet the minimum requirements set forth in the Final Rule: Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010.

### **I. School Wellness**

#### **Committee Wellness Policy**

##### **Leadership**

The President and CEO or designee(s) will convene the School Wellness Committee (hereto referred to as the WC) and will ensure the school's compliance with this policy.

The designated official for oversight is Debbie Akins, Director of Finance.

##### **Wellness Policy Committee Members**

Lindell Kent, FNS Coordinator, [lkent@thebiomeschool.org](mailto:lkent@thebiomeschool.org) Debbie Akins, Director of Finance,

[cfo@thebiomeschool.org](mailto:cfo@thebiomeschool.org) Julie Harris, Principal, [jharris@thebiomeschool.org](mailto:jharris@thebiomeschool.org)

Leah Gregory, School Counselor, [lgregory@thebiomeschool.org](mailto:lgregory@thebiomeschool.org)

### **II. Wellness Policy Implementation**

#### ***Implementation Plan***

The School will develop and maintain a plan for implementation to manage and coordinate the execution of this wellness policy. The plan delineates roles, responsibilities, actions, and timelines; and indicates responsibility for changes; as well as specific goals and objectives for nutrition standards for all foods and beverages available on the school campus, food and beverage marketing, nutrition promotion and education, physical activity, physical education, and other school-based activities that promote student wellness. It is recommended that the school use the [Healthy Schools Program online tools](#) to complete a school-level assessment based on the Centers for Disease Control and Prevention's School Health Index, create an action plan that fosters implementation and generate an annual progress report. This wellness policy and the progress reports can be found at: <https://thebiomeschool.org/>.

#### ***Community Involvement, Outreach and Communications***

The School is committed to being responsive to community input. The School will actively communicate ways in which representatives of WC, parents and others can participate in the development, implementation and periodic review and update of the wellness policy through a variety of means appropriate for the School. The School will inform parents of the improvements to school meals, compliance with school meal standards, availability of child nutrition programs and how to apply, and a description of and compliance with Smart Snacks in School nutrition standards. The School will electronically communicate through email or displaying notices on the School's website, as well as use non-electronic mechanisms, such as newsletters, presentations to parents, or sending information home, to ensure that all families are actively notified of the content of, implementation of, and updates to the wellness policy, as well as how to get involved and support the policy. The School will ensure that communications are culturally and linguistically appropriate to the community, and accomplished

through means similar to other ways that the School and individual schools are communicating important school information with parents.  
The School will enhance, and/or continue relationships with community partners in support of this wellness policy's implementation.

### **III. Monitoring, Accountability and Community Engagement**

#### ***Recordkeeping***

The School will retain records to document compliance with the requirements of the wellness policy at The Biome School, including a copy of the current wellness policy and documentation of the following actions:

- The most recent assessment of the policy.
- Availability of the wellness policy and assessments to the public.
- Reviews and revisions of the policy, including the individuals involved and the efforts to notify stakeholders of their ability to participate in the process.

#### ***Annual Notification of Policy***

The School will actively inform families and the public each year of basic information about this policy, including its content, any updates to the policy and implementation status. The School will make this information available via the School website and/or School-wide communications.

#### ***Triennial Progress Assessments***

At least once every three years, the School will evaluate compliance with the wellness policy to assess the implementation of the policy and include:

- The extent to which the School complies with the wellness policy.
- The extent to which the School's wellness policy compares to the Alliance for a Healthier Generation's model wellness policy; and
- A description of the progress made in attaining the goals of the School's wellness policy.

The School will actively notify households/families of the availability of the triennial progress report.

#### ***Revisions and Updating the Policy***

The WC will update or modify the wellness policy based on the results of the annual School Health Index and triennial assessments and/or as School priorities change, community needs change, wellness goals are met, new health science, information, and technology emerges, and new Federal or state guidance or standards are issued.

### **IV. Nutrition**

#### ***School Meals***

The School is committed to serving healthy meals to children that will meet the U.S. Department of Agriculture (USDA) school meal and Smart Snacks in School nutrition standards.

The School participates in USDA child nutrition programs, including the National School Lunch Program (NSLP), and the School Breakfast Program (SBP).

#### ***Food and Beverage Marketing in Schools***

The School intends to protect and promote students' health by permitting advertising and marketing for only those foods and beverages that are permitted to be sold on the school campus (locations on the school campus that are accessible to students), consistent with the School's wellness policy. Only foods that comply with or exceed the USDA Smart Snacks in School nutrition standards may be marketed or promoted to students on the school campus during the school day (the midnight before to 30 minutes after the end of the school day).

Examples of marketing and advertising are scoreboards, book covers, vending machines.

Free, safe, unflavored drinking water will be available to all students throughout the school day. The School will make drinking water available where school meals are served during mealtimes. All water sources and containers will be maintained on a regular basis to ensure good hygiene and health safety standards. Students will be allowed to bring and carry approved water bottles filled with only water with them throughout the day.

***Nutrition Promotion***

Students and staff will receive consistent nutrition messages throughout schools, classrooms, gymnasiums, and cafeterias.

***Nutrition Education***

The School will provide nutrition education and engage in nutrition promotion that is aligned with the Missouri Learning Standard and Grade-Level Expectations in health and physical education.

***Essential Healthy Eating Topics in Health Education***

The School will include in the health education curriculum essential topics on healthy eating.

**V. Physical Activity**

Children and adolescents should participate in at least 60 minutes of physical activity every day. The School is encouraged to participate in *Let's Move! Active Schools* ([www.letsmoveschools.org](http://www.letsmoveschools.org)).

Physical activity during the school day (including but not limited to recess, classroom physical activity breaks or physical education) is discouraged as punishment for any reason. This does not include participation on sports teams.

***Physical Education***

The School will provide students with physical education, using an age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education. The curriculum will support the essential components of physical education.

All students will be provided equal opportunity to participate in physical education classes. The School will make appropriate accommodations to allow for equitable participation for all students and will adapt physical education classes and equipment as necessary.

All students in each grade will receive physical education for at least 60-89 minutes per week throughout the school year.

***Essential Physical Activity Topics in Health Education***

Health education will be required in all grades.

***Recess***

The School will offer at least **20 minutes of recess** on all days during the school year. If recess is offered before lunch, schools will have appropriate hand-washing facilities and/or hand-sanitizing mechanisms located just inside/outside the cafeteria to ensure proper hygiene prior to eating and students are required to use these mechanisms before eating. Hand-washing time, as well as time to put away coats/hats/gloves, will be built into the recess transition period/timeframe before students enter the cafeteria.

**Outdoor recess** will be offered when weather is feasible for outdoor play.

In the event that the School must conduct **indoor recess**, teachers and staff will follow the indoor recess guidelines that promote physical activity for students, to the extent practicable.

Recess will complement, not substitute, physical education class.

***Classroom Physical Activity Breaks***

Students will be offered **periodic opportunities** to be active or to stretch throughout the day on all or most days during a typical school week. These physical activity breaks will complement, not substitute, for physical

education class, recess, and class transition periods.

The School will provide resources and links to resources, tools, and technology with ideas for classroom physical activity breaks. Resources and ideas are available through [USDA](#) and the [Alliance for a Healthier Generation](#).

### ***Active Academics***

Teachers will incorporate movement and kinesthetic learning approaches into “core” subject instruction when possible and do their part to limit sedentary behavior during the school day.

### ***Before and After School Activities***

The School offers opportunities for students to participate in physical activity either before and/or after the school day (or both) through a variety of methods. The School will encourage students to be physically active before and after school by offering and encouraging *physical activity clubs, and intramurals or interscholastic sports teams*.

### ***Active Transport***

The School will support active transport to and from school, such as walking or biking.

## **VI. Other Activities that Promote Student Wellness**

The School will integrate wellness activities across the entire school setting, not just in the cafeteria, other food and beverage venues, and physical activity facilities. Teachers are encouraged to coordinate content across curricular areas that promote student health, such as teaching nutrition concepts in mathematics.

All efforts related to obtaining federal or state recognition for efforts, or grants/funding opportunities for healthy school environments will be coordinated with and complementary of the wellness policy, including but not limited to ensuring the involvement of the WC.

All school-sponsored events will adhere to the wellness policy guidelines.

### ***Professional Learning***

When feasible, the School will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom and school.

## **4031 SUBSTITUTE TEACHER EMPLOYMENT POLICY**

The School will employ qualified substitutes for all employee groups. The Chief Operating Officer/designee will prepare and submit to the School a procedure for reporting absences, assigning substitutes, and developing a substitute compensation plan.

Substitute teachers shall meet all requirements as established by the State Board of Education. Rate and compensation shall be according to the annual school budget approved by the Board. Records shall be kept by the Office of Human Resources concerning number of days taught by substitutes and the amount of funds expended. The Board shall be informed concerning this data at periodic intervals.

### **Web-Based Survey for Substitute Teachers**

The Department of Elementary and Secondary Education has a web-based survey for collecting anonymous information from substitute teachers in Missouri schools. The survey collects anonymous, nonbiased, real-time data that school districts, charter schools, and the state can access to study and improve the effectiveness of substitute teachers in supporting instruction and learning and to improve circumstances that may cause a shortage of available substitute teachers.

Each substitute teacher at the School shall complete the survey at the end of each day of teaching. The School shall provide, by email, a web link to the survey. If needed, the School shall provide brief access to a computer or other connected device sufficient to allow the survey to be completed. The survey can also be completed on-site by the substitute teacher using a personal device.

The School shall annually provide information to the Department of Elementary and Secondary Education regarding use of third-party employment agencies for substitute teachers, daily rate of substitute teacher pays, employment of full-time and part-time substitute teachers, substitute teacher recruitment efforts, the substitute teacher interview process, and use of current school staff as substitute teachers during other assigned time.

## **4032 COMMUNITY ENGAGEMENT POLICY**

### **Section 1. Citizen Comments**

A designated period of time may be provided for public comments at all regular Board meetings. The Board is very interested in citizen viewpoints and problems; however, citizens are encouraged to work through problems at the school and/or administrative levels before coming to the Board. Remarks may be limited to three minutes and to one appearance, thus allowing a maximum number of participants in the allotted time period in which citizens are to speak to issues. Questions directed to the Board may not always be answered immediately. All questions will be responded to by an appropriate person as soon as possible. Persons who wish to suggest items for the agenda should contact the Executive Assistant to the Board.

### **Section 2. Agenda Items**

Beginning July 1, 2023, residents of City of St. Louis may submit an agenda item which is related to governance or operation of the School. Prior to submission of an agenda item, the submitting resident must meet with the Executive Director/designee in an effort to resolve the concern related to the agenda item. The Executive Director/designee will hold the resolution meeting within twenty (20) business days of the request. Following the resolution meeting or if a resolution meeting is not timely scheduled the agenda request will be submitted to the Board Secretary by the requesting resident. The agenda item will be included in the Board agenda for the next regularly scheduled meeting if item is received at least five (5) school days prior to the meeting. If not timely received, the item will be placed on the agenda of the following regularly scheduled meeting. However, the agenda may be moved to a later meeting with the resident's agreement.

Placement of a resident's requesting agenda item is subject to the following rules:

1. Presentation of the agenda item is limited to five (5) minutes unless expanded by the Board.
2. No more than three (3) persons may speak on the agenda item but only if each of the speakers has spoken with the Executive Director/designee as provided in this policy.
3. The Board may decline to hear a resident's requested agenda item if the Board reasonably believes that the Board has heard an identical or substantially the same agenda item within the preceding three (3) months.
4. If the resident requesting addition of the agenda item has previously violated rules regarding conduct at a Board meeting or on [School] property, as reasonably determined by the Board that the requesting resident be denied placement of their agenda item.
5. If more than three (3) resident-initiated agenda items are scheduled for the same Board meeting, later resident submissions may be scheduled for the following meeting.

However, if a resident-initiated agenda item is delayed under this paragraph the resident will be advised of this option to submit their presentation to the Board in writing.

### **4033 CLASSROOM POSTINGS AND DISPLAYS POLICY**

Staff may only post or display materials within the classroom that are related to the curriculum and subject matter taught. Postings regarding extracurricular activities may be permitted. The building administrator shall field all questions regarding whether a certain posting is permitted.



## **4034 GET THE LEAD OUT OF SCHOOL DRINKING WATER ACT MODEL POLICY**

The Governing Board of The Biome School adopts the following policy effective on that date that the policy is adopted by the Board.

1. Beginning in the 2023-24 school year and for each subsequent school year, The Biome School shall provide drinking water with a lead concentration level below five parts per billion in sufficient amounts to meet the drinking water needs of all students and staff.
2. On or before January 1, 2024, The Biome School shall:
  - a. Conduct an inventory of all drinking water outlets and all outlets that are used for dispensing water for cooking or for cleaning cooking and eating utensils in each of The Biome School buildings.
  - b. Develop a plan for testing each outlet inventoried under paragraph (a) of this subsection and make such plan available to the public; and
  - c. Upon request, provide general information on the health effects of lead contamination and additional informational resources for employees and parents of children at The Biome School.
3. The Biome School shall make buildings housing early childhood education programs, kindergartens, and elementary schools the priority when complying with paragraphs (a) and (b) of subsection (2) of this Policy.
4. Before August 1, 2024, or the first day on which students will be present in The Biome School buildings, whichever is later, The Biome school shall:
  - a. Perform all testing as required by subsections (10) and (11) of this Policy and within two weeks after receiving test results, make all testing results and any lead remediation plans available on the school's website, [www.thebiomeschool.org](http://www.thebiomeschool.org).
  - b. Remove and replace any drinking water coolers or drinking water outlets that the United States Environmental Protection Agency has determined are not lead-free under the federal Lead Contamination Control Act of 1988, as amended; except The Biome School shall not be required to replace those drinking water outlets or water coolers that tested under the requirements of this Policy and have been determined to be dispensing drinking water with a lead concentration less than five part per billion; however, such drinking water outlet or water cooler shall be subject to all testing requirements and shall not be excluded from testing under subsection (12) of this Policy.
5. If testing indicates that the water source is causing the contamination and until such time that the source of the contamination has been remediated, [School] shall:
  - a. Install a filter at each point at which the water supply enters the building.
  - b. Install a filter that reduces lead in drinking water on each water outlet inventoried under paragraph (a) of subsection (2) of this Polley to ensure lead concentrations are below five parts per billion: or
  - c. Provide purified water at each water outlet inventoried under paragraph (a) of subsection (2) of this Policy.
6. If testing indicates that the internal building piping is causing the contamination and until such time that the source of the contamination has been remediated, The Biome School shall:

- a. Install a filter that reduces lead in drinking water on each water outlet inventoried under paragraph (a) of subsection (2) of this Policy to ensure lead concentrations are below five parts per billion: or
  - b. Provide purified water at each water outlet inventoried under paragraph (a) of subsection (2) of this Policy.
- 7. If a pipe, solder, fitting, or fixture is replaced as part of remediation, the replacement shall be lead free, as such term is defined in 40 CFR 143.12, as amended.
- 8. If a test result exceeds five parts per billion, the affected building shall:
  - a. Contact parents and staff via written notification within seven business days after receiving the test result. The notification shall include at least:
    - i. The test results and a summary that explains such results.
    - ii. A description of any remedial steps taken; and
    - iii. A description of general health effects of lead contamination and community specific resources; and
  - b. Provide bottled water if there is not enough water to meet the drinking water needs of the students, teachers, and staff.
- 9. This Policy is not to be construed to prevent The Biome School from conducting more frequent testing than required under this Policy.
- 10. Before August 1, 2024, or the first day on which students will be present in The Biome School buildings, whichever is later, and annually thereafter, The Biome School shall conduct testing for lead by first-draw and follow-up flush samples of a random sampling of at least twenty-five percent of remediated drinking water outlets until all remediated sources have been tested as recommended by the 2018 version of the United States Environmental Protection Agency's Training, Testing, and Taking Action program. The testing shall be conducted, and the results analyzed for both types of tests by an entity or entities approved by the Missouri Department of Health and Senior Services.
- 1.1. If, in the ten years prior to the 2023-24 school year, a fixture tested above five parts per billion for lead, such fixture does not need to be repeat tested for lead, but instead remediation shall begin on such fixture.
- 1.2. If The Biome School tests and does not find a drinking water source with a lead concentration above the acceptable level as described in subsection (1.) of this Policy, The Biome School shall be required to test only every five years.
- 1.3. The Biome School may make efforts to obtain financial assistance in order to comply with this Policy pursuant to subsection (6) of Section 1.60.077, RSMo.

# Section 5 Educational Instruction

**5001 READING INSTRUCTION MODEL POLICY<sup>32</sup> [REQUIRED]<sup>33</sup>.**

The Governing Board of The Biome School adopts the following policy effective on that date that the policy is adopted by the Board.

The School shall have reading programs in kindergarten through grade three based in scientific research. Such programs shall include the essential components of phonemic awareness, phonics, fluency, vocabulary, and comprehension, and all new teachers who teach reading in kindergarten through grade three shall receive adequate training in these areas.

The program may include "explicit systematic phonics", which, for the purposes of this section, shall mean the methodology of pronouncing and reading words by learning the phonetic sound association of individual letters, letter groups, and syllables, and the principles governing these associations.

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## **5001.1 READING SUCCESS PLANS BOARD POLICY**

### **Reading Assessment and Intervention**

The district will administer a state-approved reading assessment to all students enrolled in kindergarten through third grade at the beginning and end of each school year. In addition, the district will assess any newly enrolled student in first through fifth grade.

The district will provide reading success plans to students at the beginning of the school year or when they transfer into the school district.

### **The district will give reading success plans to students who:**

1. Exhibit a substantial deficiency in reading that creates a barrier, based on teacher observation or reading assessment, to reading progress; or
2. Have been identified through the statewide dyslexia screening as being at risk of dyslexia or have a formal diagnosis of dyslexia.
3. A substantial reading deficiency exists when a student is one or more grade levels behind in reading or reading readiness.
4. The district will provide students with intensive reading instruction under a reading success plan until the reading deficiency is remedied.

### **Reading Success Plans**

A reading success plan will include intensive instructional services and supports as appropriate according to the student's need to remediate the identified areas of reading deficiency. Services and supports may include additional scientific, evidence-based reading instruction and other strategies prescribed by the district. The plan may include, but is not limited to:

1. Small group or individual instruction
2. Reduced teacher-student ratios
3. More frequent progress monitoring
4. Tutoring or mentoring
5. Extended school day, week, or year; and
6. Summer reading programs.

### **The district will provide the intensive reading instruction during regular school hours and:**

1. Provide skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension.
2. Include a scientifically based and reliable assessment.
3. Provide initial and ongoing analysis of each student's reading progress; and
4. Provide a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade.

### **Notice**

The district will notify the parent/guardian in writing of any student who qualifies for a reading success plan that the child has been identified as having a substantial deficiency in reading or is at risk of dyslexia.

The notification will provide:

1. A description of the services currently provided to the student.
2. A description of the proposed supplemental instructional services and supports that the district will provide to the child that are designed to remediate the identified area of reading deficiency.
3. Strategies for parents/guardians to use in helping the child succeed in reading proficiency including, but not limited to, the promotion of parent-guided home reading; and
4. The opportunity to attend district summer school programs when offered.

For students diagnosed with dyslexia or at risk of dyslexia, the notice will include an explanation that the instruction will be explicit, systematic, diagnostic, and based on phonological awareness, phonics, fluency, vocabulary, comprehension, morphology, syntax, and semantics. At regular intervals, but minimally four times per year, the district will notify a student's parent/guardian of the student's academic and other progress as well as other relevant information.

## **Reporting**

The district will report to the Department of Elementary and Secondary Education the specific reading intervention and supports implemented by the district and the reading assessment data collected for grades K–5.

## **5002 HUMAN SEXUALITY AND SEXUALLY TRANSMITTED DISEASES INSTRUCTION MODEL**

### **POLICY34[REQUIRED]35.**

The Governing Board of The Biome School adopts the following policy effective on that date that the policy is adopted by the Board.

**Section 1.** Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall be medically and factually accurate and shall:

1. Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried pupils because it is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity, and advise students that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy;
2. Stress that sexually transmitted diseases are serious, possible, health hazards of sexual activity. Pupils shall be provided with the latest medical information regarding exposure to human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), human papilloma virus, hepatitis, and other sexually transmitted diseases.
3. Present students with the latest medically factual information regarding both the possible side effects and health benefits of all forms of contraception, including the success and failure rates for the prevention of pregnancy and sexually transmitted diseases; or shall present students with information on contraceptives and pregnancy in a manner consistent with the provisions of the federal abstinence education law, 42 U.S.C. Section 710.
4. Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as well as the advantages of adoption, including the adoption of special needs children, and the processes involved in making an adoption plan.
5. Teach skills of conflict management, personal responsibility and positive self-esteem through discussion and role-playing at appropriate grade levels to emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for oneself and others. Pupils shall be taught not to make unwanted physical and verbal sexual advances or otherwise exploit another person. Pupils shall be taught to resist unwanted sexual advances and other negative peer pressure.
6. Advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock and advise pupils of the provisions of chapter 566 pertaining to statutory rape.
7. Teach pupils about the dangers of sexual predators, including online predators when using electronic communication methods such as the internet, cell phones, text messages, chat rooms, email, and instant messaging programs. Pupils shall be taught how to behave responsibly and remain safe on the internet and the importance of having open communication with responsible adults and reporting any inappropriate situation, activity, or abuse to a responsible adult, and depending on intent and content, to local law enforcement, the Federal Bureau of Investigation, or the National Center for Missing & Exploited Children's Cyber Tip line.
8. Teach pupils about the consequences, both personal and legal, of inappropriate text messaging, even amount friends.
9. Teach pupils about sexual harassment, sexual violence, and consent:
  - a. "Consent" means a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or

placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent.

- b. "Sexual Harassment" means uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a person in authority toward a subordinate.
- c. "Sexual Violence" means causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent.
- d.

**Section 2.** When providing human sexuality instruction students may be separated according to gender for instructional purposes.

**Section 3.** The School shall notify the parent or legal guardian of each student enrolled in the school of:

1. The basic content of the school's human sexuality instruction to be provided to the student; and
2. The parent's right to remove the student from any part of the school's human sexuality instruction.
3. All curriculum materials used in the human sexuality instruction shall be available for public inspection pursuant to chapter 610 prior to the use of such materials in actual instruction.
4. The School will not provide abortion services, or permit a person or entity to offer, sponsor, or furnish in any manner any course materials or instruction relating to human sexuality or sexually transmitted diseases to its students if such person or entity is a provider of abortion services.



## **5003 GRADING AND REPORTING MODEL POLICY<sup>36</sup>**

The Governing Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

### **Section 1. Grading**

**Section 1.1.** The President and CEO or his/her designee shall be responsible for developing a grading scale which comports with the School's instructional philosophy, curriculum, and state mandates.

**Section 1.2.** Teachers shall use a variety of methods to assess student progress.

### **Section 2. Reporting Student Progress.**

**Section 2.1.** A report card will go home every [quarter].

**Section 2.2.** The report card shall provide accurate reporting of student progress against academic and other standards based on qualitative and quantitative evidence collected on classroom work, projects, tests, quizzes, performance based tasks, observations, and other evidence.

**Section 2.3.** Cumulative grades shall be transferred to students' individual permanent school record and report cards and permanent records shall be maintained in the student's files according to the adopted records retention schedule.

**Section 2.4.** Teachers are expected to maintain regular communications with parents/guardians by providing timely return of graded classwork and convening informative student conferences.

## **5004 FIELDTRIPS AND ENRICHMENT ACTIVITIES MODEL POLICY[REVISED]<sup>37</sup>**

The Governing Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

### **Section 1. Fieldtrips and Enrichment Activities**

**Section 1.1.** All field trips and enrichment activities should be carefully planned for timely implementation as part of the instructional, co-curricular, or extracurricular programs of the school.

**Section 1.2.** The Principal or his/her designee has the responsibility of developing a field trip and enrichment activity manual. This handbook furnishes guidelines for field trips and enrichment activities including planning information, parental permission forms, solicitation letters, and approved categorized lists of recommended field trips/activities. The handbook is to be revised and approved annually when necessary.

**Section 1.3.** Annual field trip plans for school day instructional trips should be developed by each teacher early in the school year and submitted to the Principal or his/her designee.

### **Section 2. Board Notification**

The President and CEO shall inform the Board of approaching field trips that are overnight or out-of-state.

### **Section 3. Documentation**

Appropriate parental permission forms must be received and kept on file for students to participate in any field trip.

### **Section 4. Unauthorized Fieldtrips**

Unless approved by the Administrator(s), trips organized by teachers in conjunction with parents or other non-school organizations to any destinations during holiday periods (for example, Summer, Thanksgiving, Winter Break, Spring Break) will not be recognized by the Governing Board as approved field trips. The Governing Board assumes no liability for such trips. The use of school staff during the regular workday, school facilities, and school supplies for planning such trips is prohibited. The recruitment of students for such trips, or communicating information related to such trips should not occur on school property.

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<sup>37</sup> Op., App. GG.

## **5005 SERVICES FOR STUDENTS WITH DISABILITIES MODEL POLICY[REQUIRED]<sup>38</sup>**

The Governing Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

The School does not have a general curriculum for students with disabilities. Instead, it is the policy of the School to develop an individualized educational program (IEP) for each public school student with a disability who needs special educational services pursuant to the Individuals with Disabilities Education Act (IDEA) and an accommodation plan for students who are qualified only pursuant to Section 504 of the Rehabilitation Act. Each IEP is designed to meet the unique needs of the student and to offer a free appropriate public education. In addition, the School's IEPs will address the extent to which each student's disability affects his/her ability to access the School's general curriculum and what modifications, accommodations, and supplementary aids and services, if appropriate, are necessary to provide for such access. Each public school student with a disability will be educated to the maximum extent appropriate with children who are non-disabled. However, students with disabilities may be assigned to special classes, separate schooling or removed from the regular educational environment when the nature or severity of the student's disability is such that education in the regular educational environment with the use of supplementary aids and services cannot be achieved satisfactorily.

The School will provide special education and/or other services to students with disabilities in accordance with applicable law, including the IDEA, and its amendments, Section 504 of Rehabilitation Act of 1973, 162.670-.995, RSMo., and Missouri's State Plan for Part B.

If a student has had his/her curriculum substantially altered or modified pursuant to an IEP, 504 Plan, and/or in connection with a plan of homebound instruction so that the academic requirements (including but not limited to the requirements for achieving a specific letter or numerical grade) for one or more courses have been significantly reduced as compared to the regular course or courses, the IEP team or 504 team (or in the case of a student receiving homebound instruction who is not covered by an IEP or 504 Plan), the President and CEO, Academic Dean, and classroom teacher(s) for such course(s) shall determine whether the student shall be included in the computation of class rank. Students who are not included in the class ranking shall still receive a cumulative grade point average (G.P.A.) and shall be eligible for the honor roll.

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<sup>38</sup> Op., App. RR.

**5006 INSTRUCTIONS FOR STUDENTS WITH DISABILITIES MODEL POLICY[REQUIRED]<sup>39</sup>**

The Governing Board of The Biome School adopts the following policy effective on that date the policy is adopted by the Board.

It is the policy of the School to provide a free appropriate public education to all public school students with disabilities. Students with disabilities are defined as those students who have one of the categorical disabilities as enumerated in the Missouri State Plan for Part B of the Individuals with Disabilities Education Act (IDEA) and who also require special education services or who have a mental or physical impairment that substantially limits one or more major life activities as defined by Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act and who require accommodations or special education and related services.

The School will provide special education and/or other services to students with disabilities in accordance with applicable law, including the IDEA, and its amendments, Section 504 of Rehabilitation Act of 1973, sections 162.670-.995, RSMo., and Missouri's State Plan for Part B.

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<sup>39</sup> Op., App. SS.

## **5007 DYSLEXIA SCREENING MODEL POLICY[REQUIRED]<sup>40</sup>**

The Board of The Biome School adopts the following policy effective on the date that the policy is adopted by the Board.

**Section 1.** The school shall conduct dyslexia screenings for students in the appropriate year consistent with the Department of Elementary and Secondary Education guidelines.

**Section 2.** The Governing Board of The Biome School shall provide reasonable classroom support consistent with the Department of Elementary and Secondary Education guidelines.

**Section 3.** The school shall offer all of its teachers two hours of training on dyslexia and related disorders. The school may seek assistance from the Department of Elementary and Secondary Education in developing and providing such training. Completion of such training shall count as two contact hours of professional development.

## **5008 ENGLISH LANGUAGE LEARNERS (ELL) MODEL POLICY[REQUIRED]<sup>41</sup>**

The Governing Board of The Biome School adopts the following policy effective on that date that the policy is adopted by the Board.

DESE and LEAs share an obligation to ensure that their English Language Learner (ELL) programs and activities comply with the civil rights laws and applicable grant requirements. Title VI prohibits recipients of Federal financial assistance, including DESE and LEAs, from discriminating on the basis of race, color, or national origin. Title VI's prohibition on national origin discrimination requires DESE and LEAs to take "affirmative steps" to address language barriers so that ELL students may participate meaningfully in schools' educational programs.

### **Definitions:**

The term "**Limited English Proficient**," (LEP) when used with respect to an individual, means an individual —

1. who is aged 3 through 21.
2. who is enrolled or preparing to enroll in an elementary school or secondary school.
3. who was not born in the United States or whose native language is a language other than English.
4. who is a Native American or Alaska Native, or a native resident of the outlying areas; and
5. who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
6. who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
7. whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
  - a. the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3).
  - b. the ability to successfully achieve in classrooms where the language of instruction is English; or
  - c. the opportunity to participate fully in society.

"**English for Speakers of Other Languages**" (ESOL) are programs that teach language skills to students from non-English-speaking backgrounds.

"**English Language Learners**" (ELLs) are speakers of other languages who are in the process of learning English. This abbreviation may be used to indicate LEP students.

A "**migratory**" child is defined as a child who is, or whose parent or spouse is, a migratory agricultural worker (including migratory dairy workers and migratory fishers). In order to obtain temporary or seasonal employment in agricultural or fishing work during the preceding 36 months (or to accompany a parent or spouse for such a purpose), a migratory child is someone:

- (1) who has moved from one school district to another
- (2) who has moved from one administrative area to another in a state that is comprised of a single school district?
- (3) who resides in a school district of more than 15,000 square miles and who migrates a distance of 20 miles or more to a temporary residence in order to engage in fishing activities.

The LEA's coordinator for ELL programs is the Literacy Intervention Coordinator

The Board directs the ELL coordinator to develop and implement language instruction programs that:

- (1) Identify English Language Learner (ELL) students through the use of a home language survey OR by including home language questions on the school enrollment form. The same assessment methods must be used on all students. If using an enrollment form, the questions should include at least the following:

*Do you use a language other than English?*

*Is a language other than English used at home?*

The Principal will develop procedures to ensure that all new and currently enrolled students complete the home language survey or an annual enrollment form, as applicable.

- (2) Assess for English proficiency any student who indicates the use of a language other than English, using a DESE-approved assessment instrument.
- (3) Determine the appropriate instructional environment for ELL students.

*LEAs are responsible for providing an English language instruction educational program that increases the English proficiency and academic performance of all ELL students. The curriculum used must be tied to scientifically based research on teaching ELL students and must have demonstrated effectiveness.*

- (4) Annually assess the English proficiency of ELL students and monitor the progress of students receiving English for Speakers of Other Languages (ESOL) or bilingual instruction in order to determine their readiness for classrooms not tailored to ELL students.
- (5) Provide parents with notice of and information regarding the English language instruction educational program as required by law. To the extent practicable, the notice and information should be in a language that the parent can understand. Parental involvement will be encouraged, and parents will be regularly apprised of their child's progress.

## **5009 MISSOURI COURSE ACCESS AND VIRTUAL SCHOOL PROGRAM**

The Governing Board of The Biome School adopts the following policy effective on that date that the policy is adopted by the Board.

### Section 1. Course Access and Virtual School Enrollment

As required by Missouri statute Section 161.670 (effective August 28, 2022), any student under the age of twenty-one in grades kindergarten through twelve shall be allowed to enroll in Missouri course access and virtual school program courses of his or her choice as part of the student's annual course load each year or a full-time virtual school option.

### Section 2. Costs

The school shall pay the costs associated with the course or courses if:

(a) The student is enrolled full-time in a public school, including any charter school; and (b) Prior to enrolling in any Missouri course access and virtual school program course, a student has received approval from his or her school district or charter school through the following procedure:

A school must ensure that available opportunities for in-person instruction are considered prior to moving a student to virtual courses. Continuous enrollment throughout the school year is allowed. If a school district or charter school disapproves a student's request to enroll in a virtual course or courses, the reason shall be provided in writing, and it shall be for "good cause." Good cause justification to disapprove a student's request for enrollment in a course shall be a determination that doing so is not in the best educational interest of the student, and shall be consistent with the determination that would be made for such course request under the process by which a district student would enroll in a similar course offered by the school district and a charter school student would enroll in a similar course offered by the charter school, except that the determination may consider the suitability of virtual courses for the student based on prior participation in virtual courses by the student. Appeals of any course denials shall be considered under a school's policy that is substantially similar to the typical process by which appeals would be considered for a student seeking to enroll in courses offered by the school district and a charter school student seeking to enroll in courses offered by the charter school.

### Section 3. Notice of Right to Participate

The school shall inform parents of their child's right to participate in the Missouri course access and virtual school program. There shall be information available in the parent handbook, registration documents and on the school's website.

### Section 4. Payment to Content Provider

The school shall pay the content provider directly on a pro rata monthly basis based on the student's completion of assignments and assessments. The school shall not pay more than the market necessary costs but in no case shall pay more than fourteen percent of the state adequacy target as defined in RSMo 163.011, as calculated at the end of the most recent school year for any single, year-long course and nor more than seven percent of the state adequacy target for any single semester equivalent course.

### Section 5. A+ Students

If a student is a candidate for A+ tuition reimbursement, the school shall attribute no less than



ninety-five percent attendance to any such student has who completed a virtual course.

#### Section 6. Transfer Students

Pursuant to rules to be promulgated by the Department of Elementary and Secondary Education, the school shall allow the following:

If a student transfers into the school while enrolled in a Missouri course access and virtual school program course or full time virtual school, the student shall continue to be enrolled in such course or school.

When a student transfers into the school, credits previously gained through successful passage of approved courses under the Missouri course access and virtual school program shall be accepted by the school.

#### Section 7. Monitoring Student Progress

Virtual school programs shall monitor individual student success and engagement of students enrolled in their program, provide regular progress reports for each student at least four times per school year to the school district or charter school, provide the host school district and the resident school district ongoing access to academic and other relevant information on student success and engagement, and shall terminate or alter the course offering if it is found the course or full-time virtual school is not meeting the educational needs of the students enrolled in the course.

#### Section 8. Disenrollment

A Full-time virtual school shall submit a notification to the parent or guardian of any student who is not consistently engaged in instructional activities. If a student fails to complete the instructional activities after receiving notification, and after reasonable intervention strategies have been implemented, the student shall be subject to certain consequences which may include disenrollment from the school. Prior to any disenrollment, the parent or guardian shall have the opportunity to present any information that the parent deems relevant, and such information shall be considered prior to any final decision.

If a full-time virtual school disenrolls a student, the school shall immediately provide written notification to such student's school district of residence. The student's school district of residence shall then provide to the parents or guardian of the student a written list of available educational options and promptly enroll the student in the selected option. Any student disenrolled from a full-time virtual school shall be prohibited from re-enrolling in the same virtual school for the remainder of the school year.

#### Section 9. Use of School Facilities

A virtual student's education services plan may require an eligible student to have access to school facilities of the resident school district during regular school hours for participation and instructional activities of a virtual program under this section, and the education services plan shall provide for reimbursement of the resident school district for such access pursuant to rules adopted by the Department of Elementary and Secondary Education.

A school district, charter school, virtual program, or the state is not required to provide computers, equipment, or internet access to any student unless required under the education services plan created for an eligible student or for an eligible student with a disability to comply with federal law.

## Section 10. Education Services Plan

For any enrolling student, an education services plan and collaborative agreement is created to provide all services required to ensure a free and appropriate public education, including financial terms for reimbursement by the host district for the necessary costs of any virtual program, school district, or public or private entity providing all or a portion of such services.

The Missouri course access and virtual school program shall ensure that individual learning plans designed by certified teachers and professional staff are developed for all students enrolled in more than two full-time course access program courses or a full-time virtual school.

## **5010 STUDENT GRADE RETENTION BOARD POLICY**

The Governing Board of The Biome School adopts the following policy effective on that date that the policy is adopted by the Board.

The purpose of promotions and retentions is to provide maximum consideration for the long-range welfare of the student and to provide an opportunity for each student to progress through school according to the student's own needs and abilities.

It is expected that Biome students will matriculate annually from grade-to-grade unless it is determined by the Biome's professional staff that it is in the student's best interest to be retained and repeat the grade. This will generally be determined when the professional staff can establish that the student is failing to master skills and competencies established for that particular grade level by the Biome's Board and/or a determination as to whether the student's social, emotional, mental, or physical development would not allow satisfactory progress in the next grade. While the decision to retain a student shall include input from the parent/guardian, the decision whether to retain a student is solely within the discretion of the professional staff at the Biome. Grade retention/grade repetition shall only occur when it is determined that a student would benefit more from repeating a grade rather than matriculating with their same-aged peers.

The Biome fully appreciates the gravity of a decision to retain a student from promotion to the next grade. Accordingly, the Biome has carefully crafted a procedure designed to ensure that each student's situation is analyzed based upon the student's individualized educational needs.

The Biome's decision to retain a student may be appealed in writing to the Principal. The Principal shall have ten (10) school days to respond to the appeal unless there is good cause for delay. If it is determined by the Principal that there is good cause for delay, the Principal shall send the appealing party the reasons for delay in writing within ten (10) school days from receipt of the written appeal and include an estimated date to respond. If the appealing party disagrees with the outcome of the appeal to the Principal, the appealing party can appeal the Principal's decision in writing to the Executive Director. The Executive Director shall respond within ten (10) school days to the appeal unless there is good cause for delay. If it is determined by the Executive Director that there is good cause for delay, the Executive Director shall send the appealing party reasons for delay in writing within ten (10) school days of receipt of the appeal. The decision by the Executive Director is final and unappealable. All written appeals must be received within fourteen (14) calendar days after school closes for summer break.

Consistent with RSMo. 167.640, prior to retaining a student and as a condition of matriculation to the next grade level, the Biome may require parents or guardians to commit various remediation efforts. These efforts may include requiring the parents or guardians to conduct home-based tutorial activities with their children and may require the student to attend The Biome's summer school program. Such remediation shall recognize that different students learn differently and shall employ methods designed to help these students achieve at high levels. Such remediation may include, but shall not necessarily be limited to, a mandatory summer school program focused on the areas of deficiency, or other such activities conducted by the school outside of the regular school day. If the Biome provides such remediation outside of the traditional school day, it may count the extra hours of instruction in the calculation of the average daily attendance.

For students identified as having a disability, and eligible for special education and related services, pursuant to the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504), educational placement decisions, including decisions about grade retention, will be determined by the student's Individualized Education Program (IEP) team. Pursuant with Missouri law, the IEP team may similarly discuss the nature of the parental involvement consistent with the requirements for a free appropriate public education (FAPE).

This policy shall not apply to students who have limited English proficiency.

### **5011 Underperforming Test Scores Policy**

As required by Missouri statutes, if The Biome School is determined to be in the bottom five percent (5%) of scores on the annual performance report, The Biome School shall mail a letter to the parents and guardians of each student informing such parents and guardians:

1. That The Biome School has been determined to be in the bottom five percent (5%) of scores on the annual performance report; and
2. What options are available to the students as a result of The Biome School's current status.

The Biome School shall display the annual performance report rating and ranking percentage for The Biome School in a clear and easily accessible manner on The Biome School's website. This information shall be included in the annual school accountability report card.

## **5012 SUICIDE AWARENESS AND PREVENTION POLICY**

The Governing Board of The Biome School adopts the following policy effective on that date that the policy is adopted by the Board.

### **Professional Development**

Until the end of the 2022-23 school year, any licensed educator may annually complete up to two hours of training or professional development in youth suicide awareness and prevention as part of the professional development hours required for State Board of Education Certification.

Beginning with the 2023-24 school year, and for every year thereafter, the School licensed educators may attend a teacher assistance program regarding suicide prevention. Licensed educators may also conduct a self-review of suicide prevention materials. Completion of either option will count as two contact hours of professional development under Section 168.021, RSMo. Completion of the program will also count as two hours of Flatt-Cantor Act training.

## **5013 BLIND STUDENTS' INDEPENDENCE, TRAINING AND EDUCATION POLICY**

Each blind or visually impaired student will receive instruction in Braille reading and writing as part of the student's Individualized Education Program (IEP) or Individualized Family Support Plan (IFSP) unless the IEP or IFSP team determines, based on the student's skills, needs and whether the student requires Braille instruction. No student will be denied instruction in Braille reading and writing solely because the student has some vision. During the evaluation process, consideration shall be given regarding appropriate Braille instruction based on a potential vision loss due to a degenerative medical diagnosis.

For purposes of this Policy, the following terms and definitions are applicable:

61. "Accessible assistive technology device," an assistive technology device, as defined in 20U.S.C. Section 55 1401, as amended, that provides blind or visually impaired students the benefits of an educational program in an equally effective and integrated manner as that provided to nondisabled students.
62. "Adequate instruction," the quality teaching of blind or visually impaired students, as it pertains to general education and necessary blindness skills, in alignment with the U.S. Department of Education's definition of free appropriate public education, as defined in 20 U.S.C. Section 1401, as amended.
63. "Blind or visually impaired student":
64. A child who:
65. Has an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP), as such terms are defined in 20 U.S.C. Section 1401, as amended, or a 504-plan created under Section 504 of the Federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, as amended; and
66. Is identified as having the disability of "visual impairment (including blindness)" within the definition of "child with a disability" in 20 U.S.C. Section 1401, as amended; or
67. An individual who is deaf blind under the Federal Individuals with Disabilities Education Act (IDEA), as amended, or other federal law.
68. "Braille", the system of reading and writing through touch.
69. "Expanded core curriculum," a disability-specific curriculum that compensates for vision loss, is formational to all other learning, and that covers the nine essential areas of compensatory access, sensory efficiency, assistive technology, orientation and mobility, social interaction, recreation and leisure, independent living, self-determination, and career education.
70. "Grade level instruction," instruction that aligns with state-designated content standards and curricula for students of the same age or level of maturity, based on the development of intellectual, emotional, physical, and behavioral capacity that is typical for the student's age or age group.
71. "Local educational agency" or "LEA," the same definition as in 20 U.S.C. Section 1401, as amended.
72. "Nonvisual access," the ability of a blind or visually impaired student to use all functions of a device, without using the student's vision, in an equally effective, equally integrated manner and with equivalent ease of use as the student's sighted peers.
73. "Nonvisual skills," skills that are taught in such a way that the student does not need to use any v1s10n.
74. "State educational agency," the same definition as in 20 U.S.C. Section 1401, as amended.

### **IEP and IFSP Plans**

Instruction in Braille reading, and writing will be offered to enable each blind or visually impaired student to

communicate effectively and efficiently at a level commensurate with the student's age and with the student's nondisabled peers of comparable intellectual ability.

The affected student's IEP or IFSP shall specify:

75. Results obtained from evaluation of the student's reading and writing skills, needs and appropriate reading and writing media including appropriateness of Braille instruction based on vision loss due to a degenerative medical diagnosis.
76. How Braille will be implemented.
77. Length of period of instruction and frequency and duration of each instructional session as determined by the IEP team.
78. Level of competency in Braille reading and writing to be achieved.
79. How accessible assistive technology will be implemented through integration with other activities.
80. Level of mastery of the accessible assistive technology to be achieved by the end of the period.
81. Acknowledgement that the assistive technology may be only transported without need for payment or other cost.
82. Provision of duplicative assistive technology at home without cost to the family.
83. Level of mastery of orientation and mobility skills.

Use and provision of Braille materials for reading and writing shall be addressed in appropriate §504 Plans to support programs in the general education curriculum. Use and provision of assistive technology will be addressed in the student's §504 plan as will orientation and mobility equipment.

### **Assistive Technology**

Each blind or visually impaired student will receive instruction in assistive technology as part of their IEP or IFSP plan unless determined to be inappropriate by the IEP or IFSP team.

Instruction will include grade-level instruction with appropriate technology mediated learning environment and skills to perform at the same level as comparable peers.

### **Orientation and Mobility**

Each blind or visually impaired student will receive instruction in orientation and mobility as part of their IEP unless determined not to be appropriate. No student will be denied such instruction because the student has some vision. Affected students shall receive orientation and mobility training to equip the student with age-appropriate tools, techniques, and non-visual skills to navigate in or around their home, schools, communities, and other applicable environments. [School] will not impose any preclusions or limitations on a student to receive orientation and mobility services. An orientation and mobility evaluation will be made by an individual appropriately certified by the National Blindness Professional Certification Board (NBPCB) or through the Academy for Certification of Vision Rehabilitation and Education Professionals (ACVREP) or who holds a nationally recognized certification. Such evaluation will occur in familiar and unfamiliar environments, daytime, nighttime, and around home, school, and community.

### **Braille Teachers**

Educators hired to teach Braille shall be certified teachers of students with visual impairments, hold a current and valid National Certification in Unified English Braille working under the supervision of a reading specialist.

Educators hired to teach accessible assistive technology will be certified teachers of student with visual impairments, hold a valid and current Certified Assistive Technology Instructional Specialist for people with visual impairments or hold a current National Certification in Access Technology for the Blind or other nationally recognized certificates.

Specialists hired to teach orientation and mobility will hold current National Orientation and Mobility Certificates or hold current Certified Orientation and Mobility Specialist Certificates or other nationally recognized certificates.

The Biome School will obtain proof of currently available certified professionals from any company, agency, or individual with whom The Biome School intends to contract for services.

### **Program Facilitation**

The Biome School may require annual written parental consent to conduct instruction when services are provided before or after school hours or when services are provided away from the student's school or residence.

The Biome School may approve the mode of transportation utilized by the instructor to transport affected students or may provide an equally effective transportation alternative. If transportation is provided by the student's parent, The Biome School will reimburse the appropriate expense.

To the extent possible, The Biome School will eliminate common barriers experienced by blind or visually impaired students, parents, educators, and staff.