

To: Board of Education

From: David Cunningham, director, human resources & legal services, ext. 4937

Re: Board Policy Committee Recommendations

Date: February 4, 2016

Background:

The board's policy committee has met to discuss several policies that are being recommended to the board for amendment and adoption.

Policies Recommended for Amendment:

GAAA Equal Employment Opportunity and Nondiscrimination: This policy is being amended to update the contact information for the cited state and federal agencies.

GAAD Child Abuse: This policy is being amended to reflect statutory requirements. The previous language was subject to misinterpretation that could cause a violation of Kansas statutes.

JGECA Hazing and Bullying: This policy is being amended to clarify the superintendent designates the District Compliance Coordinator and removes language that is inconsistent with Kansas statutes regarding the reporting of child abuse.

KGE Possession of a Weapon at School or at a School Sponsored Activity: This policy is being amended to clarify and strengthen the prohibition of bringing weapons on school property. With the amendments, the policy adheres to the requirements set forth in the Kansas Personal and Family Protection Act and includes language setting forth the requirements of the federal Gun-Free School Zones Act.

JBE Truancy (See JBD): The Policy Committee submitted JBE for review on June 22, 2015. There were no concerns or changes suggested; however, it was not brought back for final action at a subsequent meeting. The committee is submitting JBE for review again given the delay. The reasons articulated for recommending an amendment submitting previously were as follows: This policy requires amendment to change the reporting of truant students from the Social and Rehabilitation Services (S.R.S.) to the Department of Children and Families (D.C.F.). It is also necessary to modify the reporting requirements to allow for the reporting of all truant students to the district attorney if that office has entered into an agreement with D.C.F. The statute provides that students who are less than thirteen (13) years of age to be reported to D.C.F. while student who are thirteen (13) years of age or older are reported to the county or district attorney. That law was amended to allow D.C.F and the county or district attorney to agree all truant students would be reported to the county or district attorney. The existing policy does not conform to the statutory amendments and the recommended change allows the administrator to report as determined by such an agreement.

Motion:

"I move that the Board of Education approve the review of the referenced policies for possible amendment at its February 22, 2016 meeting."

GAAA Equal Employment Opportunity and Nondiscrimination

GAAA

The board will hire all employees on the basis of their ability and the district's needs.

The district is an equal opportunity employer and will not discriminate in its employment practices and policies with respect to hiring, compensation, terms, conditions, or privileges of employment.

Discrimination against any individual on the basis of race, color, religion, sex, age, national origin, disability, sexual orientation, or gender identity is prohibited by federal and state law and district policy. Inquiries regarding compliance may be directed to the District Compliance Coordinator, Lawrence Public Schools, 110 McDonald Dr., Lawrence, KS 66044-1063, 785-832-5000 or to:

U.S. Equal Employment Opportunity Commission
Kansas City Area Office
Gateway Tower II
400 State Ave., ~~9th Floor~~ Suite 905
Kansas City, KS 66101
Phone: ~~(913) 551-5655~~; ~~(1-800)~~ -669-4000
Fax: (913) 551-6957
TTY: ~~(1-800)~~ -669-6820
ASL Video: 844-234-5122

Kansas Human Rights Commission
900 SW Jackson, Suite 568-S
Topeka, KS 66612-1258
Phone: (785) 296-3206; ~~(1-888)~~ -793-6874
Fax: (785) 296-0589
TTY: (785) 296-0245
~~Voice: (785) 296-3206~~
Email: khrc@ink.org

United States Department of Education
Office for Civil Rights
Kansas City Office
~~8930 Ward Parkway, Suite 2037 One Petticoat Lane~~
~~1010 Walnut Street, 3rd floor, Suite 320~~
Kansas City, MO ~~64114-3302~~ 64106
Phone: (816) 268-0550
Fax: (816) ~~823-1404~~ 268-0599

1 TDD: ~~(877) 521-2172~~ 800-877-8339

2 Email: OCR.KansasCity@ed.gov

3 The district's non-discrimination statement shall be included in the
4 Annual Notices section of the district newsletter which is published in the
5 local newspaper at the beginning of each school year.

Approved: July 1, 2001

Reviewed by Board Policy Committee: April 21, 2003

Amended: June 2, 2003

Reviewed by Board Policy Committee: August 15, 2005

Amended: September 12, 2005

Amended: May 14, 2007

Reviewed by Board Policy Committee: August 20, 2008

Amended: October 13, 2008

Amended: February 22, 2016

1 Reporting

2 Any district employee who has reason to know or suspect that a child
3 has been harmed as a result of physical, mental or emotional abuse or neglect
4 or sexual abuse, shall promptly report the matter to the Kansas Department for
5 Children and Families (DCF) office or to the local law enforcement agency if
6 the DCF office is not open.

7 The employee making the report shall not contact the child's family
8 or any other persons to determine the cause of the suspected abuse or neglect
9 or notify them of a report or pending report.

10 After the employee notifies DCF or the local law enforcement agency,
11 the employee ~~shall immediately~~ may notify the principal that a report has been
12 made. ~~The principal shall immediately notify the superintendent that the ini-~~
13 ~~tial report to DCF has been made.~~

14 If appropriate, the principal may confer with the school's social work-
15 er, guidance counselor or psychologist. At no time shall the principal or any
16 other staff member prevent or interfere with the making of a report of suspect-
17 ed child abuse.

18 If available, the following information shall be given by the person
19 making the initial report: name, address and age of the student; name and ad-
20 dress of the parents or guardians; nature and extent of injuries or description
21 of neglect or abuse; and any other information that might help establish the
22 cause of the child's condition.

23 Any personal interview or physical inspection of a child shall be con-
24 ducted by a school administrator or his/her designee in an appropriate manner

1 with a second adult witness present. When possible, either the interviewer or
2 the witness shall be of the same gender as the child.

3 State law provides that anyone making a report in accordance with
4 state law and without malice shall be immune from any civil liability that
5 might otherwise be incurred or imposed.

6 DCF Access to Students on School Premises (See JCAC)

7 The principal shall allow a student to be interviewed by DCF or law
8 enforcement representatives at an appropriate location on school premises and
9 shall act to protect the student's interests during the interview subject to the
10 authority of DCF or law enforcement.

11 Cooperation Between School and Agencies

12 Principals shall work with DCF and law enforcement agencies to de-
13 velop a plan of cooperation for investigating reports of suspected child abuse
14 or neglect. To the extent that safety is not compromised, law enforcement of-
15 ficers investigating complaints of suspected child abuse or neglect on school
16 property should not be in uniform.

Approved: July 1, 2001

Reviewed by Board Policy Committee: May 19, 2003

Amended: July 14, 2003

Reviewed by Board Policy Committee: August 15, 2005

Reviewed by Board Policy Committee: September 3, 2008

Amended: November 10, 2008

Amended: October 28, 2013

Amended: February 22, 2016

1 The district is committed to maintaining an environment free from
2 hazing and bullying, as herein defined. The board of education prohibits
3 bullying in any form either by any student, staff member, or parent towards a
4 student or by a student, staff member, or parent towards a staff member on or
5 while using school property, in a school vehicle, or at a school-sponsored
6 activity or event. The administration shall propose, and the board shall review
7 and approve, a plan to address bullying on school property, in a school vehicle
8 or at a school-sponsored activity or event. The plan shall include provisions for
9 the training and education of staff members and students and shall include
10 appropriate community involvement as approved by the board.

11 Definitions

12 “Hazing” is any act that recklessly or intentionally endangers the mental
13 health, physical health or safety of a student for the purpose of initiation or as
14 a condition or precondition of attaining membership in, or affiliation with, any
15 district-sponsored activity or grade level attainment. This includes, but is not
16 limited to:

- 17 • forced consumption of any drink, alcoholic beverage, drug or controlled
18 substance,
- 19 • forced exposure to the elements,
- 20 • forced prolonged exclusion from social contact,
- 21 • forced sleep deprivation,
- 22 • assignment of pranks or other activities intended to degrade or humiliate.

23 “Bullying” shall have the meaning ascribed to it in Kansas law, and that
recklessly or intentionally endangers the mental health, physical health or

1 safety of a student or employee or that substantially interferes with a student's
2 educational benefits, with a student's or employee's opportunities or
3 performance, that takes place on or immediately adjacent to district grounds, at
4 any district-sponsored activity, on district-provided transportation or at any
5 district bus stop, and that has the effect of:

- 6 • physically harming a student or damaging a student's property;
- 7 • threatening or knowingly placing a student in reasonable fear of physical
8 harm to the student or damage to the student's property or causing
9 substantial inconvenience;
- 10 • taunting, teasing or intimidation that is so severe, persistent or pervasive
11 that it creates an intimidating or threatening educational environment or it
12 substantially disrupts the orderly operations of the district.

13 "Cyberbullying" means threats or harassment over Internet through web
14 pages, email, instant messaging, text messaging, or by other electronic means.

15 Bullying shall include cyberbullying initiated on school premises which
16 threatens or endangers the safety of students, employees, or third parties, or
17 school property, or which substantially disrupts the educational program of the
18 district. Bullying shall also include cyberbullying initiated off school premises
19 which threatens or endangers the safety of students, employees, or third parties,
20 or school property, and which substantially disrupts the educational program of
21 the district.

22 "Third parties" include, but are not limited to, coaches, school
23 volunteers, parents, school visitors, service contractors or others engaged in
24 district business, such as employees of businesses or organizations
25 participating in cooperative work programs with the district and others not

1 directly subject to district control at interdistrict and intradistrict athletic
2 competitions or other school events.

3 “District” includes district facilities, district premises, on district-
4 provided transportation or at any district bus stop, and nondistrict property if
5 the student or employee is at any district sponsored, district approved or
6 district related activity or function, such as field trips or athletic events where
7 students are under the control of the district or where the employee is engaged
8 in district business.

9 “District Compliance Coordinator.” The Superintendent of Schools (110
10 McDonald Dr, Lawrence, KS 66044 – 785-832-5000) ~~has been~~ designated *the*
11 District Compliance Coordinator to ~~coordinate~~ *address* compliance with this
12 policy. ~~All references in this Policy to the District Compliance Coordinator~~
13 ~~shall include his or her designee as a person authorized to coordinate~~
14 ~~compliance with prohibited conduct under this Policy.~~

15 Prohibited Conduct

16 Hazing or bullying of students is prohibited by district policy. Bullying
17 of employees is prohibited by district policy. Any student, district employee,
18 or third party who engages in prohibited conduct as above described shall be
19 subject to disciplinary action, which may include, but not be limited to,
20 termination from employment, or expulsion from school, or exclusion from all
21 district property and programs and from doing business with the district.

22 Reporting of Prohibited Conduct

23 The district encourages all victims of prohibited conduct and persons
24 with knowledge of prohibited conduct as above described to report the hazing
25 or bullying immediately to the building principal or to the District Compliance

1 Coordinator. The district will investigate all complaints of such prohibited
2 conduct and take corrective action to end the conduct.

3 Any student or employee who believes that he or she has been subjected
4 to prohibited conduct as above described may file a formal written complaint or
5 informal oral complaint with the building principal. Any school employee who
6 receives from a student a complaint of prohibited conduct as above described
7 shall inform the building principal and provide the student the necessary
8 information regarding both formal and informal complaint procedures to report
9 the conduct to the District Compliance Coordinator, or to the building
10 principal, and provide the applicable forms.

11 Informal Oral Complaint Process

12 Anyone may use informal procedures to report and resolve complaints of
13 hazing or bullying. At the building level, processes will be established for
14 responding to and investigating complaints. These processes will be submitted
15 to and approved by the District Compliance Coordinator. Such complaints must
16 be appropriately investigated and appropriate action taken to address the
17 situation. Informal reports may be made to any employee, although every
18 employee shall inform complainants of their right to, and the process for, filing
19 a formal complaint. Employees shall also inform the student's building
20 principal or designated staff person when they receive complaints of hazing or
21 bullying. The building principal shall document the nature of all complaints of
22 prohibited conduct and document what corrective action was taken when any
23 complaint is resolved informally.

24 Filing a Formal Written Complaint

1 Any student who files a formal written complaint of hazing or bullying
2 shall have the matter resolved under the district's Policy KNA complaint
3 procedures.

4 Complaints received will be investigated to determine whether, under the
5 totality of the circumstances, the alleged behavior constitutes prohibited
6 conduct as above described. Unacceptable student conduct may or may not
7 constitute prohibited conduct as above described, depending on the nature of
8 the conduct and its severity, pervasiveness and persistence. Behaviors that are
9 unacceptable but do not constitute prohibited conduct as above described may
10 provide grounds for discipline under any applicable code of student conduct,
11 regulation or policy.

12 It shall also be a violation of this policy for any student, employee, or
13 third party to discourage a student or an employee from filing a complaint
14 either formally or informally, or for any employee to fail to refer for
15 investigation any complaint lodged under the provisions of this policy.

16 An employee who witnesses an act of prohibited conduct against a
17 student shall report the incident to the principal of the building in which the
18 student is enrolled. Employees who fail to report complaints or incidents of
19 prohibited conduct against students to the building principal may face
20 disciplinary action. School administrators who, when requested, fail to
21 investigate and take appropriate corrective action in response to complaints of
22 prohibited conduct may also face disciplinary action.

23 ~~When any complaint contains evidence of criminal activity or child~~
24 ~~abuse, the building principal shall report the conduct to the District Compliance~~

~~Coordinator and the District Compliance Coordinator shall report such conduct to the appropriate law enforcement or DCF authorities. (See GAAD).~~

To the extent reasonably possible, confidentiality will be maintained throughout the investigation of a complaint. The desire for confidentiality must be balanced with the district's obligation to conduct a thorough investigation, to take appropriate corrective action, to provide due process to the accused, and defend against claims.

The filing of a complaint or otherwise reporting prohibited conduct shall not reflect upon the individual's status or grades. Any act of retaliation against any person who has filed a formal or informal complaint, or testified, assisted, or participated in an investigation of a prohibited conduct complaint is prohibited. Any person who retaliates will be subject to disciplinary action, up to and including expulsion for a student, termination of employment for an employee, exclusion from all district property or programs, or exclusion from doing business with the district.

False or malicious complaints of prohibited conduct, or a series of totally unfounded complaints, may result in corrective or disciplinary action against the complainant.

A summary of this policy and related materials shall be available in each district facility. The policy shall also be published in student and employee handbooks as directed by the District Compliance Coordinator.

Notification of the policy shall be included in the school newsletter or published in the local newspaper annually.

Approved: May 14, 2007

JGECA Hazing and Bullying

JGECA-7

Reviewed by Board Policy Committee: November 7, 2007

Amended: January 14, 2008

Amended: July 7, 2008

Amended: November 9, 2009

Amended: October 28, 2013

Amended: February 22, 2016