

**IN THE CIRCUIT COURT OF HOWELL COUNTY
THIRTY-SEVENTH JUDICIAL CIRCUIT
STATE OF MISSOURI**

W.G., A MINOR, BY AND THROUGH
HIS NEXT FRIEND, RILEY
GRUNDEN.,

Plaintiff,

v.

MOUNTAIN VIEW-BIRCH TREE R-
III SCHOOL DISTRICT, *ET AL.*,

Defendants.

Case No. _____

**PLAINTIFF'S PETITION FOR TRIAL DE NOVO AND
DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

COMES NOW the Plaintiff, a minor, by and through him Next Friend,
Riley Grunden, and him undersigned attorney, and alleges as follows:

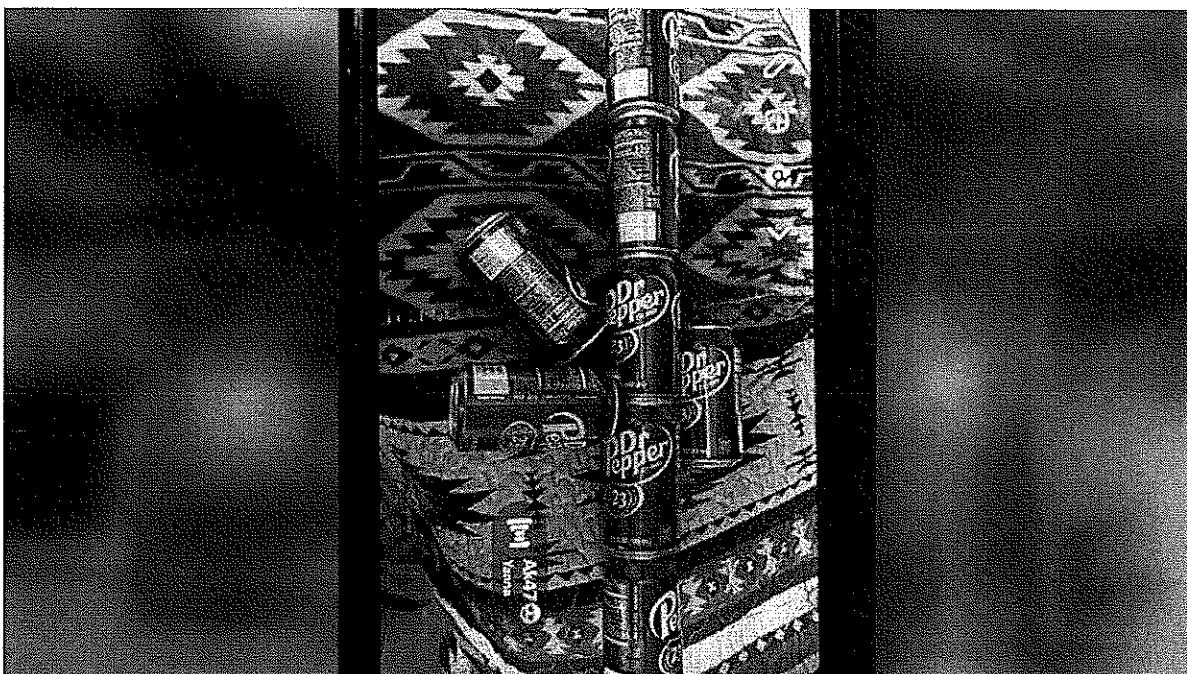
INTRODUCTION

1. This case is about a school district and school officials who misconstrued a post that the Plaintiff, a thirteen-year-old boy, posted to social media in order to justify punishing him for creative expression protected by the First Amendment.

2. Outside of school hours and while at home, W.G. decided to mimic a trend he had seen on social media – “can art” – by gluing together Dr. Pepper cans in the shape of a rifle.

3. He documented his work and posted it to his own social media, as he had seen others do as well.

4. In the photo, his creation was lying on the floor.



5. The photo was accompanied by audio selected from within the app (not created nor produced by W.G.) titled “Ak47” with credit to “Yanna” with a musical beat and the following voiceover: “This is the famous AK47, with over 50 million manufactured in ten countries, the AK47 is the most popular assault rifle in the world.”

6. W.G. was not holding the can art in his arms nor was he displaying it in any manner that suggested the can art could potentially be used to endanger any person, and the photo contained no threatening language or anything that would suggest harm to anyone or anything.

7. Although the School District quickly became aware that the Plaintiff had not threatened anyone, the School District decided that they must punish W.G.

8. W.G.'s message was sent in private after school hours and was not in any way connected with school activities, school transportation, or school technology.

9. Lana Tharp, the Mountainview-Birch Tree R-III Superintendent, released the following statement: *"We have enough information to believe the video has caused fear to at least one student and understandably so. The safety and well-being of our students is our top priority and we responded swiftly to address the concerns."*

10. Tharp admitted, "We want to inform you that we have become aware of a rumor circulating on social media regarding a potential threat. Following a thorough investigation we have found no credible evidence of any danger."

11. Still, on September 16, 2024 the School District searched W.G. and W.G. was given three days of out of school suspension.

12. His Official School permanent record notes the Offense of “Bullying Cyber” with the following “Detailed Description”:

[W.G.] sent a Snapchat out to people of an AK47 made out of Dr. Pepper cans with a background noise speaking of AK47s. The school was made aware because a parent sent it with concern to the administrative team.

13. The First Amendment bars public school employees from acting as a round-the-clock board of censors over student expression. *Mahanoy Area Sch. Dist. v. B.L. by and through Levy*, 594 U.S. 180, 189-90 (2021).

14. Indeed, the Supreme Court has warned that “courts must be more skeptical of a school’s efforts to regulate off-campus speech, for doing so may mean the student cannot engage in that kind of speech at all.” *Id.*

15. W.G. brings this lawsuit to ensure that schools may not punish a student for sharing non-threatening creative expression with other students outside of school hours, even if others mistakenly believed that the student’s creative expression could be construed as a threat.

PARTIES

16. W.G. is a sociable thirteen-year-old boy who makes generally good grades and, prior to September 13, 2024, had never been the subject of any allegation of bullying; at all times relevant to this Petition he was a minor, a resident of Howell County, Missouri, and a student at Liberty Middle School (“the School”).

17. RILEY GRUNDEN, W.G.'s mother and Next Friend in this action, is and at all times relevant to this Petition was an adult resident of Howell County, Missouri.

18. Defendant Mountain View-Birch Tree R-III School District ("the District") is a public school district located in Howell County, Missouri; it is a political subdivision of the State.

19. Defendant Tammy Heiney ("the Principal") is, and at all times relevant to this Petition was, an employee of the District and the Principal of Mountain View-Birch Tree R-III School District. She is sued in her individual capacity.

20. Defendant Lana Tharp ("the Superintendent") is, and at all times relevant to this Petition was, an employee of the District and Superintendent of the District. She is sued in her individual capacity.

JURISDICTION AND VENUE

21. This action accrued in Howell County, Missouri.

22. Venue is proper in this Court. § 508.010, RSMo.

23. This Court has jurisdiction to consider this Petition because Missouri law provides students who have been suspended from a public school the right to trial de novo in circuit court. § 167.161.3, RSMo.

24. This Court also has jurisdiction to consider this Petition as the Plaintiff is seeking injunctive relief, a declaration of rights, status, and other

legal relations, their attorneys' fees and costs, and all other available relief. §§ 526.030, 527.010, RSMo.; 42 U.S.C. §§ 1983 & 1988.

FACTS COMMON TO ALL COUNTS

The District's Disciplinary Policies

A. Regulation JG-R1 Student Discipline

25. Upon information and belief, the District's student discipline policy is established in Regulation JG-R1. A true and accurate copy of the Regulation JG-R1 is attached hereto as Exhibit 1.

26. In relevant part, Regulation JG-R1, states:

This code includes, but is not necessarily limited to, acts of students on district property, including playgrounds, parking lots and district transportation, or at a district activity, whether on or off district property. The district may also discipline students for off-campus conduct that negatively impacts the educational environment, to the extent allowed by law.

Exhibit 1, p. 1.

27. Regulation JG-R1 proceeds to identify several specific forms of "Prohibited Conduct," and for each it provides a definition and the consequences for a "First Offense" and "Subsequent Offenses."

28. In addition, Regulation JG-R1 lists additional consequences of violations of the Student Code of Conduct, including, but not limited to: Reporting to Law Enforcement, prohibition on participating in or attending

district-sponsored activities, impact on grades (“absences due to an out-of-school suspension may result in the student earning a lower grade in accordance it the district’s policy on absences.”). See Exhibit 1, pp. 1-2.

29. Regulation JG-R1 lists “Bullying and Cyberbullying” as “prohibited conduct” and defines the same as follows:

Bullying and Cyberbullying (see board policy JFCF) – Intimidation, unwanted aggressive behavior, or harassment that is repetitive or is substantially likely to be repeated and causes a reasonable student to fear for their physical safety or property; that substantially interferes with the educational performance, opportunities or benefits of any student without exception; or that substantially disrupts the orderly operation of the school. Bullying includes, but is not limited to: physical actions, including violence, gestures, theft or property damage; oral, written or electronic communication, including name-calling, put-downs, extortion or threats; or threats of reprisal or retaliation for reporting such acts. Cyberbullying is a form of bullying committed by 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. First Offense: Detention, in-school suspension, or 1-180 days out-of-school suspension. Subsequent Offense: 1-180 days out-of-school suspension or expulsion.

30. The consequence for the “First Offense” of “Bullying or Cyberbullying” according to Regulation JG-R1 is “Detention, in-school suspension, or 1-180 days out-of-school suspension.” Exhibit

31. 1, p. 3.

32. The consequence for any “Subsequent Offense” of “Bullying or Cyberbullying” according to Regulation JG-R1 is “1-180 days out-of-school suspension or expulsion.” Exhibit 1, p. 3.

33. With respect to all “prohibited conduct,” Regulation JG-R1 explains, “Building-level administrators are authorized to more narrowly tailor potential consequences as appropriate for the age level of students in the building within the ranges established in this regulation.”

34. Liberty Middle School administrators narrowed the consequences for cyberbullying when they established the Liberty Middle School 2024-2025 Student Handbook. See Exhibit 3.

B. Policy JFCF: Bullying

35. Policy JFCF labeled “Bullying” was originally adopted on March 11, 2004 and last revised on October 13, 2016. A true and accurate copy of the Policy JFCF is attached hereto as Exhibit 2

36. Policy JFCF defines “Cyberbullying” as follows:

Cyberbullying – A form of bullying committed by 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. The district has jurisdiction over cyberbullying that uses the district's technology resources or that originates on district property, at a district activity or on district transportation. Even when cyberbullying does not involve district property, activities or technology resources, the district will impose consequences and discipline for those who engage in cyberbullying if there is a sufficient nexus to

the educational environment, the behavior materially and substantially disrupts the educational environment, the communication involves a threat as defined by law, or the district is otherwise allowed by law to address the behavior.

Exhibit 2, p. 1.

37. Policy JFCF requires the principal to initiate an investigation within two school days of receiving a report of bullying, and to complete such investigation within ten school days of the date of the report. See Exhibit 2, pp. 1-2.

38. Pursuant to Policy JFCF, the principal must generate “a written report of the investigation and findings...and document the report in the files of the...alleged or actual perpetrator of bullying.” Exhibit 2, p. 2.

39. With respect to consequences, Policy JFCF states:

Students who participate in bullying or who retaliate against anyone who reports bullying will be disciplined in accordance with the district's discipline code. Such discipline may include detention, in-school suspension, out-of-school suspension, expulsion, removal from participation in activities, exclusion from honors and awards, and other consequences deemed appropriate by the principal or superintendent. The district will also contact law enforcement when required by law or notify social media companies of inappropriate online activity when appropriate.

Exhibit 2, p. 2.

C. The Liberty Middle School 2024-2025 Student Handbook

40. At some time prior to the start of the 2024-2025 school year, Liberty Middle School adopted a Student Handbook. A true and accurate copy

of the Liberty Middle School 2024-2025 Student Handbook ("Student Handbook") is attached hereto as Exhibit 3.

41. The Student Handbook defines Cyberbullying as follows:

CYBERBULLYING- A form of bullying committed by 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. The district has jurisdiction over cyberbullying that uses the district's technology resources or that originates on district property, at a district activity or on district transportation. Even when cyberbullying does not involve district property, activities or technology resources, the district will impose consequences and discipline for those who engage in cyberbullying if there is a sufficient nexus to the educational environment, the behavior materially and substantially disrupts the educational environment, the communication involves a threat as defined by law, or the district is otherwise allowed by law to address the behavior.

Exhibit 3, pp. 11-12.

42. The Handbook includes "Cyberbullying" within its description for "Inappropriate Behavior" for which it lists the penalties as follows:

First Offense—1-2 days ISS

Second Offense—2-3 days ISS

Third Offense—2 days OSS

Exhibit 3, p. 12.

43. The Handbook provides for "Searches by School Personnel" as follows:

SEARCHES BY SCHOOL PERSONNEL-School lockers and desks are the property of the Board of Education and are provided for the

convenience of the students, and as such are subject to periodic inspection without notice. The district may also use drug dogs to search lockers, backpacks, purses and cars parked on the school grounds.

Exhibit 3, p. 16.

44. The Handbook summarizes the Out-of-School Suspension Law (Section 167.161) as follows:

OUT-OF-SCHOOL SUSPENSION (SCHOOL LAW 167.161)- Suspension is the removal of a student from the regular school environment, not allowing the student to come to school. The suspension could be for a short-term (1-10 days) or long-term (more than 10 days). Any student whose conduct is prejudicial to good order and discipline, or which tends to impair the morale or good conduct of the students, may be suspended by the Principal. Students under suspension will receive credit for make up work missed during their absence up to 10 school days. In addition, they are not allowed to be on or around the school campus unless permission is obtained through the Principal's office. This also pertains to any extra-curricular activities sponsored by the school. Re-admission to school will be made by the Principal after a parental conference has occurred.

Exhibit 3, p. 16.

The Dr. Pepper Can Art Social Media Post

45. On September 14, 2024, W.G. was on a popular social media platform called SnapChat.

46. At the time he got on SnapChat that weekend, school was not in session. W.G. was at his own home, using his family's internet connection and his own personal electronic devices. He was not on school property, he was not

on District transportation, he was not using District technology, nor was he participating in any school-sponsored activity.

47. While he was on SnapChat that day, W.G. shared an image of Dr. Pepper cans glued together mimicking other posts W.G. had seen on social media.

48. Participating in trending posts with trending audio and mimicking other social media posts is commonplace among middle school age teens and often provides them with a sense of being involved in a community when they feel excluded in other contexts.

49. The photo shared by W.G. did not articulate any threats, did not make any mention of the school or school district and did not name or involve any other students.

50. The photo shared by W.G. was shared to his Snapchat story as well as with friends, and not directed at or otherwise intended to be noticed by any specific person.

51. Glued together Dr. Pepper cans do not constitute a “weapon” as defined in Section 160.261.6, RSMo.

School Investigation and W.G. Suspension

52. On or about September 15, 2024, the Defendant Principal Heiney received a phone call from an unnamed source regarding the Snap.

53. On or about September, 15, 2024 Defendant Principal Heiney

called Riley Grunden, W.G.'s mother and Next Friend, to inform her of the phone call regarding the snap. Principal Heiney told Riley Grunden that W.G. would need to be searched the morning of the next school day prior to entering the school premises.

54. The District did not cancel school or any activities based on W.G.'s snap.

55. On information and belief, no district property was evacuated, quarantined, or closed in response to the Snap.

56. On information and belief, the District had delegated the authority to conduct a hearing to Principal Heiney.

57. On the morning of September 17, 2024, Riley Grunden, visited the School District's central office to with W.G.

58. At the time Riley Grunden and W.G. arrived at the central office, they were unaware of any disciplinary allegations or that the district intended to discipline W.G. as a result of the post.

59. The meeting on September 17, 2024 involved Defendant Superintendent Tharp, Defendant Principal Heiney, Riley Grunden, W.G. and School Resource Officer Travis Wilbanks of the Mountain View Police Department.

60. In the meeting, the Superintendent suggested the Snap "brought fear to other students."

61. Riley Grunden questioned how Dr. Pepper cans, regardless of how they are arranged, were threatening.

62. School Resource Officer Travis Wilbanks suggested the snap could be considered “making a terrorist threat,”

63. Section 574.120.1, RSMo, reads:

A person commits the offense of making a terrorist threat in the second degree if he or she recklessly disregards the risk of causing the evacuation, quarantine or closure of any portion of a building, inhabitable structure, place of assembly or facility of transportation and knowingly:

- (1) Communicates an express or implied threat to cause an incident or condition involving danger to life; or
- (2) Communicates a false report of an incident or condition involving danger to life; or
- (3) Causes a false belief or fear that an incident has occurred or that a condition exists involving danger to life.

64. Riley Grunden explained that she had witnessed school officials and others post pictures of actual firearms (held by adults and school-age children) and the same were not considered “threats” by the school district.

65. Riley Grunden also explained she had knowledge of a student bringing an air-soft gun into a school building and parents not being notified.

66. Riley Grunden expressed concern that W.G. was being “targeted” by school officials and that the reaction to the Snap as well as the punishment was unreasonable and not commensurate with W.G.’s actions.

67. Riley Grunden confirmed that there were no AK-47s in the home and that firearms in the home are locked in a safe and not accessible to W.G.

68. According to his official record, this was W.G.'s first alleged "Cyberbullying" offense.

69. At no point during the September 17, 2024 meeting or afterward did the Superintendent, Principal, or the School Resource officer possess any evidence that W.G. intended to commit violence against a school.

70. At no point during the September 17, 2024 meeting or afterward did the Defendants possess any evidence that the Snap constituted a threat of violence against any school or any person.

71. At no point during the September 17, 2024 meeting or afterward did the Defendants possess any evidence that the Snap targeted any particular student for "intimidation, unwanted aggressive behavior, or harassment that is repetitive or is substantially likely to be repeated and causes a reasonable student to fear for their physical safety or property."

72. At no point during the September 17, 2024 meeting or afterward did the Defendants possess any evidence that the Snap had "substantially interfere[d] with the educational performance, opportunities or benefits of any student" or that it had "substantially disrupt[ed] the orderly operation of the school."

73. Nevertheless, the Principal suspended W.G. for three days for the alleged violation of Regulation JG-R1 and Policy JFCF.

74. At the time she imposed this penalty, the Principal understood that W.G. had no intent to threaten anyone by posting the Snap.

75. At the time she imposed this penalty, the Principal was also aware that W.G. was thirteen years old and that he had no documented history of bullying or cyberbullying,

76. The Principal made the decision to impose the three-day suspension for the alleged first offense of Cyberbullying, even after understanding that W.G. had not intended to threaten anyone.

77. Thus, the Principal's decision to impose the suspension available was made on the basis that a parent in the community had *perceived* the Snap as a threat, regardless of whether W.G. had actually threatened anyone.

78. W.G. and his family felt the three-day suspension was unjust based on a post of glued-together soda cans.

79. At the time the Superintendent made the decision to impose the suspension she had no evidence that W.G. posed a continuing danger to persons or property or any ongoing threat of disrupting the academic process.

INJURIES TO PLAINTIFF

80. The Defendants have injured W.G. by suspending him for engaging in speech protected by the First Amendment, sharing a non-threatening creative art project on social media.

81. W.G. currently receives education services from the District under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et seq. via an Individualized Education Program (IEP).

82. W.G.'s injuries are ongoing. The three-day suspension will appear on W.G.'s permanent record; it may impair his ability to gain admission to top colleges and universities because schools assess applicants' academic and disciplinary records.

83. W.G.'s injuries also continue because the Defendants' interpretation of District policy to allow them to punish any communication that disrupts the school setting—whether or not the communication took place during school hours, on District property, on District transportation, or in connection with District-sponsored activities and whether or not the student intended or reasonably could have anticipated the disruption—necessarily chills the expression of students who might otherwise communicate with each other outside of school hours, off of District property, and using their own private electronic devices about the possibility that someone might intend to do harm to others.

84. As a result of the Defendants' actions against him, which have resulted in the loss of friendships and the circulation of false rumors that W.G. threatened violence against the School. In addition, W.G.'s is seeking counselling, and W.G. has suffered heightened anxiety that is interfering with his ability to learn.

CLAIMS FOR RELIEF

COUNT I (Directed Against All Defendants) Violation of the Freedom of Speech Guaranteed by the First and Fourteenth Amendments to the U.S. Constitution

85. The Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

86. This count is brought pursuant to 42 U.S.C. § 1983 to declare that the Defendants violated W.G.'s freedom of speech by punishing him for posting the Snap.

87. The First Amendment provides that "Congress shall make no law . . . abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."¹ U.S. Const. Amend. I.

¹ The First Amendment has been made applicable to the states through the Fourteenth Amendment.

88. The First Amendment protects the right of students to share information with each other about whether or not someone has threatened to commit violence at a school, so long as the students themselves are not making “true threats” that fall outside of the First Amendment’s protections.

89. The U.S. Supreme Court has recently made clear that the First Amendment bans the government from punishing speakers based on an objective standard that considers only how observers might construe something a speaker said. *Counterman v. Colorado*, 600 U.S. 66, 78 (2023).

90. Instead, the Supreme Court concluded that at a bare minimum the First Amendment imposes a “recklessness” requirement under which the government must prove that a speaker made “a deliberate decision to endanger another;”² in other words, the applicable standard requires the government to prove that “a speaker is aware that others could regard his statements as threatening violence and delivers them anyway.” *Id.* at 79.

91. The First Amendment does not permit the Defendants to punish W.G. where Snap itself shows that there is no suggestion that W.G. was aware the Snap could be regarded as *him* making a threat against anyone.

92. The Defendants in this case admitted that they determined the conduct did not occur on district property, did not involve district

² “[R]eckless defendants have done more than make a bad mistake. They have consciously accepted a substantial risk of inflicting serious harm.” *Id.* at 80.

transportation, did not utilize district technology, did not occur during or on a school day, and did not involve an actual firearm or weapon.

93. The Superintendent and School Resource officer acknowledged that (1) they had no evidence that W.G. intended to harm or to threaten anyone; and (2) “following a thorough investigation we have found no credible evidence of any danger.” A true and accurate copy of the District’s Facebook Post is attached hereto as Exhibit 4.

94. Courts are “skeptical of a school’s efforts to regulate off-campus speech, for doing so may mean the student cannot engage in that kind of speech at all.” *Mahanoy*, 594 U.S. at 189-90.

95. This controversy is real and substantial, and ripe for adjudication. A judicial declaration as to the constitutionality of the Defendants’ suspension of W.G. will resolve the present controversy and provide conclusive relief.

96. The Plaintiff therefore seeks a declaratory judgment declaring that the Defendant’s suspension of W.G. is unconstitutional, in violation of the First and Fourteenth Amendments to the United States Constitution.

97. The Plaintiff also seeks a permanent injunction prohibiting the Defendants from taking further disciplinary action against W.G. on the basis of the events described in this Petition, and a court order directing the Defendants to remove any reference to this incident from W.G.’s permanent record.

98. The Defendants' actions in suspending W.G., taken under color of law of the State of Missouri, deprived him of rights, privileges, or immunities secured by the First and Fourteenth Amendments of the United States Constitution.

99. Each of the individual Defendants' actions violated W.G.'s clearly-established constitutional right to engage in non-threatening communications and expressions; at the time the Defendants suspended W.G., a reasonable official would have understood that in the absence of any evidence that W.G. intended to threaten or frighten anyone by posting the Snap, the First Amendment would not permit the Defendants to punish W.G. for that communication.

100. In the alternative, to the extent that the Defendants might assert that they believed W.G.'s post constituted a threat, each of the individual Defendants' actions violated W.G.'s First Amendment right, clearly established in the wake of *Counterman v. Colorado*, to communicate in a manner that the speaker would not have been aware could be regarded as threatening violence and where W.G. did not make "a deliberate decision to endanger another" and did not "consciously accept[] a substantial risk of inflicting serious harm;" at the time the Defendants suspended W.G, a reasonable official would have understood that in the absence of any evidence that W.G. intended to threaten or frighten anyone by posting the Snap, the

First Amendment would not permit the Defendants to punish W.G. for that communication.

101. An award of attorneys' fees is thus justified under 42 U.S.C. § 1988.

WHEREFORE, the Plaintiff respectfully asks the Court to:

- a. Enter a declaratory judgment finding that the Defendants' suspension of W.G. was unconstitutional, and therefore invalid and unenforceable;
- b. Enter a permanent injunction prohibiting the Defendants from taking further disciplinary action against W.G. on the basis of the events described in this Petition, and directing the Defendants to expunge any and all education records of W.G. that reflect the events described in this Petition;
- c. Award the Plaintiff his attorneys' fees pursuant to 42 U.S.C. § 1988;
- d. Award the Plaintiff his reasonable fees and expenses pursuant to at least Section 536.050, RSMo.; and
- e. Order such other and additional relief as the Court deems just and proper.

COUNT II (Directed Against the District)
Violation of the First and Fourteenth Amendments to the U.S.
Constitution Due to Vagueness

102. The Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

103. This count is brought pursuant to 42 U.S.C. § 1983 to declare that the policies the Defendants relied upon to punish W.G. are unconstitutionally vague because they do not provide people of ordinary intelligence a reasonable opportunity to understand what conduct is subject to punishment and what punishments the Defendants would apply if they decided a student had violated those policies.

104. The First and Fourteenth Amendments to the Constitution prohibit restrictions on speech which fail to provide members of the public fair notice of prohibited conduct.

105. A government policy is unconstitutionally vague if it fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits.

106. Further, Section 167.161, RSMo, provides “Removal of any pupil who is a student with a disability is subject to state and federal procedural rights.”

107. The District’s “Off-Campus Behavior Policy” is outlined in Regulation JG-R1, Policy JFCF and the Student Handbook.

108. Regulation JG-R1 purports to allow the District to punish students' off-campus speech or behavior if, in the District's estimation, the conduct "negatively impacts the educational environment." Exhibit 1, p. 1.

109. Policy JFCF and the Student Handbook purport to allow the District to punish students' off-campus speech or behavior if, in the District's estimation, "there is a sufficient nexus to the educational environment, the behavior materially and substantially disrupts the educational environment, the communication involves a threat as defined by law, or the district is otherwise allowed by law to address the behavior." See Exhibit 2, p. 1; Exhibit 3, pp. 11-12.

110. The Off-Campus Behavior Policy is vague because it fails to provide sufficient precision and guidance so that those enforcing the policy do not act in an arbitrary or discriminatory way.

111. The Off-Campus Behavior Policy, which fails to provide parents and students sufficient information to conform conduct to the requirements of the law, chills W.G. and other students from engaging in protected First Amendment speech because students use social media to express themselves and communicate with others but now must self-censor protected expression so-as to not violate the Off-Campus Behavior Policy.

112. W.G. is entitled to a declaration under 28 U.S.C. § 2201 that the Off-Campus Behavior Policy is unlawfully vague and therefore violates the First and Fourteenth Amendments.

113. W.G. is entitled to a declaration under 28 U.S.C. § 2201 that the District's suspension of W.G. based on the Off-Campus Behavior Policy violated the First and Fourteenth Amendments, because the Off-Campus Behavior Policy violates the First and Fourteenth Amendments both facially and as-applied to W.G. W.G. therefore is also entitled to an injunction expunging him suspension which was based on the unconstitutional policy.

114. Without declaratory and injunctive relief against the Off-Campus Behavior Policy, the District's suppression and chilling of W.G.'s freedom of speech will continue and W.G. will suffer per se irreparable harm indefinitely.

115. 91. An award of attorneys' fees is thus justified under 42 U.S.C. § 1988.

WHEREFORE, the Plaintiff respectfully asks the Court to:

- a. Enter a declaratory judgment finding that the Off-Campus Behavior Policy unconstitutional, and therefore invalid and unenforceable;
- b. Enter a permanent injunction prohibiting the Defendants from taking further action against any student on the basis that the student has allegedly violated the Off-Campus Behavior Policy;

- c. Award the Plaintiff him attorneys' fees pursuant to 42 U.S.C. § 1988;
- d. Award the Plaintiff him reasonable fees and expenses pursuant to at least Section 536.050, RSMo.; and
- e. Order such other and additional relief as the Court deems just and proper.

**COUNT III (Directed Against the District)
Violation of Article I, § 8 of the Missouri Constitution**

155. The Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

156. As an alternative ground for finding the suspension of W.G. unconstitutional, W.G. asserts that the protections Article I, § 8 of the Missouri Constitution provide for free expression are more extensive and more stringent than those provided under the First Amendment.

157. Article I, § 8 of the Missouri Constitution states:

That no law shall be passed impairing the freedom of speech, no matter by what means communicated: that every person shall be free to say, write or publish, or otherwise communicate whatever he will on any subject, being responsible for all abuses of that liberty; and that in all suits and prosecutions for libel or slander the truth thereof may be given in evidence; and in suits and prosecutions for libel the jury, under the direction of the court, shall determine the law and the facts.

158. The Missouri Supreme Court has recognized the scope and

significance of this constitutional limit on government, stating that “[l]anguage could not be broader, nor prohibition nor protection more amply comprehensive,” *Marx & Haas Jeans Clothing Co. v. Watson*, 67 S.W. 391 (Mo. banc 1902), and clarifying that “[a]nything which makes the exercise of a right more expensive or less convenient, more difficult or less effective, impairs that right.” *Ex parte Harrison*, 110 S.W. 709, 710 (Mo. 1908).

159. Properly understood, the question courts must answer when a challenge is presented pursuant to Mo. Const. Art. I, § 8 is whether the speaker against whom the government has taken action has “abused” their freedom of expression in some manner that might have justified the punishment the government imposed.

160. The facts of this case show that the District has punished W.G. due to a message posted on social media; W.G.’s communication falls within the Missouri Constitution’s incredibly broad, comprehensive protection of every person’s freedom “to say, write or publish, or otherwise communicate whatever he will on any subject.”

161. When the suspension was imposed on W.G., the Defendants were aware there was no evidence that W.G. intended to threaten or frighten anyone.

162. In the absence of any evidence that W.G. intended to threaten or frighten anyone by sending the Snap, there is no valid basis on which W.G.'s communication could be considered an "abuse" of his freedom of expression.

163. Consequently, the District violated Article I, § 8 of the Missouri Constitution by suspending W.G. for the Snap.

WHEREFORE, the Plaintiff respectfully asks the Court to:

- a. Enter a declaratory judgment finding that the Defendants' suspension of W.G. was unconstitutional, and therefore is invalid and unenforceable;
- b. Enter a permanent injunction prohibiting the Defendants from taking further disciplinary action against W.G. on the basis of the events described in this Petition, and directing the Defendants to expunge any and all education records of W.G. that reflect the events described in this Petition;
- c. Award the Plaintiff his reasonable fees and expenses pursuant to at least Section 536.050, RSMo.; and
- d. Order such other and additional relief as the Court deems just and proper.

Respectfully submitted,

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Regulation JG-R1: STUDENT DISCIPLINE

Status: ADOPTED

Original Adopted Date: 03/21/2013 | **Last Revised Date:** 01/18/2024 | **Last Reviewed Date:** 01/18/2024

The Student Code of Conduct is designed to foster student responsibility, respect for others, and to provide for the orderly operation of district schools. No code can be expected to list each and every offense that may result in disciplinary action; however, it is the purpose of this code to list certain offenses which, if committed by a student, will result in the imposition of a certain disciplinary action. Any conduct not included herein, any aggravated circumstance of any offense, or any action involving a combination of offenses may result in disciplinary consequences that extend beyond this code of conduct as determined by the principal, superintendent and/or board of education. In extraordinary circumstances where the minimum consequence is judged by the superintendent or designee to be manifestly unfair or not in the interest of the district, the superintendent or designee may reduce the consequences listed in this policy, as allowed by law. This code includes, but is not necessarily limited to, acts of students on district property, including playgrounds, parking lots and district transportation, or at a district activity, whether on or off district property. The district may also discipline students for off-campus conduct that negatively impacts the educational environment, to the extent allowed by law.

Reporting to Law Enforcement

It is the district's policy to report all crimes occurring on district property to law enforcement including, but not limited to, the crimes the district is required to report in accordance with law. A list of crimes the district is required to report is included in policy JGF.

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

In addition, the superintendent 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 district is aware is under the jurisdiction of the court.

Documentation in Student's Discipline Record

The principal, designer, or other administrators or school staff will maintain all discipline records as deemed necessary for the orderly operation of the schools and in accordance with law and policy JGF.

Conditions of Suspension, Expulsion and Other Disciplinary Consequences

All students who are suspended or expelled, regardless of the reason, are prohibited from participating in or attending any district-sponsored activity, or being on or near district property or the location of any district activity for any reason, unless permission is granted by the superintendent or designee. When appropriate, the district may prohibit students from participating in activities or restrict a student's access to district property as a disciplinary consequence even if a student is not suspended or expelled from school. Likewise, a student may become ineligible for or be required to forfeit any honors and awards as a disciplinary consequence.

In accordance with law, any student who is suspended for any offenses listed in § 160.261, RSMo., or any act of violence or drug-related activity defined by policy JGF as a serious violation of school discipline, shall not be allowed to be within 1,000 feet of any district property or any activity of the district, regardless of whether the activity takes place on district property, unless one of the following conditions exist:

1. The student is under the direct supervision of the student's parent, legal guardian, custodian or another adult designated in advance, in writing, to the student's principal by the student's parent, legal guardian or custodian, and the superintendent or designee has authorized the student to be on district property.
2. The student is enrolled in and attending an alternative school that is located within 1,000 feet of a public school in the district.
3. The student resides within 1,000 feet of a public school in the district and is on the property of the student's residence.

Students who violate the prohibitions in this section may be suspended or expelled in accordance with the offense,

"Failure to Meet Conditions of Suspension, Expulsion or Other Disciplinary Consequences," listed below.

Pursuant to law, no student will be confined in an unattended locked space except in an emergency situation while awaiting the arrival of law enforcement personnel.

Impact on Grades

As with any absence, absences due to an out-of-school suspension may result in the student earning a lower grade in accordance with the district's policy on absences.

Prohibited Conduct

The following are descriptions of prohibited conduct and potential consequences for violations. Building-level administrators are authorized to more narrowly tailor potential consequences as appropriate for the age level of students in the building within the ranges established in this regulation. 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.

Academic Dishonesty – Cheating on tests, assignments, projects or similar activities; plagiarism; claiming credit for another person's work; fabrication of facts, sources or other supporting material; unauthorized collaboration; facilitating academic dishonesty; and other misconduct related to academics, including unauthorized use of generative artificial intelligence (AI), such as large language models (chatbots).

First Offense: Parent contact. No credit for the work, grade reduction, or replacement assignment.

Subsequent Offense: Parent meeting. No credit for the work, grade reduction, course failure, removal from extracurricular activities or in-school suspension.

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

First Offense: Detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion. Restitution if appropriate.

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

Assault

1. Using physical force, such as hitting, striking or pushing, to cause or attempt to cause physical injury; placing another person in apprehension of immediate physical injury; recklessly engaging in conduct that creates a grave risk of death or serious physical injury; causing physical contact with another person knowing the other person will regard the contact as offensive or provocative; or any other act that constitutes criminal assault in the third or fourth degree.

First Offense: Principal/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. Knowingly causing or attempting to cause serious physical injury or death to another person, recklessly causing serious physical injury to another person, or any other act that constitutes assault in the first or second degree.

First Offense: 10-180 days out-of-school suspension or expulsion.

Subsequent Offense: Expulsion.

Automobile/Vehicle Misuse – Uncourteous or unsafe driving on or around district 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 district property.

First Offense: Suspension or revocation of parking privileges, detention, or in-school suspension.

Subsequent Offense: Revocation of parking privileges, detention, in-school suspension, or 1-10 days out-of-school suspension.

Bullying and Cyberbullying (see board policy JCFB) – Intimidation, unwanted aggressive behavior, or harassment that is repetitive or is substantially likely to be repeated and causes a reasonable student to fear for their physical safety or property; that substantially interferes with the educational performance, opportunities or benefits of any student without exception; or that substantially disrupts the orderly operation of the school. Bullying includes, but is not limited to: physical actions, including violence, gestures, theft or property damage; oral, written or electronic communication, including name-calling, put-downs, extortion or threats; or threats of reprisal or retaliation for reporting such acts. Cyberbullying is a form of bullying committed by 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.

First Offense: Detention, in-school suspension, or 1-180 days out-of-school suspension.

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

Bus or Transportation Misconduct (see board policy JFCC) – Any offense committed by a student on transportation provided by or through the district 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. Principal/Student conference, detention, or in-school suspension.

Subsequent Offense: Nullification of forged document. Detention, in-school suspension, or 1-180 days out-of-school suspension.

Disrespectful or Disruptive Conduct or Speech (see board policies AC and ACA if illegal harassment or discrimination is involved) – Verbal, written, pictorial or symbolic language or gesture that is directed at any person that is in violation of district policy or is otherwise rude, vulgar, defiant, 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: Principal/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 (see board policies JFCH, JFCH-AP1, JFCI, JFCI-AP1, and JHCD)

Alcohol Related Offenses

1. The sale, purchase, transfer, manufacture, or distribution of alcohol at school, district-related events, or on district transportation.

First Offense: 20* - 45 days out-of-school suspension (*principal suspends 10 days – superintendent suspends 10 days).

Second Offense: 90 days out-of-school suspension.

2. Being under the influence of alcohol at school, district-related events, or on district transportation.

First Offense: 15* - 30 days out-of-school suspension (*principal suspends 10 days – superintendent suspends 5 days).

Second Offense: 90 days out-of-school suspension.

3. Possession of, or having been in possession of alcohol at school, district-related events, or on district transportation.

First Offense: 10 - 20 days out-of-school suspension.

Second Offense: 90 days out-of-school suspension.

Discipline may be lessened by half upon proof of completion of an approved alcohol use program.

Drug-Related Offenses

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

First Offense: In-school suspension or 1-180 days out-of-school suspension.

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

2. Sale, purchase, transfer, manufacture, or distribution of any unauthorized prescription drug, illegal drug, controlled substance (including marijuana and marijuana-infused products) as defined under schedules I, II, III, or IV of the Controlled Substances Act, unauthorized inhalant, counterfeit substance, imitation controlled substance, any substance intended to create a false negative on a drug test, any substance prohibited on district property by law or policy, or drug-related paraphernalia while at school, school-related events, or on school property.

First Offense: 20*-180 days out-of-school suspension. (*principal suspends 10 days - superintendent suspends 10 days.)

Subsequent Offense: Expulsion.

3. Attendance while under the influence of any unauthorized prescription drug, illegal drug, controlled substance (including marijuana and marijuana-infused products) as defined under schedules I, II, III, or IV of the Controlled Substances Act, unauthorized inhalant, counterfeit substance, imitation controlled substance, any substance intended to create a false negative on a drug test, or any substance prohibited on district property by law or policy while at school, school-related events, or on school property.

First Offense: 15*-45 days out-of-school suspension. (*principal suspends 10 days - superintendent suspends 5 days.)

Subsequent Offense: 90 days out-of-school suspension.

4. Possession of drug paraphernalia or possession of or having been in possession of any unauthorized prescription drug, illegal drug, controlled substance (including marijuana and marijuana-infused products) as defined under schedules I, II, III, or IV of the Controlled Substances Act, unauthorized inhalant, counterfeit substance, imitation controlled substance, any substance intended to create a false negative on a drug test, any substance prohibited on district property by law or policy while at school, school-related events, or on school transportation.

First Offense: 10-30 days out-of-school suspension.

Subsequent Offense: 90 days out-of-school suspension.

Discipline may be lessened by half upon proof of completion of an approved program for controlled substance abuse.

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

First Offense: Principal/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 Care for or Return District Property – Loss of, failure to return, or damage to district property including, but not limited to, books, computers, calculators, uniforms, and sporting and instructional equipment.

First Offense: Restitution. Principal/Student conference, detention, or in-school suspension.

Subsequent Offense: Restitution. Detention or in-school suspension.

Failure to Meet Conditions of Suspension, Expulsion or Other Disciplinary Consequences – Violating the conditions of a suspension, expulsion or other disciplinary consequence including, but not limited to, participating in or attending any district-sponsored activity or being on or near district property or the location where a district activity is held. See the section of this regulation titled, "Conditions of Suspension, Expulsion and Other Disciplinary Consequences."

As required by law, when the district considers suspending a student for an additional period of time or expelling a student for being on or within 1,000 feet of district property during a suspension, 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 is disruptive to the educational process or undermines the effectiveness of the district's discipline policy.

First Offense: Verbal warning, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion. Report to law enforcement for trespassing if expelled.

Subsequent Offense: In-school suspension, 1-180 days out-of-school suspension, or expulsion. Report to law enforcement for trespassing if expelled.

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

First Offense: Restitution. Principal/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 by physical action. All fights of a serious nature occurring at school will be reported to the proper authorities.

First Offense: 5-10 days in-school suspension or out-of-school suspension.

Second Offense: 10 days out-of-school suspension.

Third Offense: Long-term suspension (1-180 days).

Gambling – Betting on an uncertain outcome, regardless of stakes; engaging in any game of chance or activity in which something of real or symbolic value may be won or lost. Gambling includes, but is not limited to, betting on outcomes of activities, assignments, contests and games.

First Offense: Principal/Student conference, loss of privileges, detention, or in-school suspension.

Subsequent Offense: Principal/Student conference, loss of privileges, detention, in-school suspension, or 1-10 days out-of-school suspension.

Harassment, including Sexual Harassment (see board policies AC and ACA and note that additional provisions of the code of conduct may apply to the student's behavior)

1. Use of material of a sexual nature or unwelcome verbal, written or symbolic language based on gender, race, color, religion, sex, national origin, ancestry, disability or any other characteristic protected by law.

First Offense: Principal/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. Unwelcome physical contact of a sexual nature or that is based on gender, race, color, religion, sex, national origin, ancestry, disability or any other characteristic protected by law.

First Offense: In-school suspension, 1-180 days out-of-school suspension, or expulsion.

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

3. Student is found "responsible" for sexual harassment under Title IX upon conclusion of a formal complaint under policy ACA.

Any Offense: 10-180 days out-of-school suspension or expulsion.

Hazing (see board policy JFCG) – 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 district-sponsored activity. Hazing can occur even when all students involved are willing participants.

First Offense: In-school suspension or 1-180 days out-of-school suspension.

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

Incendiary Devices or Fireworks – Possessing, displaying or using matches, lighters or other devices used to start fires unless required as part of an educational exercise and supervised by district staff; possessing or using fireworks.

First Offense: Confiscation. Warning, principal/student conference, detention, or in-school suspension.

Subsequent Offense: Confiscation. Principal/Student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.

Nuisance Items – Possession or use of items such as toys, games, and portable media players that are not authorized for educational purposes.

First Offense: Confiscation. Warning, principal/student conference, detention, or in-school suspension.

Subsequent Offense: Confiscation. Principal/Student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.

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

First Offense: Principal/Student conference, detention, or in-school suspension.

Subsequent Offense: Detention, in-school suspension, or 1-10 days out-of-school suspension.

Sexting and/or Possession of Sexually Explicit, Vulgar or Violent Material (see board policies AC and ACA) – Students may not possess or display, electronically or otherwise, sexually explicit, vulgar or violent material including, but not limited to, pornography or depictions of nudity, violence or explicit death or injury. This prohibition does not apply to curricular material that has been approved by district staff for its educational value. Students will not be disciplined for speech in situations where it is protected by law.

First Offense: Confiscation. Principal/Student conference, detention, or in-school suspension.

Subsequent Offense: Confiscation. Detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

Sexual Activity – Consensual acts of sex or consensual simulations of sex including, but not limited to, intercourse or oral or manual stimulation.

First Offense: Principal/Student conference, detention, in-school suspension, or 1-180 days out-of-school suspension.

Subsequent Offense: Detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

Technology Misconduct (see board policies EHB and KKB and procedure EHB-AP1)

1. Attempting, regardless of success, to: gain unauthorized access to a technology system or information; use district technology to connect to other systems in evasion of the physical limitations of the remote system; copy district files without authorization; interfere with the ability of others to utilize district technology; secure

a higher level of privilege without authorization; introduce computer viruses, hacking tools, or other disruptive/destructive programs onto or using district technology; or evade or disable a filtering/blocking device.

First Offense: Restitution. Principal/Student conference, loss of user privileges, detention, or in-school suspension.

Subsequent Offense: Restitution. Loss of user privileges, 1-180 days out-of-school suspension, or expulsion.

2. Using, displaying or turning on pagers, phones, personal digital assistants, personal laptops or any other personal electronic devices during the regular school day, including class change time, mealtimes or instructional class time, unless the use is part of the instructional program, required by a district-sponsored class or activity, or otherwise permitted by the building principal.

First Offense: Confiscation, principal/student conference, detention, or in-school suspension.

Subsequent Offense: Confiscation, principal/student conference, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

3. Violations, other than those listed in (1) or (2) above, of board policy EHB, procedure EHB-AP1 or any policy or procedure regulating student use of personal electronic devices.

First Offense: Restitution. Principal/Student conference, detention, or in-school suspension.

Subsequent Offense: Restitution. Loss of user privileges, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

4. Use of audio or visual recording equipment in violation of board policy KKB.

First Offense: Confiscation. Principal/Student conference, detention, or in-school suspension.

Subsequent Offense: Confiscation. Principal/Student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.

Theft – Theft, attempted theft or knowing possession of stolen property.

First Offense: Return of or restitution for property. Principal/Student conference, detention, in-school suspension, or 1-180 days out-of-school suspension.

Subsequent Offense: Return of or restitution for property. 1-180 days out-of-school suspension or expulsion.

Threats or Verbal Assault – Verbal, written, pictorial or symbolic language or gestures that create a reasonable fear of physical injury or property damage.

First Offense: Principal/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.

Tobacco

1. Possession of any tobacco products, electronic cigarettes (vaping products), other nicotine-delivery products or imitation tobacco products, as defined in policy AH, on district property, on district transportation or at any district activity. Nicotine patches or other medications used in a tobacco cessation program may be possessed only in accordance with district policy JHCD.

First Offense: Confiscation of prohibited product. Principal/Student conference, detention, or in-school suspension.

Subsequent Offense: Confiscation of prohibited product. Detention, in-school suspension, or 1-10 days out-of-school suspension.

2. Use of any tobacco products, electronic cigarettes (vaping products), imitation tobacco products or other nicotine-delivery products, as defined in policy AH, on district property, on district transportation or at any district activity. Nicotine patches or other medications used in a tobacco cessation program may be used only in accordance with district policy JHCD.

First Offense: Confiscation of prohibited product. Principal/Student conference, detention, in-school suspension, or 1-3 days out-of-school suspension.

Subsequent Offense: Confiscation of prohibited product. In-school suspension or 1-10 days out-of-school suspension.

Truancy or Tardiness (see board policy JED) – Absence from school without the knowledge and consent of parents/guardians and the school administration; excessive non-justifiable absences, even with the consent of parents/guardians; arriving after the expected time class or school begins, as determined by the district.

First Offense: Principal/Student conference, detention, or 1-3 days in-school suspension.

Subsequent Offense: Detention or 3-10 days in-school suspension, and removal from extracurricular activities.

Unauthorized Entry – Entering or assisting any other person to enter a district 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 district facility through an unauthorized entrance; assisting unauthorized persons to enter a district facility through any entrance.

First Offense: Principal/Student conference, detention, in-school suspension, or 1-180 days out-of-school suspension.

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

Vandalism (see board policy ECA) – Willful damage or the attempt to cause damage to real or personal property belonging to the district, staff or students.

First Offense: Restitution. Principal/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 (see board policy JFCJ)

1. Possession or use of any weapon as defined in board policy, other than those defined in 18 U.S.C. § 921, 18 U.S.C. § 930(g)(2) or § 57010, RSMo. The possession or use of a weapon, concealed or otherwise, by any student is prohibited upon, or within 100 feet of school grounds while school is in session, while going to or from school, or at any school-sponsored event.

First Offense: 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 § 571.010, RSMo., or any instrument or device defined as a dangerous weapon in 18 U.S.C. § 930(g)(2). The possession or use of a weapon, concealed or otherwise, by any student is prohibited upon, or within 100 feet of school grounds while school is in session, while going to or from school, or at any school-sponsored event.

First Offense: One calendar year suspension or expulsion, unless modified by the board upon recommendation by the superintendent.

Subsequent Offense: Expulsion.

3. Possession or use of ammunition or a component of a weapon.

First Offense: In-school suspension, 1-180 days out-of-school suspension, or expulsion.

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

Policy JCFB: BULLYING

Status: ADOPTED

Original Adopted Date: 03/11/2004 | Last Revised Date: 10/13/2016

General

In order to promote a safe learning environment for all students, the Mountain View-Birch Tree R-III School District prohibits all forms of bullying. The district also prohibits reprisal or retaliation against any person who reports an act of bullying among or against students.

Definitions

Bullying – In accordance with state law, 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 his or her physical safety or property; that substantially interferes with the educational performance, opportunities or benefits of any student without exception; or that substantially disrupts the orderly operation of the school. Bullying includes, but is not limited to: physical actions, including violence, gestures, theft, or property damage; oral, written, or electronic communication, including name-calling, put-downs, extortion, or threats; or threats of reprisal or retaliation for reporting such acts.

Cyberbullying – A form of bullying committed by 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. The district has jurisdiction over cyberbullying that uses the district's technology resources or that originates on district property, at a district activity or on district transportation. Even when cyberbullying does not involve district property, activities or technology resources, the district will impose consequences and discipline for those who engage in cyberbullying if there is a sufficient nexus to the educational environment, the behavior materially and substantially disrupts the educational environment, the communication involves a threat as defined by law, or the district is otherwise allowed by law to address the behavior.

School Day – A day on the school calendar when students are required to attend school.

Designated Officials

The principal of each building is hereby designated as the individual to receive and investigate reports of bullying. Each building principal shall designate at least two teachers or administrators in the building who are authorized to receive and investigate reports of bullying in the principal's absence or at the principal's discretion.

The district compliance officer appointed in policy AC will serve as the districtwide antibullying coordinator. The antibullying coordinator will receive all completed investigative reports from all buildings and analyze the reports to identify any information that would inform the district's antidiscrimination and antibullying education and training programs. In addition, the antibullying coordinator will assist in making any relevant reports as required by state and federal law.

Reporting Bullying

School employees, substitutes or volunteers are expected to intervene to prevent student bullying, appropriately discipline the perpetrator, assist the victim and report the incident to the building principal or designee for further investigation and action. Any school employee, substitute or volunteer who witnesses or has firsthand knowledge of bullying of a student must report the incident to the building principal or designee as soon as possible, but no later than two school days after the incident.

Students who have been subjected to bullying, or who have witnessed or have knowledge of bullying, are encouraged to promptly report such incidents to a school employee. Any school employee receiving such a report shall promptly transmit the report to the building principal or designee.

If the bullying incident involves students from more than one district building, the report should be made to the principal or designee of the building in which the incident took place or, if more appropriate, to the principal or designee of the building attended by the majority of the participants in the incident.

Investigation

Within two school days of receiving a report of bullying, the principal or designee will initiate an investigation of the

incident. Reports that involve students from multiple buildings will be investigated cooperatively by the principals of each building involved, or those principals may request that the district's compliance officer designated in policy AC conduct the investigation. If at any time during the investigation the principal determines that the bullying involves illegal discrimination, harassment or retaliation as described in policy AC, the principal will report the incident to the compliance officer designated in that policy, who will assist in the investigation. If the alleged bullying involves a special education student or a student with disabilities, the principal will also notify the special education director.

The investigation shall be completed within ten school days of the date the report of bullying was received unless good cause exists to extend the investigation. Upon completion of the investigation, the principal will decide whether bullying or harassment occurred and, if so, whether additional discipline is warranted in accordance with the district's student discipline code. The principal will generate a written report of the investigation and findings and send a copy of the completed report to the district's antibullying coordinator. The principal or designee will document the report in the files of the victim and the alleged or actual perpetrator of bullying. All reports will be kept confidential in accordance with state and federal law.

If the incident involved allegations of illegal discrimination or harassment, the principal's decision may be appealed in accordance with policy AC. Student discipline may be appealed when allowed by law in accordance with Board policy.

The principal or other appropriate district staff will work with victims and their families to access resources and services to help them deal with any negative effects that resulted from the incident.

Consequences

Students who participate in bullying or who retaliate against anyone who reports bullying will be disciplined in accordance with the district's discipline code. Such discipline may include detention, in-school suspension, out-of-school suspension, expulsion, removal from participation in activities, exclusion from honors and awards, and other consequences deemed appropriate by the principal or superintendent. The district will also contact law enforcement when required by law or notify social media companies of inappropriate online activity when appropriate.

Even in situations where the district does not have jurisdiction to discipline a student for bullying, such as when the acts take place off campus and there is an insufficient nexus to the district, the principal or designee will take appropriate actions to assist student victims. Such actions may include, but are not limited to, contacting the parents/guardians of the victim and the alleged perpetrators, communicating that this behavior is not allowed on district grounds or at district activities, notifying the appropriate district staff to assist the victim, and taking additional action when appropriate, such as notifying law enforcement or social media companies of inappropriate online activity.

District employees and substitutes who violate this policy will be disciplined or terminated. Discipline may include suspension with or without pay, a negative evaluation, prohibition from being on district property or at district activities, mandated training or other appropriate remedial action. Volunteers who violate this policy will no longer be permitted to volunteer.

Policy Publication

The district shall annually notify students, parents/guardians, district employees, substitutes and volunteers about this policy and the district's prohibition against bullying. A copy of this policy shall be included in student handbooks and posted on the district's website.

Training and Education

The district's antibullying coordinator will provide information and appropriate training designed to assist employees, substitutes and volunteers who have significant contact with students in identifying, preventing and responding to incidents of bullying.

The district will provide education and information about bullying and this policy to students every year. The principal of each school, in consultation with school counselors and other appropriate school employees, will determine the best methods for facilitating the discussion. Methods may include, but are not limited to: assemblies; homeroom presentations; class meetings; team or club meetings; special presentations by counselors, social workers or mental health professionals; and open-house events. When practical, parents/guardians will be invited to attend.

In addition to educating students about the content of this policy, the district will inform students of:

1. The procedure for reporting bullying.
2. The harmful effects of bullying.
3. Any initiatives the school or district has created to address bullying, including student peer-to-peer initiatives.
4. The consequences for those who participate in bullying or engage in reprisal or retaliation against those who report bullying.

School counselors, social workers, mental health professionals, school psychologists or other appropriate district staff will educate students who are victims of bullying about how to overcome the negative effects of bullying including, but not limited to:

1. Cultivating the student's self-worth and self-esteem.
2. Teaching the student to defend him- or herself assertively and effectively without violence.
3. Helping the student develop social skills.
4. Encouraging the student to develop an internal locus of control.

Additional School Programs and Resources

The Board directs the superintendent or designee to implement programs and other initiatives to address bullying, respond to such conduct in a manner that does not stigmatize the victim, and make resources or referrals available to victims of bullying. Such initiatives may include educating parents/guardians and families on bullying prevention and resources.

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

LIBERTY MIDDLE SCHOOL



2024-2025

STUDENT HANDBOOK

TAMMY HEINEY, PRINCIPAL
JUSTIN JOHNSON, ASSISTANT PRINCIPAL

OUR VISION

**TWO COMMUNITIES WORKING AS ONE TO DEVELOP
CARING AND RESPONSIBLE CITIZENS.**

MISSION STATEMENT

The Mountain View-Birch Tree District's mission is to empower and inspire all students to be successful before and after graduation. We strive to improve the quality of life through rigor, relevance, and relationships.

MIDDLE SCHOOL MOTTO:

EVERY STUDENT

EVERY CHANCE

EVERY DAY

Mountain View-Birch Tree R-III School District 2024-2025 School Calendar

		M TU W TH F					Mountain View-Birch Tree R-III Schools School Calendar (Board Approved 2-22-24) 2024-2025 School Year	
August					1	2	Aug. 12 & 13: New Teacher Orientation	
	5	6	7	8	9		Aug. 13: All teachers work day in p.m. & Back-To-School Kickoff from 5:00-8:00 p.m.	
	12	13	14	15	16		Aug. 14, 15, 16: Teachers' Inservice/Workshops	
	19	20	21	22	23		Aug. 15: School Board Meeting & Tax Rate Hearing @ LMS 6:00	
	26	27	28	29	30		Aug. 19: First Day of School 10 School Days	
September	2	3	4	5	6		Sept. 2: Labor Day	
	9	10	11	12	13		Sept. 19: School Board Meeting @ BTE 6:00	
	16	17	18	19	20			
	23	24	25	26	27			
	30						16 School Days	
October		1	2	3	4		Oct. 11: Homecoming Parade/Game	
	7	8	9	10	11		Oct. 11: End of First Quarter (34 school days)	
	14	15	16	17	18		Oct. 17: School Board Meeting @MVE at 6:00	
	21	22	23	24	25		Oct. 21: Parent/Teacher Conferences 1:00 to 8:00 p.m.	
	28	29	30	31			19 School Days	
November					1		Nov. 4: Teacher Professional Development Day-- Ed. Camp	
	4	5	6	7	8		Nov. 21: School Board Meeting @ LHS 6:00	
	11	12	13	14	15		Nov. 25-29: (No School) Thanksgiving Break	
	18	19	20	21	22			
	25	26	27	28	29		15 School Days	
December		2	3	4	5	6		
	9	10	11	12	13		Dec. 19: School Board Meeting @ LMS 6:00	
	16	17	18	19	20		Dec. 20: End of First Semester (38 Days in 2nd Quarter)	
	23	24	25	26	27		Dec. 23- 31: (No School) Christmas Break 12 School Days	
	30	31					72 full days in 1st Semester	
January			1	2	3		Jan. 1-3: (No School) New Years Day Break	
	6	7	8	9	10		Jan. 6: Beginning of Second Semester	
	13	14	15	16	17		Jan. 23: School Board Meeting @ BTE 6:00	
	20	21	22	23	24			
	27	28	29	30	31		18 School Days	
February		3	4	5	6	7	Feb. 10: Teacher Professional Development Day	
	10	11	12	13	14		Feb. 13: School Board Meeting @ MVE 6:00	
	17	18	19	20	21			
	24	25	26	27	28			
							16 School Days	
March		3	4	5	6	7	Mar. 7: End of Third Quarter (38 School Days)	
	10	11	12	13	14		Mar. 20: School Board Meeting @ LHS 6:00	
	17	18	19	20	21			
	24	25	26	27	28			
	31						16 School Days	
April		1	2	3	4			
	7	8	9	10	11		Apr. 10: School Board Meeting @ LMS 6:00	
	14	15	16	17	18		Apr 18-21: Spring Break/Easter Break	
	21	22	23	24	25			
	28	29	30				17 School Days	
May			1	2			May 22: School Board Meeting @ BTE 6:00	
	5	6	7	8	9		May 16: Commencement @ 7:00 p.m.	
	12	13	14	15	16		May 23: Last day of school & end of 2nd Semester (45 Days)	
	19	20	21	22	23			
	26	27	28	29	30		June 19: School Board Meeting @ Central Office 83 full days in 2nd Semester	
The minimum number of hours of instructional time in a school calendar is 1,044. We have scheduled 155 full days of school during the school year.								
This gives us 1087.5885 hours of instructional time. Six (6) Snow Days (42.1002) are built into the calendar and will not need to be made up if missed.								
That leaves us with a total of 1,045.4883 instructional hours. After missing the 6 built-in snow days, the following days will be used as makeup days:								
1st: Mar.3; 2nd: March.10; 3rd: March 17; 4th: Mar.24, and 5th: March 31. If more than 6 days are not missed prior to the scheduled makeup day,								
then that day will not be used as a make-up day. Additional makeup days will be added to the end of the calendar (starting on May 27) if needed.								

Daily Schedule for 2024-2025

Bell Schedule

Breakfast: 7:20-7:45

1st Hour: 7:52-8:54

2nd Hour: 8:58-10:00

3rd Hour: 10:04-11:06

Lunch/RTI 11:06-12:06

4th Hour: 12:10-1:12

5th Hour: 1:16-2:18

6th Hour: 2:22-3:25

STAFF CONTACT LIST

STAFF	E-MAIL	POSITION	PREP
Allen, Ashley	aallen@liberty.mvbt.k12.mo.us	English	2nd hour
Coen, Stephanie	scoen@liberty.mvbt.k12.mo.us	Math	2nd hour
Davis, Beth	bdavis@liberty.mvbt.k12.mo.us	Counselor	
Daniels, Kenzie	kdaniels@liberty.mvbt.k12.mo.us	Social Studies	3rd hour
Faulkner, Denise	dthompson@liberty.mvbt.k12.mo.us	Fine Arts	
Gaines, Jessica	jgaines@liberty.mvbt.k12.mo.us	Librarian	
Gastineau, Roger	rgastineau@liberty.mvbt.k12.mo.us	Physical Education	6th hour
Heiney, Tammy	tammyb@liberty.mvbt.k12.mo.us	Principal	
Herring, Logan	lherring@liberty.mvbt.k12.mo.us	Science	3rd hour
Holden, Wendy	wsmotherman@liberty.mvbt.k12.mo.us	English	
Holmes, Lisa	lhomes@liberty.mvbt.k12.mo.us	Computer Applications	5th hour
Johnson, Justin	jjohnson@liberty.mvbt.k12.mo.us	Assistant Principal/Elec	
Moore, Peggy	pmoore@liberty.mvbt.k12.mo.us	Special Programs	6th hour
McAfee, Mike	mmcafee@liberty.mvbt.k12.mo.us	Band	
Pasay, Amanda	apasay@liberty.mvbt.k12.mo.us	Special Programs	2nd hour
Pennycuick, Mitzie	mpennycuick@liberty.mvbt.k12.mo.us	Social Studies	2nd hour
Pruett, Lisa	lpruett@liberty.mvbt.k12.mo.us	Science	2nd hour
Smith, Breanna	bsmith@liberty.mvbt.k12.mo.us	English	4th hour
Smith, Holly	hsmith@liberty.mvbt.k12.mo.us	Social Studies	4th hour
Smotherman, Kelli	ksmotherman@liberty.mvbt.k12.mo.us	Food Service	
Thomlinson, Susan	sthomlinson@liberty.mvbt.k12.mo.us	Fine Arts	1st hour
Tipton, Nicole	ntipton@liberty.mvbt.k12.mo.us	English	3rd hour
Tipton, Toby	tтиption@liberty.mvbt.k12.mo.us	Special Programs	4th hour
Vandevort, Destiny	dvandevort@liberty.mvbt.k12.mo.us	Building Secretary	
Wells, Shauna	swells@liberty.mvbt.k12.mo.us	Science	4th hour
Wilbanks, Janiece	jwilbanks@liberty.mvbt.k12.mo.us	Math	4th hour
Yarber, Mandy Jo	mdodd@liberty.mvbt.k12.mo.us	Physical Education/Health	6th hour
Yarber, Shelby	syarber@liberty.mvbt.k12.mo.us	Math	3rd hour

Important Numbers:

Superintendent's Office: 417-934-5408/5409
Middle School Office: Ext 1417

Middle School Food Services: Ext 1407
Middle School Counselor: Ext 1404
Middle School Nurse: Ext 1219

ATTENDANCE

ATTENDANCE POLICY/PROCEDURES - *Promptness and regular attendance* are imperative for students to receive full benefits of the school program. The educational loss resulting from absences from class, which cannot be adequately measured or cannot be entirely regained through makeup work, is the rationale for this attendance policy. The parent or guardian has the responsibility to decide times and reasons a student should not come to school. However, it becomes the school's responsibility to set limits upon a student being absent from school because of the high correlation between attendance and success in school.

Students will be given a student handbook upon enrollment in Liberty Middle School.

- The handbook will contain the written attendance policy.
- The Attendance Office holds the responsibility for recording students' absences.
- The parent or guardian of each student who is absent must notify the Attendance office of the absence and the reason for the absence. If a student will be absent from school for two (2) or more days the parent or guardian is encouraged to notify the school so that assignments may be collected for the student.

Upon the student's return to school, he/she must bring a note, which explains why he/she was absent. The reason for the absence will be recorded and the note will be kept on file in the Attendance Office. Although these absences are not marked as excused, it can be beneficial to the student if an attendance appeal is requested.

ATTENDANCE REQUIREMENT FOR COURSE CREDIT-Students will be permitted a maximum of four absences per class per semester. It is important that students realize the four absences per class included in the policy are provided for times when circumstances make it necessary for a student to miss school. Students missing more than four allowed days in any class will not earn credit for that class until they have made up all of the hours. In addition, a student who is absent for unacceptable reasons may also be subject to disciplinary action. Examples of unacceptable absences include oversleeping, babysitting, unexplained personal reasons, missing the bus, errands in town, etc. If a student owes make-up hours, course credit will not be earned.

There are no longer "excused" and "unexcused" absences. All absences will be counted towards the attendance policy and will require make-up hours in order to earn those credits. Exceptions may be found in policy JED concerning foster care, IEPs and 504 plans.

ATTENDANCE MAKE-UP HOURS-Mondays will be used for makeup hours from 7:30am-3:30pm. Students will need to show up to the school during two time frames (7:15am-7:45am and 11:15am-11:45am). First semester attendance make-up hours are required to be completed within the first two Mondays offered as makeup days of the second semester that school is in session. If they are not made up within that time period students will be required to attend two weeks of summer school unless they owe more than 65 hours. If the student owes more than 65 hours, there is not enough time to make up hours and the student will receive a failing grade. Second semester attendance make-up hours are required to be completed by the end of school or the student will be required to attend summer school for two weeks. The student will receive an "NC" (no credit) until all hours are made up. If the hours are not made up within the specified time frame, credit has not been earned and students will fail the class. Students are not allowed to makeup hours during summer school for both semesters.

Students must be current on make-up hours to be eligible to attend school field trips or any other extracurricular activities including sports (practice included), music, band, etc.

ATTENDANCE APPEALS/DUE PROCESS-If a student receives an "NC" (no credit) or an "F," the student or the student's parents/guardians, may appeal this decision to the principal. The principal will make the final

decision. Appeals must be made prior to the end of the semester. Any further appeal will be accommodated according to district policy KL of the board policy manual.

If a student misses more than the four allotted days in any class, the student may request an attendance appeal form from the principal's office. The form consists of writing an essay stating three things: 1) what were the reasons for the absences; 2) why attendance is important to success at school; and 3) how the student will improve attendance. Once this is turned in to the office and approved, the student and/or parent(s) will be contacted to set up a meeting for the appeals process.

If a student misses more than eight class periods in a semester, the parent may be hotlined for education neglect as well as contact with the juvenile office.

EDUCATIONAL NEGLECT-After a student has acquired 8 class periods in a semester without approval from the principal, the juvenile office and the Division of Family Services will be notified and requested to contact the student's parent or guardian. If the student continues to miss, a hotline call will be made for "Educational Neglect" after the 10th absence and legal action may be initiated after an investigation by the juvenile office and the Division of Family Services.

* There are no "excused" or "unexcused" absences. All absences will be counted towards the Attendance Policy and will require make-up hours in order to earn those credits. Exceptions may be found in policy JED concerning foster care, IEPs and 504 plans.

- On the 8th absence per semester, a referral will be sent to the Juvenile Office. Four attempted contacts will have been made to the home. These contacts will be sent to the juvenile office and a hotline will be initiated to Children's Division.
- The Juvenile Office will make contact with the parents/guardians to set up a plan.
- If absences continue, a referral will be made to the Prosecuting Attorney for Educational Neglect.
- The school will contact Howell/Shannon task force to meet and rectify the situation.

Any or all of these steps may be skipped if the families have prior history with the task force or if evidence of neglect is discovered.

EARLY OUTS— Students who sign out early 6th hour will be counted as an "early out." This will be disciplined the same as a tardy.

MAKE-UP WORK- If a student is absent from school for one (1) day, he/she may pick-up homework upon returning to school the following day. If a student is absent for two (2) or more days, parents or guardian should call the counselor for missed work. **The student is responsible for collecting and turning in all missed work.** Credit for make-up work is permitted for all absences including out-of-school suspension. It is the student's responsibility to inform the school that he/she will be absent and to request make-up work. Upon the student's return to school, all make-up work must be completed and returned to the appropriate teachers. A student will be allowed up to two (2) days for make-up work for each day absent, not to exceed 10 days. Test dates and scheduled quizzes may not be extended due to absences. Previously assigned work that was due when you returned is still due when you return. Any student that misses four (4) or more days consecutively will need to make arrangements with their teachers and building level principal after the student returns to school. Make-up work will not be accepted after this time unless extenuating circumstances are involved. Make-up work for OSS cannot exceed 10 school days.

HOMEBOUND-To receive homebound services, a student shall have medical documentation stating the reason/need to be out of the school setting to be eligible. If a student must be absent consecutive days due to illness or hospitalization, etc., the parent must contact the MS counselor for homebound procedures. All homebound services must be approved by the principal and/or superintendent. For homebound services the

student/family must agree to and complete 5 hours of instruction during any week he/she is not in attendance at school.

TARDY POLICY-Reporting to all classes on time is essential for students to receive the full academic benefits of classes. The educational loss for consistently being late for classes cannot be adequately measured or regained through make-up work. This is the rationale for our tardy policy.

TARDY POLICY PROCEDURES-Students arriving to school late **MUST** have a parent sign them in at the Attendance Office to receive a tardy pass. The office will issue the student a tardy pass, and the teacher is to record the tardy when given the tardy pass. Students are allowed four minutes to pass from class to class during the school day. Teachers will record tardies for each class. When a student has accumulated the following number of tardies during a quarter (in any one class) he/she will be disciplined accordingly. Tardy consequences are located under Disciplinary Procedures.

CAFETERIA SERVICES - A lunchroom is maintained in the building. Students and faculty are served well planned meals. With a closed lunch hour, students bring their lunch or buy their lunch in the cafeteria. Please observe the following rules:

- Students report promptly to the lunchroom.
- Students please *walk* to the cafeteria.
- Students do not leave the lunchroom until they are dismissed.
- Cutting into the lunch line is not permitted.
- Visitors will not be allowed during lunch periods.
- Once you are seated, you must remain seated.
- Loud and unnecessary noise is prohibited.
- Throwing food is prohibited.
- All paper, cartons, uneaten food, etc. must be disposed of properly.
- Food and drinks are not to be taken outside the lunch room.
- Disruptive students will have assigned seating or be removed from the cafeteria.

We discourage students from bringing excessive amounts of soda, candy, treats or energy drinks to the lunch room.

Breakfast and lunch bills must be under \$50 in order for him/her to participate in extracurricular activities.

2024-2025 Meal Prices (Prices subject to change)

Breakfast: \$ 2.17

Lunch: \$3.57

GRADES

GRADING SYSTEM-Report cards are issued at the end of each quarter. Progress reports will be sent to parents every three weeks of every quarter to report grades.

A 93 – 100	B+ 87 - 89	C + 77 - 79	D+ 67 - 69	F 0 - 59
A- 90 - 92	B 83 - 86	C 73 - 76	D 63 - 66	
	B- 80 - 82	C- 70 - 72	D- 60 - 62	

HONOR ROLL Achievement level to be used in computing the honor roll:

Honor Roll	GPA	Grades
Gold	4.00	A
Silver	3.99-3.63	A- Average
Bronze	3.62-3.27	B+ Average

GRADE CARD/PROGRESS REPORT HOLD-Grade cards and progress reports will be held and not mailed out if the student owes \$7.00 or more in lunch money, library fees, uniforms, lost books, etc.

FAILING COURSES: Students failing a core class (English, Math, Science, Social Studies) for a semester will be required to retake the course during summer school. **A semester course will require a two-week summer school course. Failure to retake the course may result in retention or alternative placement.**

DISCIPLINARY PROCEDURES

LUNCH DETENTION: Failure to report for the assigned day of Lunch Detention will result in the assignment of one day of In-School-Suspension

DISCRETIONARY MEASURES-Any item of specific negative or unruly behavior not listed will be dealt with at the discretion of the Principal or Assistant Principal. Any discipline may be reviewed by administration for discretionary action.

ALCOHOL-The use, sale, transfer, possession or being under the influence of alcoholic beverages is prohibited on any school property, in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; or off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district.

First Offense: 5-180 Days OSS
Second Offense: Long-term suspension

ARSON- Starting a fire, the intent to start a fire, or causing an explosion with the intent to do damage to property or building:

First Offense: 1-180 days OSS and notification to the proper legal authorities.
Second Offense: Expulsion for a length of time as determined by the Board of Education and notification to the proper legal authorities.

ASSAULT-The Missouri Safe Schools Act 1996 establishes the crime of "assault while on school property." A person commits the crime of assault while on school property if the person:

- Knowingly causes physical injury to another person.
- With criminal negligence, causes physical injury to another person by means of a deadly weapon.
- Recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; and the act occurred on school or school district property, or in a vehicle that at the act was in the service of a school or school district, or arose as a result of a school or school district sponsored activity.

First Offense: 10 days OSS
Second Offense: Long-term suspension

BOMB THREAT-Any report of a bomb being within a building or on the premises, that causes class disruptions or disturbances in the school.

First Offense: 20-180 days OSS and notification to proper legal authorities.
Second Offense: Expulsion for a length of time as determined by the Board of Education and notification to the proper legal authorities.

BUS MISCONDUCT- Any offense committed by a student on a district-owned or contracted bus shall be punished in the same manner as if the offense had been committed at the student's assigned school. Bus misconduct will be punished pursuant to the Student Conduct Code and may include suspension of bus riding privileges.

First Offense: Assigned Seat by Driver, conference, and/or lunch detention

Second Offense: 1 days ISS and/or 3-5 day bus suspension
 Third Offense: 2 days ISS and /or 6-10 day bus suspension
 Fourth Offense: Long term bus suspension

SCHOOL BUS RULES:

1. Observe classroom conduct.
2. Be courteous; use no profane language.
3. Do not eat or drink on the bus.
4. Keep the bus clean.
5. Cooperate with the driver.
6. No tobacco products.
7. Do not damage bus or equipment.
8. Stay in your seat.
9. Keep head, hands, and feet inside bus.
10. Do not fight, push, or shove.
11. Do not tamper with bus equipment.
12. Do not bring pets on the bus.
13. Do not bring flammable material on the bus.
14. The bus driver is authorized to assign seats.
15. Do not bring skate boards on bus.
16. No balloons, etc.

CAPS/HATS-Due to the problems created by students carrying caps/hats to classrooms during the school day, students will not be allowed to carry caps/hats throughout the building. **All caps/hats must be put in a locker at the beginning of the school day and left until students are dismissed at the end of the day.**
***Hats/Caps/Hoods etc. will not be worn for school yearbook pictures. On occasion, students may participate in Hat Day. On these days, if students are not respectful and responsible, hats will be confiscated.**

First Offense: Confiscation-student may pick up at the end of the day
 Second Offense: Confiscation-parent must pick up/1 Day ISS
 Third Offense: Confiscation-parent pick up and 2 days ISS

CELL PHONES & SMART WATCHES-Students are not to use cell phones, earbuds for non-educational use, OR smart watches during school hours. Devices will be confiscated (during school hours 7:20—3:26). **The school is not responsible for the loss of unauthorized devices. The school has an 'Away for the Day' policy. Cell phones are not to be carried, in pockets, hoodies, etc. They are to be left in lockers, backpacks, purses, and must be turned off during school hours.**

First Offense: Confiscation – parent must pick up
 Second Offense: Confiscation-parent must pick up/1 Day ISS
 Third Offense: Confiscation-parent pick up and 2 days ISS

CHEATING/ACADEMIC DISHONESTY-Cheating on tests, assignments, projects or similar activities; plagiarism; claiming credit for another person's work; fabrication of facts, sources or other supporting material; unauthorized collaboration; facilitating academic dishonesty; and other misconduct relating to academics.

First Offense: Zero on the assignment and parent will be contacted by the teacher
 Second Offense: Zero on the assignment/1 day ISS
 Third Offense: Zero on the assignment/2 days ISS/and mandatory conference with parents

CITIZENSHIP CARD VIOLATION- LMS has a tiered behavior system in which students may receive negatives for not following the school behavior matrix.

First Offense: Three Negatives in a quarter: Lunch detention
 Second Offense: Six Negatives in a quarter: 1 day ISS

COMPUTERS AND RELATED TECHNOLOGIES-The purpose of computers and related technologies is educational, not recreational. Students must sign network policy and Internet policy agreements before using each of those resources. Students who violate those agreements may be suspended from the network for two weeks, one semester, or the rest of the school year. The consequences resulting from policy violation are at the discretion of the Principal and the Technology Coordinator. If the computer misuse merits other disciplinary action, the appropriate disciplinary action will be taken.

CONTROLLED SUBSTANCES-The use, sale, transfer, possession or being under the influence of a controlled substance is prohibited on any school property, in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; or off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district. A controlled substance shall include any controlled substance, counterfeit substance or imitation controlled substance as defined in the Narcotic Drug Act, Section 195.010, RSMo., and in section 202 (c) of the Controlled Substances Act, 21 U.S.C. 812(c).

All medications prescribed by an authorized medical professional, as well as all non-prescription medications, will be administered in accordance with Board policy JHCD, Administration of Medicines to Students.

Suspension: The student under the influence of or in possession of illegal and/or dangerous drugs and/or paraphernalia will be suspended by the principal not to exceed ten (10) school days. Upon the considered judgment of the school administration, the superintendent of schools is authorized to suspend the student for a period not to exceed 180 school days. The student detected in transferring and/or selling illegal drugs will be suspended for a period of time as determined by the principal and superintendent; and upon review of the facts involved, the Board of Education may expel the student for up to one calendar year. In addition, the student will be referred to the appropriate legal authority.

DAMAGING OR DEFACING PROPERTY-Willful damage to school, staff or student property may require payment for damages and/or legal prosecution. This includes Chromebooks and other technology.

First Offense:	Restitution for damages and 2-3 days ISS
Second Offense:	Restitution for damages and 2-5 days OSS
Third Offense:	Restitution for damages and long-term suspension

INAPPROPRIATE BEHAVIOR (INCLUDES THE FOLLOWING)

***AGGRESSIVE BEHAVIOR**- pushing, shoving, arguing, physical posture that does not constitute fighting

***BULLYING**- In accordance with state law, 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 his or her physical safety or property; that substantially interferes with the educational performance, opportunities or benefits of any student without exception; or that substantially disrupts the orderly operation of the school. Bullying includes, but is not limited to: physical actions, including violence, gestures, theft, or property damage; oral, written, or electronic communication, including name-calling, put-downs, extortion, or threats; or threats of reprisal or retaliation for reporting such acts.

***CYBERBULLYING**- A form of bullying committed by 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. The district has jurisdiction over cyberbullying that uses the district's technology resources or that originates on district property, at a district activity or on district transportation. Even when cyberbullying does not involve district property, activities or technology resources, the district will impose consequences and discipline for those who engage in cyberbullying if there is a sufficient nexus to the educational environment, the behavior materially and substantially disrupts the educational environment, the communication involves a

threat as defined by law, or the district is otherwise allowed by law to address the behavior.

***DEFIANCE OF AUTHORITY-** disrespect, insubordination towards a school employee

***DISORDERLY CONDUCT-** classroom, disruption, running, pushing, shoving, horseplay

***DISHONESTY/FORGERY/LYING-** writing the name or impersonating another to falsify school related information.

***INAPPROPRIATE BEHAVIOR-** any behavior that is considered unruly

***INAPPROPRIATE COMMENT -** Verbal, written, pictorial or symbolic words or gestures that are not meant to harass or injure another person are forbidden and will not be tolerated.

***INSTIGATING A FIGHT-** encouraging others to fight, carrying messages which result in the fighting or violent behavior

First Offense—1-2 days ISS

Second Offense—2-3 days ISS

Third Offense- 2 days OSS

EXTORTION-Threatening or intimidating any student for the purpose of obtaining money or anything of value.

First Offense: Restitution and 2 days OSS

Second Offense: Restitution and 5 days OSS

Third Offense: Restitution and long term suspension

FALSE ALARMS-Tampering with emergency equipment, setting off false alarms, making false reports, communicating a threat or false report for the purpose of frightening, disturbing or causing the evacuation or closure of school.

First Offense: 1-180 days OSS and notification to proper legal authorities

Second Offense: Expulsion for a length of time as determined by the Board and notification of legal authorities

FIGHTING-Mutual combat is when **BOTH** parties have contributed to the conflict by verbal/physical action. All fights of a serious nature occurring at school will be reported to the proper authorities.

First Offense: 3-5 days ISS or OSS & Juvenile referral (at discretion of administration)

Second Offense: 10 days OSS & Juvenile referral

Third Offense: Long-term suspension & Juvenile referral

FIREARMS- Any student who brings or possesses a firearm, as defined by 18 U.S.C. 921 (pursuant to Gun Free Schools Act of 1994), on school property will be suspended/expelled from school for at least one calendar year. In addition, the student will be referred to the appropriate legal authorities.

FIREWORKS AND EXPLOSIVE DEVICES-The possession or use of fireworks or minor explosive devices (stink bombs, etc.) is prohibited.

First Offense: 3-5 days ISS/OSS

Second Offense: 5-10 days OSS

Third Offense: Long-term suspension

FOOD AND DRINKS IN HALLS AND CLASSROOMS-Food and beverages are not allowed to be consumed in hallways. Food and beverages are not allowed to be consumed in the classrooms unless so

authorized by the teacher.

First Offense: Conference
 Second Offense: 2 days Lunch Detention
 Third Offense: 1-2 days ISS

FORGERY-Writing the name or impersonating another for the purpose of falsifying school related information is prohibited.

First Offense: Conference-Lunch Detention
 Second Offense: 1 days ISS
 Third Offense: 2-5 days ISS

HALLWAYS WITHOUT PROPER AUTHORIZATION-Students may not be in the hallways during class time without proper authorization.

First Offense: Conference/Lunch Detention
 Second Offense: 1 day ISS
 Third Offense: 2 days ISS

HARASSMENT-Words and/or actions directed toward an individual which intimidates and/or harasses that individual.

First Offense: 2 days ISS
 Second Offense: 3 days ISS
 Third Offense: 3 days OSS

HARASSMENT (RACIAL)-Verbal, written, pictorial or symbolic words or gestures meant to harass or injure another person because of that person's race, religion, gender or ethnic origin will not be tolerated.

HARASSMENT (SEXUAL)- Sexual harassment refers to behavior of a sexual nature which is unwelcome and personally offensive to its recipients. Sexual harassment is a form of misconduct which is demeaning to another person. Unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment.

First Offense: 1-180 days ISS/OSS/Expulsion
 Second Offense: 1-180 days OSS/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: 1 day ISS
 Second Offense: 2 days ISS
 Third Offense: 3 days OSS

IMMORAL CONDUCT-A student shall not forcibly and/or intentionally touch another person's body in a way which constitutes sexual contact.

First Offense: 3 days OSS

Second Offense: 10 days OSS
Third Offense: Long-term suspension

LOCKERS-The outside of lockers cannot be decorated. You are allowed to decorate the inside of your locker.

First Offense: Conference/Clean Locker
Second Offense: Clean Locker-Lunch Detention
Third Offense: Clean Locker- 1-3 days ISS

PDA (PUBLIC DISPLAY OF AFFECTION)-Daylight must be seen between students. Loitering, kissing, and hugging in hallways and/or at bus dismissal are prohibited.

First Offense: Conference
Second Offense: Lunch Detention
Third Offense: 1-2 day(s) ISS and conference with parent

POCKET KNIVES-Possession of pocket knives will not be permitted at school or school sponsored activities.

First Offense: Knife will be confiscated, and parent forced to pick up
Second Offense: Confiscation and 2 days ISS

- *In some cases a knife may be considered a weapon and will be disciplined as such.*

POSSESSION AND/OR USE OF TOBACCO-The use and/or possession of tobacco, chewing tobacco products and/or any smoking devices will not be permitted in school buildings, on school premises, or at school-sponsored activities. Smoking paraphernalia, lighter, matches, etc., will be confiscated.

First Offense: 2 days ISS
Second Offense: 3 days ISS
Third Offense: 2 days OSS

PROFANITY-Any obscenity, obscene gesture, swearing or cursing, whether verbal or written, is not permitted.

First Offense: Conference-1 day ISS
Second Offense: 1-2 days ISS
Third Offense: 3-5 days ISS

SECRET ORGANIZATIONS- The Board of Education does not recognize secret organizations. Sororities, fraternities, gangs or secret societies of the community are not school organizations. Conduct by students while in school such as hazing of initiates, special attire (including pins and insignia or other identifying symbols), improper activity on campus, or any other influence of a sorority, fraternity, gang or secret society that interferes with the normal conduct of the educational program shall not be permitted.

First Offense: 10-180 days suspension and referral to law enforcement
Second Offense: 180 days of suspension and referral to law enforcement

TARDIES: When a student has accumulated the following number of tardies during a quarter (in any one class) he/she will be disciplined accordingly:

First Tardy: Conference with teacher/teacher records tardy
Second & Third Tardies: Lunch Detention (Teacher completes office referral)

Four Tardies & Beyond: 1 day ISS (Teacher completes office referral)

****Tardy count resets each quarter****

THEFT-The acceptance, possession, purchase, taking and/or transfer of property belonging to another is forbidden. Offenders are subject to legal prosecution and/or suspension.

***MINOR THEFT**-Value of one hundred (\$100) or less.

First Offense: Restitution & 2 days ISS/2 days OSS
 Second Offense: Restitution & 3 days ISS/3 days OSS
 Third Offense: Restitution & 5 days OSS/up to 10 days OSS

***MAJOR THEFT**-Value exceeding one hundred (\$100).

First Offense: Restitution and 10 days OSS
 Second Offense: Restitution and expulsion for a length of time as determined by the Board of Education

THREATS—EMPLOYEES/STUDENTS-Disrespectful language (verbal or written) by a student directed to an employee or student that is threatening serious bodily harm or death or causes a classroom disruption.

First Offense: 5—10 days OSS and Referral to Law Enforcement
 Second Offense: Long-term Suspension and Referral to Law Enforcement

THROWING OBJECTS-For the safety of everyone, throwing objects will not be allowed.

First Offense: Conference—1 day ISS
 Second Offense: 1-2 days ISS
 Third Offense: 3-5 days ISS

TRUANCY-A student shall not be absent from a classroom or school grounds without permission.

First Offense: 1-2 days ISS
 Second Offense: 2-3 days ISS
 Third Offense: 3 days ISS/OSS

UNAUTHORIZED ENTRY-Entering or assisting any other person to enter a district 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 district facility through an unauthorized entrance; assisting unauthorized persons to enter a district facility through any entrance.

First Offense: 3 days ISS
 Second Offense: 5 days ISS

WEAPONS-The possession or use of a weapon, as defined in section 571.010.9, RSMO, concealed or otherwise, by any student is prohibited upon or in the vicinity of school grounds, while going to or from school, or at any school sponsored event. **Penalty for possession of a weapon:**

- A) Suspension or expulsion for not less than one year for a weapons violation.
- B) Superintendent may modify suspension or expulsion on a case by case basis.

C) In addition, the student will be referred to the appropriate legal authorities.

DISCIPLINE POLICY AND PROCEDURES-Development of good discipline is one of the most important goals of education. Discipline is the development of self-control, character, and proper consideration for other people. The objective of the student code of conduct is to establish rules with regard to the conduct of all students at Liberty Middle School. The rules have been deemed appropriate and necessary for the maintenance of a wholesome school climate for all students.

REFERRAL TO COUNSELOR-Students may be required to meet with an assigned counselor on a periodic basis. The counselor will advise the student on ways of improving his/her behavior. The counselor may recommend special projects to the student including reading, attending seminars, etc. In addition, the counselor may implement Conflict Resolution (Peer Mediation). Proper procedures for seeing a counselor are reporting to class first and obtaining a hall pass to see the counselor. The teacher should contact the Principal's office to make certain the counselor is available before issuing a hall pass.

DEPRIVATION OF PRIVILEGES-Extra-curricular activities are special privileges offered to enhance the student's overall learning experience. Other benefits, including but not limited to riding buses to and from home are also privileges, not rights. Any or all of these privileges may be revoked. The Principal may determine that a specific student or situation merits alternative disciplinary procedures.

SEARCHES BY SCHOOL PERSONNEL-School lockers and desks are the property of the Board of Education and are provided for the convenience of the students, and as such are subject to periodic inspection without notice. The district may also use drug dogs to search lockers, backpacks, purses and cars parked on the school grounds.

IN-SCHOOL SUSPENSION-The in-school suspension program has been established to give students an opportunity to explore alternatives to unacceptable behavior in a supervised, restricted environment with a full-time instructor. Students are removed from the regular classroom from 7:50 am until 3:26 pm on each assigned day. If a student is assigned to ISS, they are not allowed to participate in extracurricular activities until the suspension period is completed.

CORPORAL PUNISHMENT (SCHOOL LAW 563.0617) Corporal punishment may be an option for offenses at the discretion of the principal. Corporal punishment will be administered by the Principal in the presence of a witness. A written permission form will be sent home for each infraction.

OUT-OF-SCHOOL SUSPENSION (SCHOOL LAW 167.161)-Suspension is the removal of a student from the regular school environment, not allowing the student to come to school. The suspension could be for a short-term (1-10 days) or long-term (more than 10 days). Any student whose conduct is prejudicial to good order and discipline, or which tends to impair the morale or good conduct of the students, may be suspended by the Principal. Students under suspension will receive credit for make up work missed during their absence up to 10 school days. In addition, they are not allowed to be on or around the school campus unless permission is obtained through the Principal's office. This also pertains to any extra-curricular activities sponsored by the school. Re-admission to school will be made by the Principal after a parental conference has occurred.

STUDENT EXPULSION (SCHOOL LAW 167.161)-Action taken to permanently deprive a student of the privilege of attending school shall be considered expulsion. Only the Board of Education has the authority to expel a student from school. If a student consistently refuses to conform to school policies and regulations, the Principal may recommend to the Superintendent of Schools that the student be expelled from school. The Superintendent will in turn notify the Board if he/she is in agreement with the proposal. The Board will then set a date for the hearing.

CODE OF STUDENTS-No code can list each and every offense which may result in the use of disciplinary action; however, the purpose of this code is to list certain offenses which, if committed by a student, will result in the imposition of a specific penalty. Refusal of stated punishments will result in OSS. Any item of specific negative or unruly behavior not listed will be dealt with at the discretion of the Principal/Assistant Principal.

- Students with disabilities are expected to adhere to the same code of conduct that applies to all students. The applied consequences may be modified to accommodate the tenets of the Individuals with Disabilities in Education Act (IDEA) as re-authorized in June of 1997.
- Students are expected to abide by the Discipline Code of Conduct at all school sponsored activities. Students who do not follow the code of conduct may be required to leave the activity, may be barred from future activities and will be accountable for other consequences as directed by the Discipline Code of Conduct.

Additional Student Information

ACADEMICS - The central purpose of Liberty Middle School is to provide students with the knowledge and the skills necessary to assume productive roles in society. We encourage students to do their best in school. Future success often depends on the learning habits and self-discipline we develop in our middle and high school years.

ASSEMBLIES - As everyone during their lifetime will be a member of many varied audiences, we feel that the school assembly offers an opportunity for the development of correct attitudes and conduct that will be of value throughout life. In all situations of this nature, common courtesy demands that a student listen with respect and an appreciative attitude. Assemblies will be held at regular intervals throughout the year. The procedure at assemblies is as follows:

- Students will be dismissed by grade levels via the intercom system.
- Students are to go directly to the assembly.
- Any student that causes a problem of any kind will be removed from the assembly and disciplined
- Teachers escort students to the gym.

BOOK BAGS/GYM BAGS-Due to safety concerns, students may not carry book bags, gym bags or large bags of any type to individual classrooms. Students may carry bags to and from school and then place them in their lockers for the day. (Exception: Students may carry a small bag containing PE clothes to and from the locker room only.) Teachers will not allow bags in the classrooms.

CHANGE OF ADDRESS/PHONE-Students moving during the school year should report such changes to the office immediately. In order to keep the office files up to date, it is necessary to have each student's current mailing addresses and telephone numbers.

CLOSED CAMPUS-A student may not leave the campus during lunch period. At all times students must obtain permission from the attendance office before leaving. No student is to remain after school or on the campus unless under the supervision of a teacher.

DRESS GUIDELINES-Students should use good taste in their manner of dress and personal appearance and therefore adhere to the following guidelines: Clothing that will cause disruptive or undue attention to an individual shall not be worn. Clothing that is unacceptable includes, but is not limited to, the following:

- All students must wear shoes, boots, or other type of footwear.
- Pants are to be worn at or above hips (no exceptions) and are not allowed to have ANY holes that are deemed to be distracting in any way.
- Head coverings in the building
- Clothing that advertises alcohol, drugs, or tobacco
- Clothing with profanity, vulgarity, or obscene language
- Mesh or see-through clothing
- Sunglasses
- No blankets
- Billfold chains or chains of any nature worn about the neck or hanging from belt loops.

Other clothing may be prohibited at the discretion of the administrator that causes a disturbance to the educational process.

ELIGIBILITY FOR SCHOOL ACTIVITIES-Liberty Middle School is a member of the Missouri State High School Activities Association. To participate in activities with other schools, a student must meet the requirements set forth by the Missouri State High School Activities Association and the Mountain View-Birch Tree Board of Education. Eligibility to participate in school activities is a privilege and not an inherent right. Each coach will review eligibility standards and procedures with students during the first week of practice. All students who intend to participate in the athletic program must:

I: 1. Pass a physical examination beginning of their 6th and 8th grade year. All transfer students must have updated physicals.

2. Obtain written permission from their parents
3. Have and show proof of insurance
4. Must meet the following eligibility requirements.

II: 1. Students must earn a minimum of 3.0 credits from the previous semester.

2. Summer school **will not** be used to regain eligibility. This means you cannot fail more than one class.

III. If you owe any make-up hours, you will not be able to attend or participate in any extra-curricular activities (including practice). If you have an "F" and your activity leaves during the school day or you will miss school, you will not be allowed to leave with your team/activity. You must ride with the team/group in order to participate unless authorized ahead of time by the Athletic Director.

IV. Per Board of Education policy, a student's account which includes the breakfast and lunch bills must be under \$50.00 in order for him/her to attend extracurricular activities or to have a payment plan in place with the building principal.

PERMIT TO LEAVE THE BUILDING-If a student must leave the building because of illness or any other reason he/she must be signed out at the **Attendance Office**. If a student returns during the same day, he/she must be signed in at the **same office**, at which time a pass will be given to the student to return to class. Failure to follow the proper procedure will be considered **TRUANCY**. **Parent permission is required for all students who leave school before the end of the school day. When a student leaves, they will be counted absent.**

SCHOOL DANCES-School dances will be scheduled by Administration.

- Dances are open only to LMS students.
- ONCE IN, ALWAYS IN AND ONCE OUT, ALWAYS OUT. You may not re-enter.
- Dances will be no more than two (2) hours in length.
- Appropriate attire only.

INSTRUCTIONAL MEDIA CENTER (LIBRARY)- Liberty students are encouraged to utilize the resources available in their library. The library maintains a wide selection of carefully chosen fiction, nonfiction, and reference materials to provide both enjoyment and academic support for students at all grade and ability levels. Well-maintained computers are available for academic purposes. Links to useful online databases are posted on the library Web page. The librarian is available to assist students from 7:45 until at least 3:30 each day.

Library policies:

- Each student is responsible for the books he/she checks out.
- Two books may be checked out at a time. Exceptions are possible.
- The check-out period is 2 weeks. One renewal is allowed.
- Accounts with overdue books are suspended until the overdue books are returned.
- Lost or damaged books must be reported to the librarian right away.
- By the last day to the school year, all lost/damaged books must be paid for. Accounts with unpaid lost/damaged books will be suspended.

Library behavior expectations:

- Do not disturb other library patrons with noise or disruptive behavior.
- Do not reshelve books. Let the library staff reshelve them.
- Food, candy, drinks, makeup, perfume, glue, markers, and other potentially damaging materials are forbidden in the library.
- Sit in seats. Do not sit on tables or on the backs/arms of chairs.
- Cell phones are forbidden and will be confiscated according to building rules. Keep them turned off and put away in locker.

NURSE'S OFFICE- The nurse is in her office 1st period through 7th period. If a student needs to visit the nurse during this time, he/she is to report to his/her current class and obtain a pass from that teacher before going to the nurse's office. The nurse cannot see a student without a pass from a teacher. Students who are ill enough to require bed rest will need to contact parent or guardian for transportation home. Medications from home must be prescription medications and be brought to the school nurse in the original container. Over-the-counter medications are prohibited. The prescription label will serve as the doctor's order. The school will not administer the first dosage of any medication.

TELEPHONES- If a student needs to use the phone after he/she arrives at school, he/she must obtain permission to use the phone in the Principal's office.

VISITORS-Parents and guardians are encouraged to visit school officials during school hours. Parents are to notify the office of their presence. **Those persons of school age and under are not permitted as guests during regular school hours.**

Missouri school districts are responsible for meeting the educational needs of an increasingly diverse student population by providing a wide range of resources and support to ensure that all students have the opportunity to succeed and be college prepared and career ready. Our school district has programs designed to help meet the unique educational needs of children working to learn the English language, students who are advanced learners, students with disabilities, homeless students, the children of migratory workers, and neglected and delinquent students. For more information, contact Mrs. Lanna Tharp, Superintendent.

In all matters, School Board Policy supersedes student handbooks. Due to policies being updated and changed throughout the year by MSBA, please see the following link to current Board approved policies for the MVBT RIII School District.

<https://simbli.eboardsolutions.com/Policy/PolicyListing.aspx?S=207&Sch=207>

Liberty Middle School

Activities Handbook

PHILOSOPHY

The Board of Education believes that individual students shall have opportunities to grow physically and intellectually through experience in self-discipline and contribution to a team effort made possible through competitive interscholastic athletics. An interscholastic athletic program shall be conducted in the school district to further the development of students as competitors and spectators through friendly interscholastic contests.

PURPOSE

The purpose of the athletic program is to provide experiences that enable the student to achieve established educational objectives. Outlined below are some of the desirable educational goals to be achieved through participation in athletics.

TO DEVELOP FOR THE STUDENT

- Mental and physical strength, endurance, vitality, and neuro-muscular skills.
- Activities that meet the needs, interests, and potential of the student.
- Mental acuity, resourcefulness, and good sportsmanship.
- Emotional control and development of character.
- Acceptable social patterns of individual and group conduct.

TO DEVELOP FOR THE SCHOOL

- A program of extracurricular activities as an integral part of the school curriculum.
- A high standard of school loyalty, student morale, and school spirit.
- Appreciation of extracurricular activities as intelligent and appreciative spectators.

TO DEVELOP FOR THE COMMUNITY

An understanding that the extracurricular activities for pupils has been promoted under conditions which demonstrate to the participant and to the public, the best traditions in sportsmanship, citizenship, and a beneficial school-community relationship.

OBJECTIVES

Participation in athletics means much more than two teams trying to win a contest. Athletics give the student opportunities to develop as a complete human being. At Liberty Middle School, there are specific objectives for the athletic program and the coaches are dedicated to helping the students reach these objectives. By the time an athlete graduates from Liberty Middle School, he or she should be able to:

1. work cooperatively with others.
2. learn from constructive criticism.
3. have self-control in stressful situations.
4. discipline himself/herself.
5. respect teamwork, organization, and unity.
6. appreciate parents, teachers, coaches, and administrators.
7. represent Liberty Middle School in a positive way.
8. value hard work and what hard work accomplishes.
9. develop lasting relationships with others.
10. be physically fit and healthy.
11. respect the rules and the officials who enforce them.
12. feel good about himself/herself as a person.
13. be dependable when given a job to do.
14. value the importance of the community and the importance of participating in community projects.
15. feel proud of Liberty Middle School

INTERSCHOLASTIC ATHLETICS

The interscholastic athletic program of the district will be organized under the following guidelines:

- The athletic program is an integral part of the middle school curriculum and comes under the authority of the principal to the same degree as all other phases of the curriculum.
- Programs of interscholastic athletics will be available to students, and will provide equal access to school facilities; coaching and instruction; scheduling of practice times and games; number of activities at each level of competition; and equipment, supplies, and services.
- The school district is a member of the Missouri State Middle School Activities Association (MSHSAA). In all athletic matters the district will adhere firmly to the rules and regulations of that body, and to the philosophy of interscholastic athletics that the MSHSAA encourages. The eligibility of students to participate in the athletic program shall be determined in accordance with the MSHSAA regulations or eligibility standards above MSHSAA standards as approved by M.V.B.T. policy.
- No student may start practice for any athletic team until he or she has been examined and approved by a physician and until written consent has been obtained from the parent/guardian.
- District participation in interscholastic athletics will be subject to approval by the Board. This will include approval of membership in any leagues, associations or conferences.
- Insurance against accident or injury will be required for students engaged in interscholastic athletics.

DISTRICT-SPONSORED EXTRACURRICULAR ACTIVITIES AND ORGANIZATIONS (Districts Allowing Non-curricular Groups)

The Board of Education believes that student activities sponsored by the school district are a vital part of the total educational program and should be used as a means of developing social interactions, as well as knowledge and skills. The Board further recognizes that not all of the district's goals and objectives can be met in formal classroom study. Therefore, the Board authorizes the use of the district's facilities, employees and funds to provide student extracurricular activities or groups.

The Board directs the district's superintendent meeting to administer the district's extracurricular activities and groups in keeping with this policy and to create administrative procedures to further the district's goals.

Definitions:

All district-sponsored activities, groups and organizations meeting or occurring during non-instructional time will be referred to as extracurricular. However, extracurricular activities and groups will be further categorized as follows for legal purposes:
Co-curricular Activity or Group: A school-sponsored activity or group primarily involving students and occurring outside of academic class time, where:

- The subject matter of the activity or group is or will be taught in a regularly offered class;
- The subject matter of the activity or group concerns the body of courses as a whole;
- Participation in the group is a requirement for a course; or Academic credit is granted for participation.

Non-curricular Activity or Group: School-sponsored activities or groups primarily involving students and meeting outside of academic class time, which are not co-curricular.

General

All extracurricular activities must have a duly-appointed sponsor, advisor or coach who is a district employee. Before assuming the duties of a sponsor, advisor or coach, the district must have on file a recent background check of the employee. It shall be the duty of such individuals to attend all meetings, functions or practices of the various groups, to advise and supervise students, and to keep the building principal informed regarding activities. All district-sponsored extracurricular activities should be included on the school calendar.

All students participating in extracurricular activities or groups are subject to district supervision and discipline. Students must comply with all policies, eligibility requirements, rules and procedures established by the district or established by the Missouri State Middle School Activities Association (MSHSAA), when applicable.

Unless participation is required for an academic course in which the student is enrolled, participation in all extracurricular activities or groups is voluntary.

Pursuant to state law and upon the adoption of a resolution by a majority of the entire Board, the district may designate extracurricular activities that the Board believes presents unusual physical hazards to students. The Board may then authorize the expenditure of school funds to purchase medical insurance covering students while engaged in the activity, if the purchase of insurance would

constitute a financial hardship to the parent/guardian or student.

Exclusion from Activities or Groups

Students may belong to and take part in all extracurricular activities or groups for which they are qualified, regardless of race, color, sex, religion, national origin, ancestry or disability.

Unless participation in a group or activity is required for a course in which the student is enrolled, participation is a privilege, not a right. Students may be excluded from these groups as a disciplinary action, as a consequence for poor performance in school, poor attendance, or otherwise as determined by district administration. A student and/or his or her parents/guardians are not entitled to a hearing solely because the student has been excluded from an extracurricular activity which is not required for a course in which the student is enrolled.

Sunday Activities

No activities for which the school has responsibility shall take place on Sundays except as pre-approved. This includes formal or informal group meetings or activities. This does not apply to graduation services.

Participation in Out-of-School Activities

In order that student groups are afforded the widest range of educational opportunities, it is the policy of the Board of Education to encourage, within reasonable limits, participation in out-of-school activities. It is the general policy of the school not to participate in activities in which commercial advertising and publicity motives are predominant.

Middle School Sports

Fall	Winter	Spring
Volleyball	Girls Basketball	Track & Field
Football	Boys Basketball	Girls Softball
Cross Country		Boys Baseball

South Central Association

Liberty High School competes as a MSHSAA Class 2 & 3 school and is a member of the South Central Association (SCA) conference. Other member schools of the SCA include: Ava, Cabool, Houston, Mountain Grove, Salem, Thayer, and Willow Springs.

Requirements

Of The Coach

- Exemplify the highest moral character, behavior and leadership, adhering to strong ethical and integrity standards.
- Respect the integrity and personality of the individual athlete.
- Abide by and teach the rules of the game in letter and in spirit.
- Set a good example for players and spectators to follow.
- Respect the integrity and judgment of game officials. Treating them with respect, even if you disagree with their judgment, will only make a positive impression of you and your team in the eyes of all people at the event.
- Display modesty in victory and graciousness in defeat in public and in meeting/talking with the media.
- Teach sportsmanship and reward your players that are good sports.
- Be no party to the use of profanity, obscene language, or improper actions.

Of The Student-Athlete

- Accept and understand the seriousness of your responsibility, and the privilege of representing the school and the community.
- Learn the rules of the game thoroughly and discuss them with parents, fans, fellow students, and elementary students.
- Treat opponents the way you would like to be treated, as a guest or friend. Never direct remarks at opponents in a taunting manner.
- Wish opponents good luck before the game and congratulate them in a sincere manner that you would like to be greeted following either a victory or defeat.
- Respect the integrity and judgment of game officials. Treating them with respect, even if you disagree with their judgment, will only make a positive impression of you and your team in the eyes of the officials and all people at the event.
- Respect your teammates on and off the court.
- Support all athletic programs at Liberty Middle School, even those in which you are not involved.

Of The Cheerleaders

- Try to understand the seriousness and responsibility of your role, and the privilege of representing the school and the community.

- Learn the rules of the game thoroughly and discuss them with parents, fans, fellow students, and elementary students. This will assist both them and you in the achievement of a better understanding and appreciation of the game.
- Treat opposing cheerleaders the way you would like to be treated.
- Establish standards of desirable behavior for the squad and attempt in a cheerful manner to transfer that to your spectators.
- Select positive cheers that praise your team without antagonizing the opponents.
- Encourage a positive crowd alternative when booing or an inappropriate chant begins by starting a popular cheer.
- Use discretion in selecting the times to cheer. Treat opposing players like you would treat your own team.
- Give encouragement to injured players and recognition to outstanding performances for both teams.
- Respect the integrity and judgment of game officials. Treating them with respect will make a positive impression of your team and the community, in the eyes of the officials and all people at the event.

Of Spectators

- It is a privilege to observe a contest. Do not abuse this privilege by assaulting others.
- Learn the rules of the game, so that you may understand and appreciate why certain situations take place.
- Show respect for the opposing players, coaches, spectators, and support groups.
- Respect the integrity and judgment of game officials.
- Recognize and show appreciation for an outstanding play by either team.
- Refrain from the use of any controlled substances (alcohol, drugs, etc.) before, during, or after games on or near the site of the event.
- Use only those cheers that support and uplift the teams involved.
- Follow the MSHSAA guidelines for good sportsmanship.

SPORTSMANSHIP IN INTERSCHOLASTIC COMPETITION

The Mountain View-Birch Tree R-III School District believes that student participation in interscholastic competition is a vital part of the total educational program, and should be used as a means for developing wholesome attitudes and good human relations, as well as 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 shall encourage the display of good sportsmanship by students and school district patrons.

The Board shall establish regulations that guarantee the teaching of the principles of good sportsmanship and competition etiquette to students in all physical education courses, as well as to all members of junior varsity and varsity teams, cheerleaders, pep club members, band members, and any students who will represent the district in interscholastic competitions or exhibitions.

Members of the student body, whether participants or spectators, are urged to exhibit exemplary behavior at interscholastic events. These events provide an excellent opportunity to display school spirit, and to show pride in the district. Since interscholastic athletic events are an extension of the classroom, the school discipline code will be enforced in relation to student conduct.

Coaches of all teams will be trained in the methods of establishing policies of good sportsmanship in their players, and they will be considered as role models in this respect.

The district will work with the Missouri State Middle School Activities Association and other organizations to promote good sportsmanship by the patrons of athletic events. The Board will utilize the print and broadcast media to disseminate its policies on good sportsmanship, and will work with parents, alumni associations and local service organizations to keep sportsmanship a top priority.

The Board will establish regulations for crowd control at district events. The regulations will stress the type of exemplary behavior, ethics and integrity that should be exhibited by all players and spectators, and will provide for corrective measures to be taken, when necessary, to maintain an atmosphere conducive to the enjoyment of the event.

Penalties for Unacceptable Fan Behavior

- | | |
|-----------------|---|
| First Offense: | Verbal warning to person or persons involved by supervisor. |
| Second Offense: | Dismissal from the attended activity. Meeting with school administration and a one week suspension from all school related athletic events. |

Third Offense: Meeting with the school administration. Suspension from all school related athletic events for (1) one calendar year.

Fourth Offense: Permanent suspension from all school related athletic events.

The following is a set of standards that all supervisors are to follow when dealing with fan abuse towards an official, opposing team member, coach, or other fan.

- Introduce yourself to the visiting or hosting schools supervisor.
- Any words that are said to be taken on a personal basis as mockery or a threat must be dealt with immediately.
- Any vulgar language or signs made toward an official, opposing team, coach, or fan must be dealt with immediately.
- If a complaint by the opposing team's supervisor is made, address the situation immediately.

Address the following unacceptable behaviors.

- Yelling or waving arms during opponent's free throw attempt
- Disrespectful or derogatory yells, chants, songs or gestures.
- Booming / heckling an official's decision.
- Criticizing officials in any way and / or displays of temper with an official's call.
- Yells that antagonize opponents or fans
- Blaming loss of game on officials, coaches, or participants.
- Laughing or name calling to distract an opponent.
- Use of profanity or displays of anger that draw attention away from the game.

Liberty Middle School Student Eligibility Standards

ELIGIBILITY FOR SCHOOL ACTIVITIES-Liberty Middle School is a member of the Missouri State High School Activities Association. To participate in activities with other schools, a student must meet the requirements set forth by the Missouri State High School Activities Association and the Mountain View-Birch Tree Board of Education. Eligibility to participate in school activities is a privilege and not an inherent right.

Each coach will review eligibility standards and procedures with students during the first week of practice. All students who intend to participate in the athletic program must:

- I:**
1. Pass a physical examination beginning of their 6th and 8th grade year. All transfer students must have updated physicals.
 2. Obtain written permission from their parents
 3. Have and show proof of insurance
 4. Must meet the following eligibility requirements:

II: 1. Students must earn a minimum of 3.0 credits from the previous semester.

2. Summer school **will not** be used to regain eligibility. This means you cannot fail more than one class.

III: If you owe any make-up hours, you will not be able to attend or participate in any extra-curricular activities (including practice). If you have an "F" and your activity leaves during the school day or you will miss school, you will not be allowed to leave with your team/activity. You must ride with the team/group in order to participate unless authorized ahead of time by the A.D.

IV: Per Board of Education policy, a student's account which includes the breakfast and lunch bills must be under \$50.00 in order for him/her to attend extracurricular activities or to have a payment plan in place with the building principal.

Citizenship Standards

Students who represent themselves and the school in school activities should exemplify good citizenship. Students are expected to work in a cooperative effort with those involved in an activity. They should obey all school rules and regulations. Students, who do not, will be removed from the activity.

Students, while under the auspices of school domain, who are guilty of the use, possession, distribution, transfer, and/or sale of alcohol, narcotic or noxious substances, counterfeit drugs, drug paraphernalia, depressants, stimulants, or hallucinogens of any type shall be ruled ineligible to represent the school in any extra-curricular activities for at least a semester.

A student who is guilty of a law violation will not be considered a credible citizen. The student will be subject to a penalty/suspension, immediately following the infraction, in proportion to the degree of the offense. This penalty will be determined

by the coach/sponsor, athletic director, and building principal.

Suspension

Out of School Suspension (OSS)

During out of school suspension, all extra-curricular privileges are also suspended. A student will not be eligible to participate in any school activities until he or she has returned to regular school classes.

In-School Suspension (ISS)

During the time period of in-school suspension, all extracurricular privileges are also suspended. A student who completes their in school suspension period at the close of a school day will be eligible to participate after school that day.

Specific Rules for Each Activity

Each coach, director, or sponsor will have specific rules and expectations for an activity. Because of club by-laws, constitutions, physical conditioning or training, safety procedures, tryout and practices, it is necessary for coaches, directors or sponsors to design specific regulations to accommodate the variables in each activity.

Students are expected to adhere to the specific rules of each activity. These rules shall coincide with MSHSAA, conference and local school policy. They shall meet administrative approval.

In most cases the information will be presented to the student in writing. The student will be asked to sign a contractual agreement to participate. Usually the agreement will state the rules and ask the student to sign, indicating they agree to abide by the rules.

The specific rules contract will outline the disciplinary action to be taken should these rules be violated.

Expectations for all Interscholastic Activities:

Students who participate in interscholastic activities are expected to adhere to the following local school expectations:

- Medical Exams and Insurance Coverage -- All athletes and cheerleaders must have completed the MSHSAA participation certificate that includes a necessary examination by a medical physician, student-covered insurance verification, student information and parent(s) permission to participate. This form shall be completed, including proper signatures, and turned into the coach or sponsor before the student is permitted to practice or play.
- Students are Responsible for Issued Equipment -- Students will pay for abuse and destruction of any school equipment. They are financially responsible for all equipment or gear issued by the school that is not properly returned. Payment or return of gear must be made before a student progresses from that sport or activity to the next sport or activity season. Uniforms and practice gear are expected to be worn only for the purposes for which they have been issued.
- Missing Class on the Day of a Contest -- If a student misses a full day of class on the day of a contest without being excused by the principal, he or she will not be considered eligible to participate on that date. (Circumstances such as doctor appointments, family illnesses or funerals should be cleared through the principal before the day of the contest.)
- Illness, Injuries and First Aid Treatment -- All medical and first aid treatment necessary during practice or play shall be administered under direct supervision of the sponsor or coach. A student who becomes injured or ill during practice or play should report the circumstances to the coach or sponsor immediately. Any student taking medication while participating should inform the coach or sponsor of such circumstances.
- Conduct and Transportation to Activities -- Conduct and general appearance to and from away activities will be as such as to not bring disgrace or embarrassment to coaches, sponsors, team, group or school. Students are expected to ride school-provided transportation to the activities. At the sponsor's or coach's discretion, students may ride home with their parent(s) (parents only) providing the parent(s) come to the coach or sponsor, personally communicate about such action, and sign a note giving permission. No participating student is permitted to drive to an away activity. (Violators are subject to removal from the activity for the season.)
- No Practice or Performance Without Supervisor -- No school activity practice or performance shall be held without a sponsor or coach. No student should attempt to practice or play unless the coach or sponsor is there to supervise. Students are not to begin warm-ups or workouts before the coach or sponsor arrives. For safety reasons students are not to use school equipment without proper supervision. (Violators are subject to removal from the activity.)

Requirements for MSHSAA Activities

Students who participate in interscholastic activities shall also meet the Missouri State High School Activities Association student eligibility standards.

Your years in middle school will be highlighted by your participation on one of your school's athletic teams. These will be some of the most enjoyable years of your young life. During this time, your school will have local school requirements that you must comply with in order to be eligible to compete. Also, your state association - The Missouri State Middle School Activities Association - has essential eligibility requirements that you must meet in order to maintain your eligibility.

Information contained in this pamphlet will acquaint you with the major rules and regulations you must follow in order to maintain and protect your high school eligibility. Any questions you have concerning these essential requirements or with your athletic eligibility should be checked with your school principal or athletic administrator, who has a complete copy of all MSHSAA eligibility requirements.

The MSHSAA's eligibility requirements have been voted on by member schools and were adopted by your school when it became an association member. If there are rules which you don't understand, ask your principal or athletic administrator to explain them to you.

Knowing and following all these requirements will enable you to maintain and protect your high school eligibility. Also, it is important for you to know that you must meet all the essential requirements in order to be eligible, as no one requirement is more important than another.

Finally, the MSHSAA urges you - the student-athlete - to study these rules carefully. We want you to enjoy these years.

1. Bona Fide Student

In order to represent your school, you must be a bona fide student and meet all eligibility requirements. You must be enrolled and regularly attending classes at the member school and meet the academic requirements in MSHSAA By-Law 213 and those of your local school.

2. Citizenship

You must be a creditable citizen. Creditable citizens are those students whose conduct - both in school and out of school - will not reflect discredit upon themselves or their school.

3. Academics

- You must have earned, the preceding semester of attendance, a minimum of 2.50 units of credit or have earned credit in 70 percent of the maximum allowable classes in which any student can be enrolled in the semester, whichever is greater.
- For your current semester, you must be enrolled in, and regularly attending, courses that offer 2.5 units of credit or 70 percent of the maximum allowable credits which may be earned, whichever is greater.
- Credits earned or completed after the close of the semester or in summer school will not fulfill this requirement. Summer school courses for academic eligibility may count provided the course is necessary for graduation or promotion (no electives) and it is placed on the school transcript. No more than one credit in summer school shall be counted toward eligibility.
- If you are a beginning ninth grade student, you must have been promoted at the close of the previous school year.
- You must be making satisfactory progress toward graduation as determined by your local school's policies.
- Do not drop courses without first consulting with your school principal or athletic administrator to determine whether it will affect your eligibility.
- Grades 7-8: You must have been promoted to a higher grade prior to the first day of classes for the new school year. However, you will be ineligible if you failed more than two courses the previous quarter. Summer school may be used to have eligibility reinstated.

4. Residence Requirements

A middle school student may be eligible at the public or nonpublic school located in the district in which the student's parents reside.

5. Transferring Schools

- If you transfer schools and your parents do not move into the district of your new school, you will be ineligible for 365 days - unless you meet one of the exceptions listed in the MSHSAA Residence and Transfer Rules.
- If you move with your parents to your new school district, you will be eligible at your new school provided you were eligible in all other respects at your former school. A student shall not be eligible to represent two different schools in the MSHSAA state tournament series in the same sport during the same season.
- You and your parents must move to the new residence at the same time.
- Always check with your school principal before you transfer to determine whether it will affect your eligibility.
- Discipline follows the student to the new school. Transferring while under suspension will cause you to be ineligible for 365 days.

6. Participation Limits

- **Grades 7-8:** You are eligible for only your first two semesters of attendance in the seventh grade and for only your first two semesters in the eighth grade.
- You are not eligible to compete with or against students enrolled in the tenth grade or above when you are enrolled in either the seventh or eighth grade.
- **Sixth Grade & Below:** A student enrolled in the sixth grade or below shall not be eligible to participate in interscholastic athletics with or against students enrolled in grades seven and/or eight, except in cases where the student attains the age of 13 prior to July 1 preceding the opening of school. A violation of this rule shall subject the school to penalty in addition to affecting the eligibility of the player.

7. Entering School

You must enter school within the first 11 days of the semester in order to be eligible.

8. Amateur and Awards Standards

- After entering a member school, you will become ineligible in the sport concerned if you receive cash for participating in an athletic contest. This restriction applies to all sports in which MSHSAA member schools conduct interscholastic programs (Note: Merchandise shall not exceed \$25 suggested retail price).
- You may accept awards which are symbolic in nature, such as medals, ribbons, trophies, plaques, etc. for participating in a school athletic program.
- You may accept awards which are merchandise and such award shall not exceed \$25 in the suggested manufacturer's retail price.
- Awards as described above presented by a person or group other than your school, must be approved in advance by your school principal and the suggested manufacturer's retail price of a merchandise award shall not exceed \$25.
- You may accept awards for participating in non-school sponsored athletic competition only if the awards are symbolic in nature of the merchandise item does not exceed \$25.00 in suggested retail value.
- Commemorative jewelry may be presented by the school. (i.e. championship ring).

9. Age Limits

- Grades 7-8: In order to participate on or against teams made up of only seventh-graders, you must not have reached 14 years of age prior to July 1 preceding the opening of school.
- Grades 7-8: In order to participate on or against teams made up of only eighth-graders, you must not have reached 15 years of age prior to July 1 preceding the opening of school.
- In order to participate on or against teams made up of only ninth-graders, you must not have reached 16 years of age prior to July 1 preceding the opening of school.
- However, you may participate with the next higher grade when you no longer meet the age limit for you grade.

10. Playing under a false name

If you compete under an assumed or false name, you immediately become ineligible.

11. Non-School Competition

- You may not practice for or participate with a non-school team or in any organized non-school athletic competition and for your school team in the same sport during the same season.
- You may participate on a school team and a non-school team in different sports during the same season; however, you may not practice for the non-school team or participate in organized non-school athletic competition on the same day that you practice with or participate for the school team without prior approval of your school administrator.
- You must receive approval in advance from your school principal in order to miss school time to practice for, travel to or compete in organized non-school athletic competition.
- You may not play at any time on an organized non-school basketball, football, or volleyball team made up only of members of your school team unless: a) the teams are nontraditional as defined in 235.2-b with limits to out of season; or b) during the summer months when there is no limit on team rosters/line-ups (235.2-b).
- You will become ineligible in any sport in which you play as a member of a junior college, college or university team.
- You may participate in international competition during the school year, however, the competition must meet the established criteria published in the MSHSAA Official Handbook and must be approved in advance by the MSHSAA Board of Directors.
- Before you join a non-school team or enter any non-school competitive athletic event, your school principal or athletic administrator should be consulted to make certain these standards are met.

12. Transfer for Athletic Reasons

You shall become ineligible for 365 days if you transfer to another school for athletic reasons defined in MSHSAA By-Law 238.

13. Sports Camps/Clinics

- You may attend a specialized summer athletic camp(s)/clinic(s) where you receive instruction or coaching from a member of your school's coaching staff for a maximum of two calendar weeks in any one sport. A calendar week for any sports comp is defined as any seven consecutive days and any consecutive grouping of days shall be counted as one calendar week.
- You may attend a non-school sponsored summer specialized sports camp(s) or group instruction for as long as you wish where you do not receive instruction or coaching from a member of your school's coaching staff.
- You may attend a non-school sponsored specialized sports camp(s) or group instruction during the school year provided it does not result in any loss of school time; attendance does not occur within 14 days of the start of the school sport season for the sport concerned; it is not a team camp; and no member of the coaching staff of the school you attend or will attend the following year is involved in any way.
- Before attending any specialized athletic camp(s)/clinic(s) or group sport instruction, you should consult with your school principal or athletic administrator to make sure it meets the criteria published in the MSHSAA Official Handbook.
- You or your parents must pay all camp/clinic fees, tuition and other related expenses.

14. Sportsmanship

- If you should commit an unsportsmanlike act while participating in a middle school event, you could become ineligible.
- If your conduct as a spectator is found to be unsportsmanlike, you could be barred from attending any middle school athletic contests.
- The unsportsmanlike conduct of any spectator - regardless of age - could cause that spectator to be barred from attending school athletic contests.

15. Foreign Student Eligibility

- You are eligible for varsity competition for one year only, provided you are participating in an exchange program listed by CSIET.
- No person associated with the school may be involved in your selection.
- No member of the school's coaching staff shall serve as a host family.
- You must meet the age requirement of not reaching age 19 prior to July 1.
- You must possess a current and valid visa.
- You must have enrolled within the first 11 days of the semester.
- You must meet all other general student-eligibility requirements.
- If you meet all standards of eligibility except a CSIET program, you are eligible for only sub-varsity competition.

Conflict/Issue Resolution

- The following information explains the procedures utilized at Liberty Middle School to resolve the differences of opinion that might arise on various issues concerning athletic activities.
- We encourage communication between students, parents and coaches. We believe everyone is entitled to his or her opinion and respect that right. However, our policy is that parents or patrons shall schedule a conference with the coach to discuss their differences concerning the issues involved. We have established this policy on all sports activities due to the following factors.
- Coaches are involved in game planning, the transition process between games, and decision making processes during pre-game, and the game and do not have the time to discuss the issues nor want to be distracted from the game situations, preparation, and decisions.
- Coaches are involved in many situations after the games that do not present the most desirable atmosphere for a discussion of the issues. This includes post-game conferencing with the team, coaches, individual players, officials, checking equipment, calling in results to the media, and securing supplies, equipment, and the facility.
- Issues are best resolved in a one on one private conference after some time has lapsed since the issues occurred. This usually negates some of the emotionalism involved in the issues of the situations involved on game night and presents the opportunity for the issues to be discussed in a more positive setting. All conferences will be scheduled through the middle school principal's office.
- These differences of opinion on the issues should not be discussed in front of a crowd or the team, since it usually solves nothing and instead creates additional problems as well as being a negative distraction from the primary purposes of the athletic event.

Hopefully, the above policy will avoid problems and embarrassing situations and more successfully lead to a resolution of the problems or issues that may arise.

ALL DISTRICT POLICIES AND PUBLIC COMPLAINT FORM CAN BE FOUND ON THE SCHOOL'S WEBSITE @ www.mvbt.k12.mo.us.

ANNUAL NOTIFICATION OF DIRECTORY INFORMATION

1. "Directory Information" is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The school district designates the following items as "Directory Information:"

a) Students in kindergarten through eighth grade- Student's name; parent's name; date and place of birth; grade level; bus assignment; enrollment status (e.g., full-time or part-time); participation in school-based activities and sports; weight and height of members of athletic teams; dates of attendance; honors and awards received; artwork or course work displayed by the district; most recent previous school attended; and photographs, videotapes, digital images and recorded sound unless such photographs, videotapes, digital images and recorded sounds would be considered harmful or an invasion of privacy.

b) High school and vocational school students-Student's name; parent's name; address; telephone number; date and place of birth; grade level; bus assignment; enrollment status (e.g., full-time or part-time); participating in school-based 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 district; most recent previous school attended; and photographs, videotapes; digital images and recorded sounds unless such photographs, videotapes, digital images and recorded sound would be considered harmful or an invasion of privacy.

2. The district shall annually notify parents of students currently in attendance and eligible students currently in attendance of the "Directory Information" the district will release. Parents or eligible students will have ten (10) school days after the annual public notice to view the student's "Directory Information" and to provide notice in writing to the school district that they choose to not have this information or any portion of the "Directory Information" without the parent's or eligible student's prior written consent including in print and electronic publications of the school district.

3. "Directory Information" is considered a "public record" which must be released by the district to any person who requests it under the Missouri Sunshine Law, section 610.010 - .030, RSMo.

4. At various times throughout the school year "Directory Information" will be used and released in the making of extracurricular and co-curricular pamphlets and programs (such as a basketball tournament program). If such programs are sold to the patrons attending the event then the information will be used for marketing purposes.

ACT TESTING for SCHOOL YEAR

All students in grades 9-12 are encouraged to take the ACT test more than one time. To assist students in taking the test, the following guidelines have been approved.

- 1.** Students in grades 7-12 may take the test in any testing month, September, October, December, February, and April. at Liberty High School
- 2.** Students in grades 9 and 10 will pay for the ACT test each time they take the test.
- 3.** Students in grades 9-10 will be reimbursed for the test if they meet the following criteria.
 - a)** Attend at least 4 of the test preparatory sessions before and/or after school. These sessions will take place during the two weeks prior to the test date (dates will be reported in the daily announcements).
 - b)** Students must score at or above a 21 on the test given at Liberty High School
- 4.** Students in grades 11-12 will be allowed to take the test at the district's expense during the test months of December and April if they meet the following criteria
 - a)** Students must be enrolled in the ACT test class during the semester they plan to take the test or
 - b)** Attend at least 4 of the test preparatory sessions before and/or after school. These sessions will take place during the two weeks prior to each test date (dates will be reported in the daily announcements).
- 5.** Students in grades 11-12 will be reimbursed for the test during the other months if they score at or above a 21 on the test given at Liberty High School (and attend 4 prep sessions).
- 6.** Reimbursement for the test will be the amount for the regular registration (no late registration fee will be reimbursed by the district.)

BULLYING INCIDENT REPORT FORM

If you have been the target of bullying or have witnessed the bullying of a District student, complete this form and submit to the building principal. Complaints against building principals should be submitted to the Superintendent. Complaints against the Superintendent should be submitted to the Board of Education. Reports of bullying will be investigated and disciplinary actions will be taken as warranted.

Date Filed: _____ Your Name: _____

Phone Number(s): _____

Indicate the appropriate response to the following with a check mark(s):

You are a : _____ Student _____ Parent _____ Employee _____ Volunteer

Date(s) of alleged bullying: _____

Name of Student(s) subject to bullying: _____

Person(s) alleged to have committed the bullying or harassment: _____

Summarize the incident(s) or occurrence(s) of bullying as accurately as possible. Attach additional sheets or use the back side of the form if necessary.

Names of Witnesses: _____

Have you reported this to anyone else: _____ Yes _____ No. If so who? _____

*Signature of Complainant: _____

*Student have the right to complete this form anonymously. However, it will be easier for the District to investigate this matter if as much information as possible is provided. Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning, or working environment. A complainant that falsely accuses someone will be subject to disciplinary action.

This Section is for use of District Administration

Date Received by Principal: _____

Investigative Action taken: _____

Result of investigation/Action taken: _____

Signature of Principal: _____

**NO CHILD LEFT BEHIND,
PARENT RIGHT TO KNOW:**

Our district is required to inform you of certain information that you, according to The No Child Left Behind Act of 2001 (Public Law 107-110), have the right to know.

Upon your request, our district is required to provide to you in a timely manner, the following information:

- Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
- Whether the teacher is teaching under emergency or other provisional status through which state qualifications or licensing criteria have been waived.
- Whether your child is provided services by para-professionals and, if so, their qualifications.
- What baccalaureate degree major the teacher has and any other graduate certification or degree held by the teacher, and the field of discipline of the certification. In addition to the information that parents may request, districts must provide to each individual parent
- Information on the achievement level of the parent's child in each of the state academic assessments as required under this part; and
- Timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by a teacher who is not highly qualified.

Missouri Department of Elementary and Secondary Education Every Student Succeeds Act of 2015 (ESSA) COMPLAINT PROCEDURES

This guide explains how to file a complaint about any of the programs¹ that are administered by the Missouri Department of Elementary and Secondary Education (the Department) under the Every Student Succeeds Act of 2015 (ESSA)².

Missouri Department of Elementary and Secondary Education Complaint Procedures for ESSA Programs Table of Contents	
General Information 1. What is a complaint under ESSA? 2. Who may file a complaint? 3. How can a complaint be filed?	
Complaints filed with LEA 4. How will a complaint filed with the LEA be investigated? 5. What happens if a complaint is not resolved at the local level (LEA)?	Complaints filed with the Department 6. How can a complaint be filed with the Department? 7. How will a complaint filed with the Department be investigated? 8. How are complaints related to equitable services to nonpublic school children handled differently?
Appeals 9. How will appeals to the Department be investigated? 10. What happens if the complaint is not resolved at the state level (the Department)?	

1. What is a complaint?

For these purposes, a complaint is a written allegation that a local education agency (LEA) or the Missouri Department of Elementary and Secondary Education (the Department) has violated a federal statute or regulation that applies to a program under ESSA.

2. Who may file a complaint?

Any individual or organization may file a complaint.

3. How can a complaint be filed?

Complaints can be filed with the LEA or with the Department.

4. How will a complaint filed with the LEA be investigated?

Complaints filed with the LEA are to be investigated and attempted to be resolved according to the locally developed and adopted procedures.

5. What happens if a complaint is not resolved at the local level (LEA)?

A complaint not resolved at the local level may be appealed to the Department.

¹ Programs include Title I, A, B, C, D, Title II, Title III, Title IV.A, Title V Revised 4/17 ²In compliance with ESSA Title VIII- Part C. Sec. 8304(a)(3)(C)

Local education agencies are required to disseminate, free of charge, this information regarding ESSA complaint procedures to parents of students and appropriate private school officials or representatives.

6. How can a complaint be filed with the Department?

A complaint filed with the Department must be a written, signed statement that includes: 1. A statement that a requirement that applies to an ESSA program has been violated by the LEA or the Department, and
2. The facts on which the statement is based and the specific requirement allegedly violated. **7. How will a**

complaint filed with the Department be investigated?

The investigation and complaint resolution proceedings will be completed within a time limit of forty-five calendar days. That time limit can be extended by the agreement of all parties.

The following activities will occur in the investigation:

- 1. Record.** A written record of the investigation will be kept.
- 2. Notification of LEA.** The LEA will be notified of the complaint within five days of the complaint being filed.
- 3. Resolution at LEA.** The LEA will then initiate its local complaint procedures in an effort to first resolve the complaint at the local level.
- 4. Report by LEA.** Within thirty-five days of the complaint being filed, the LEA will submit a written summary of the LEA investigation and complaint resolution. This report is considered public record and may be made available to parents, teachers, and other members of the general public.
- 5. Verification.** Within five days of receiving the written summary of a complaint resolution, the Department will verify the resolution of the complaint through an on-site visit, letter, or telephone call(s).
- 6. Appeal.** The complainant or the LEA may appeal the decision of the Department to the U.S. Department of Education.

8. How are complaints related to equitable services to nonpublic school children handled differently?

In addition to the procedures listed in number 7 above, complaints related to equitable services will also be filed with the U.S. Department of Education, and they will receive all information related to the investigation and resolution of the complaint. Also, appeals to the United States Department of Education must be filed no longer than thirty days following the Department's resolution of the complaint (or its failure to resolve the complaint).

9. How will appeals to the Department be investigated?

The Department will initiate an investigation within ten days, which will be concluded within thirty days from the day of the appeal. This investigation may be continued beyond the thirty day limit at the discretion of the Department. At the conclusion of the investigation, the Department will communicate the decision and reasons for the decision to the complainant and the LEA. Recommendations and details of the decision are to be implemented within fifteen days of the decision being delivered to the LEA.

10. What happens if a complaint is not resolved at the state level (the Department)?

The complainant or the LEA may appeal the decision of the Department to the United States Department of Education.

Mountain View-Birch Tree R-III School District
502 N. Elm Street, Mountain View, MO 65548

Dear Parent,

Asbestos is an issue we have been dealing with for many years. The Asbestos Hazard Emergency Response Act of 1986 (referred to as AHERA), was enacted recently by Congress. AHERA was enacted to determine the extent of and develop solutions for any problems schools may have with asbestos.

To give you some background, asbestos has been used as a building material for many years. It is a naturally occurring material that is mined primarily in Canada, South Africa, and the U.S.S.R. Asbestos' properties made in an ideal building material for insulation, sound absorption, decorative plasters, and different products made using asbestos materials. EPA began to limit its uses of asbestos products in 1973.

In October 2010, we had our facilities inspected by a certified asbestos inspector, as required by AHERA. The inspector located, sampled, and rated the conditions and hazard potential of all material in our facilities suspected of containing asbestos. The inspection and laboratory analysis records were turned over to a certified management plan writer to develop an asbestos management plan.

An asbestos management plan was developed for our facilities which require this notification letter to be sent home with students annually. The plan also contains procedures designed to minimize the disturbance of the asbestos containing materials, and plans for regular surveillance of the asbestos-containing materials. Our next inspection will be in 2013.

A copy of the asbestos management plan is available for your inspection in our administrative offices during regular office hours. Mr. Ryan Chowning is our Asbestos Program Manager and all inquiries regarding the plan should be directed to him.

We are intent on not only complying with, but exceeding, federal steps necessary to ensure that your children and our employees have a healthy, safe environment in which to learn and work.

Lanna Tharp, Superintendent

Mountain View-Birch Tree R-III School District **PUBLIC NOTICE**

All responsible public agencies are required to locate, evaluate, and identify children with disabilities who are under the jurisdiction of the agency, regardless of the severity of the disability, including children attending private schools, children who live outside the district but are attending a private school within the district, highly mobile children, such as migrant and homeless children, children who are wards of the state, and children who are suspected of having a disability and in need of special education even though they are advancing from grade to grade.

The Mountain View-Birch Tree R-III School District assures that it will provide a free, appropriate public education (FAPE) to all eligible children with disabilities between the ages of 3 and 21 under its jurisdiction. Disabilities include autism, deaf/blindness, emotional disorders, hearing impairment and deafness, intellectual disability, multiple disabilities, orthopedic impairment, other health impairments, specific learning disabilities, speech or language impairment, traumatic brain injury, visual impairment/blindness and young child with a developmental delay.

The Mountain View-Birch Tree R-III School District assures that it will provide information and referral services necessary to assist the State in the implementation of early intervention services for infants and toddlers eligible for the Missouri First Steps program.

The Mountain View-Birch Tree R-III School District assures that personally identifiable information collected, used, or maintained by the agency for the purposes of identification, evaluation, placement or provision of FAPE of children with disabilities may be inspected and/or reviewed by their parents/guardians. Parents/guardians may request amendment to the educational record if the parent/guardian believes the record is inaccurate, misleading, or violates the privacy or other rights of their child. Parents have the right to file complaints with the U.S. Department of Education or the Missouri Department of Elementary and Secondary Education concerning alleged failures by the district to meet the requirements of the Family Educational Rights and Privacy Act (FERPA).

The Mountain View-Birch Tree R-III School District has developed a Local Compliance Plan for the implementation of State Regulations for the Individuals with Disabilities Education Act (IDEA). This plan contains the agency's policies and procedures regarding storage, disclosure to third parties, retention and destruction of personally identifiable information and the agency's assurances that services are provided in compliance with the General Education Provision Act (GEPA). This plan may be reviewed at the Mountain View-Birch Tree R-III School District's Central Office. Please call 417-934-5408 to schedule a time to review this plan. This notice will be provided in native languages as appropriate.

Revised August 15, 2013

PUBLIC COMPLAINTS

The Board recognizes that situations of concern to parents/guardians or the public may arise in the operation of the district. Such concerns are best resolved by addressing them at the level where the concern originated through communication with the appropriate staff members. The administration has developed procedures for addressing those issues, copies of which are available at each building. Any concern regarding federal programs administered by the Missouri Department of Elementary and Secondary Education (DESE) may also be appealed to DESE or the United States Department of Education as permitted or required by law.

If a complaint has been made and appealed in accordance with administrative procedures, the parent/guardian or member of the public may appeal the issue to the Board by submitting a written request to the superintendent or the secretary of the Board. The Board will address the complaint in an appropriate and timely manner.

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

Adopted: 12/16/1993 Revised: 12/11/2003

Cross Refs: AC, Nondiscrimination and Anti-Harassment

BDDH, Public Participation at Board Meetings

GBM, Staff Complaints and Grievances

IGBCA, Programs for Homeless Students

JFH, Student Complaints and Grievances

Legal Refs: No Child Left Behind Act of 2001, P.L. 107-110

Mountain View-Birch Tree R-III School District, Mountain View, Missouri

EDUCATING MISSOURI'S HOMELESS CHILDREN WHO IS HOMELESS?

(Adapted from the McKinney-Vento Homeless Assistance Act of 2011—title X, Part C of the No Child Left Behind Act of 2001, Sec. 725)

The term homeless children and youth -Means individuals who lack a fixed, regular and adequate nighttime residence. Includes:

1. children and youths who are sharing the housing of others due to a loss of housing, an economic hardship or a similar reason; are living in motels, hotels, trailer parks or campgrounds due to a lack of alternative accommodations; are living in emergency or transitional shelter; are abandoned in hospitals; or are awaiting foster-care placement.
2. children and youth who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, regular sleeping accommodations 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 qualify as homeless for the purposes of this definition because the children are living in circumstances described in clauses 1 through 3

If the residence is not fixed, regular and adequate, it is considered a homeless situation.

EDUCATIONAL RIGHTS

Under the McKinney-Vento Act, children in homeless situations have:

- The right to immediate enrollment in school even if they lack the paperwork normally required for enrollment.
- The right to attend school at their school of origin (if feasible and requested by the parent) or at the school in the attendance area where the family or youth is currently residing.
- The right to receive transportation to the school of origin if requested by the parent.
- The right to services comparable to those received by housed schoolmates including transportation and supplemental educational services.
- The right to attend school along with children not experiencing homelessness. Segregation based on a student's status as homeless is strictly prohibited.
- The right to have their rights posted in all schools and in other places in the community.

HOMELESS COORDINATOR

Barbara Medina 417-934-5408

EMERGENCY PROCEDURES-Students will go to a specified location as directed by the teacher and the emergency procedure map located in each classroom. .

TORNADO: Tornado

FIRE: Fire

EARTHQUAKE: Earthquake

INTRUDER : Lock Down

***ANNOUNCEMENT WILL BE MADE TO THE TEACHERS/STUDENTS ABOUT THE NATURE OF THE EMERGENCY AT HAND**

Earthquake Safety For Missouri's Schools

The New Madrid Seismic Zone Extends 120 Miles Southward from the area of Charleston, Missouri, and Cairo, Illinois, through New Madrid and Caruthersville, following Interstate 55 to Blytheville and on down to Marked Tree, Arkansas. The NMSZ consists of a series of large, ancient faults that are buried beneath thick, soft sediments. These faults cross five state lines and cross the Mississippi River in three places and the Ohio River in two places.

The New Madrid Seismic Zone and surrounding region is Active, Averaging More than 200 Measured Events per Year (Magnitude 1.0 or greater), about 20 per month. Tremors large enough to be felt (Magnitude 2.5 – 3.0) are noted every year. The fault releases a shock of 4.0 or more, capable of local minor damage, about every 18 months. Magnitudes of 5.0 or greater occur about once per decade. They can cause significant damage and be felt in several states.

The Highest Earthquake Risk in the United States outside the West Coast is in the New Madrid Seismic Zone. Damaging temblors are not as frequent as in California, but when they do occur, the destruction covers over more than 20 times the area due to the nature of geologic materials in the region. The 1968 5.5 magnitude Dale, Illinois earthquake toppled chimneys and caused damage to unreinforced masonry in the St. Louis area, more than 100 miles from the epicenter. A 5.2 magnitude earthquake in April 2008 in southeast Illinois, did not cause damage in Missouri, but was felt across much of the state.

A Damaging Earthquake in this Area, which experts say is about a 6.0 magnitude event, occurs about once every 80 years (the last one in 1895 was centered near Charleston, Missouri). There is estimated to be a 25-40% chance for a magnitude 6.0 – 7.5 or greater earthquake along the New Madrid Seismic Zone in a 50-year period according to the U.S. Geological Survey reports. The results would be serious damage to unreinforced masonry buildings and other structures from Memphis to St. Louis. We are certainly overdue for this type of earthquake!

A Major Earthquake in this Area - the Great New Madrid Earthquake of 1811-12 was actually a series of over 2000 shocks in five months, with several quakes believed to be a 7.0 Magnitude or higher. Eighteen of these rang church bells on the Eastern seaboard. The very land itself was destroyed in the Missouri Bootheel, making it unfit even for farming for many years. It was the largest release of seismic energy east of the Rocky Mountains in the history of the U.S. and was several times larger than the San Francisco quake of 1906.

When Will Another Great Earthquake the Size of Those in 1811-12 Happen? Several lines of research suggest that the catastrophic upheavals like those in 1811-12 visit the New Madrid region every 500-600 years. Hence, emergency planners, engineers, and seismologists do not expect a repeat of the intensity of the 1811-12 series for at least 100 years or more. However, even though the chance is remote, experts estimate the chances for a repeat earthquake of similar magnitude to the 1811-1812 New Madrid earthquakes over a 50-year period to be a 7 - 10% probability.

What Can We Do to Protect Ourselves? Education, planning, proper building construction, and preparedness are proven means to minimize earthquake losses, deaths, and injuries. **Prepare a Home Earthquake Plan**

Choose a safe place in every room--under a sturdy table or desk or against an inside wall where nothing can fall on you.

Practice DROP, COVER AND HOLD ON at least twice a year. Drop under a sturdy desk or table, hold onto the desk or table with one hand, and protect the back of the head with the other hand. If there's no table or desk nearby, kneel on the floor against an interior wall away from windows, bookcases, or tall furniture that could fall on you and protect the back of your head with one hand and your face with the other arm.

Choose an out-of-town family contact.

Take a first aid class from your local Red Cross chapter. Keep your training current.

Get training in how to use a fire extinguisher from your local fire department.

Inform babysitters and caregivers of your plan.

Eliminate Hazards

Consult a professional to find out additional ways you can protect your home, such as bolting the house to its foundation and other structural mitigation techniques.

Bolt bookcases, china cabinets and other tall furniture to wall studs.

Install strong latches on cupboards.

Strap the water heater to wall studs.

Prepare a Disaster Supplies Kit for Home and Car

First aid kit and essential medications.

Canned food and can opener.

At least three gallons of water per person.

Protective clothing, rain wear, and bedding or sleeping bags.

Battery-powered radio, flashlight, and extra batteries.

Special items for infant, elderly, or disabled family members.

Written instructions for how to turn off gas, electricity, and water if authorities advise you to do so. (Remember, you'll need a professional to turn natural gas service back on.)

Keeping essentials, such as a flashlight and sturdy shoes, by your bedside.

Know What to Do When the Shaking BEGINS

DROP, COVER AND HOLD ON! Move only a few steps to a nearby safe place. Stay indoors until the shaking stops and you're sure it's safe to exit. Stay away from windows.

In a high-rise building, expect the fire alarms and sprinklers to go off during a quake.

If you are in bed, hold on and stay there, protecting your head with a pillow.

If you are outdoors, find a clear spot away from buildings, trees, and power lines. Drop to the ground.

If you are in a car, slow down and drive to a clear place (as described above). Stay in the car until the shaking stops.

Know What to Do AFTER the Shaking Stops

Check yourself for injuries. Protect yourself from further danger by putting on long pants, a long-sleeved shirt, sturdy shoes, and work gloves.

Check others for injuries. Give first aid for serious injuries.

Look for and extinguish small fires. Eliminate fire hazards. Turn off the gas if you smell gas or think it's leaking. (Remember, only a professional should turn it back on.)

Listen to the radio for instructions

Expect aftershocks. Each time you feel one, DROP, COVER, AND HOLD ON!

Inspect your home for damage. Get everyone out if your home is unsafe.

Use the telephone only to report life-threatening emergencies.

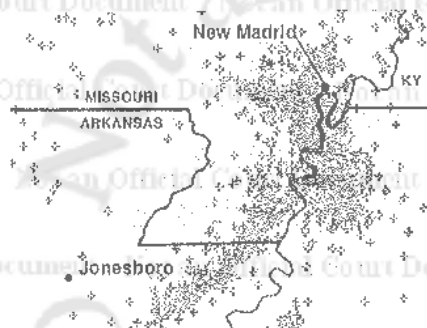
The information contained in the flier was extracted from the American Red Cross website http://www.redcross.org/services/prepare/0,1082,0_241_00.html, Missouri State Emergency Management Agency website (<http://sema.dps.mo.gov/EQ.htm>) and the Federal Emergency Management Agency website (<http://www.fema.gov/hazard/earthquake>).

This flier could be distributed by school districts to each student annually to satisfy the requirements of RSMo 160.455

Earthquakes in Missouri

The highest earthquake risk in the United States outside the West Coast is in the New Madrid Seismic Zone, centered in southeast Missouri's Bootheel. Damaging earthquakes are not as frequent as in California, but when they do occur, the destruction here can cover an area more than 20 times greater than a similar event there due to the nature of geologic materials in the region. A major earthquake could mean catastrophic damage in the St. Louis and southeast regions of the state, and significant damage throughout Missouri.

The New Madrid Seismic Zone and surrounding area in the central U.S. averages more than 200 earthquakes per year. Most can't be felt, but a few can cause measurable damage.



Experts say there's a 25 to 40 percent chance for a major earthquake in a 50 year period. The result could be major damage from St. Louis to Memphis. The last major earthquake in the New Madrid Seismic Zone was centered in southeast Missouri, near the town of Charleston, in 1895.

The Great New Madrid Earthquakes of 1811-12 were the largest in U.S. history east of the Rocky Mountains. The massive quakes destroyed homes, created lakes and briefly reversed the flow of the Mississippi River. Shaking was felt as far away as the east coast.

Prepared in accordance with Missouri Revised Statutes, Chapter 160, Section 160.455.

Missouri State Emergency Management Agency
PO Box 116, Jefferson City, Missouri 65102
Phone: 573/526-9100 Fax: 573/634-7966
E-mail: moesema@sema.dps.mo.gov



Save This Page!

*To help your family survive an earthquake, know what to do
BEFORE, DURING, and AFTER a major quake strikes.*

BEFORE:

- ✓ Put together an emergency kit – flashlight, first aid kit, radio, drinking water, blankets
- ✓ Develop a family communication plan – identify a relative living at least 100 miles away that everyone can call to “check in” with to tell family you’re safe
- ✓ Make sure all heavy or breakable items are on lower shelves
- ✓ Know how to turn off utilities

DURING:



- ✓ DROP to the ground
- ✓ COVER yourself under a sturdy table or desk, and cover your face and head with your arms
- ✓ HOLD ON to something sturdy until the shaking stops
- ✓ If you’re driving, pull off the road, away from buildings and utility poles, and stay in your car
- ✓ If you’re outside, drop to the ground, away from large objects, and cover your face and head with your arms

AFTER:

- ✓ Find your family; check for injuries
- ✓ If necessary, call 911 for help
- ✓ If you smell gas or hear a hissing sound, go outside -- shut off gas valve
- ✓ Be careful to avoid live power lines and broken glass
- ✓ Listen to news for latest emergency information
- ✓ Be ready for aftershocks

Missouri State Emergency Management Agency
PO Box 116, Jefferson City, Missouri 65102
Phone: 573/526-9100 Fax: 573/634-7966
E-mail: mesema@sema.dps.mo.gov



NOTIFICATION OF RIGHTS UNDER FERPA FOR ELEMENTARY AND SECONDARY SCHOOLS

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days of the day Liberty Middle/ High School receives a request for access. Parents or eligible students should submit to Liberty Middle/High School's principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The Liberty Middle/ High School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The rights to request the amendment for the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or eligible students who wish to ask Liberty Middle/ High School to amend a record should write Liberty Middle/ High School principal [or appropriate school official] clearly identify the part of the record they want changed, and specify why it should be changed. If Liberty Middle/ High School decides not to amend the record as requested by the parent or eligible student, Liberty Middle/ High School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorize disclosure without consent. One exception, which permits disclosure without consent, is disclosure to Liberty Middle/ High School officials with legitimate educational interests. A school official is a person employed by Liberty Middle/ High School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Liberty Middle/ High School Board; a person or company with whom Liberty Middle/ High School has contracted as its agent to provide a service instead of using its own employees or officials (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting other school official in performing his or her tasks. A school official has a legitimate educational interest of the official needs to review an education record in order to fulfill his or her professional responsibility. [Optional] Upon request, Liberty Middle/ High School disclosed education records without consent to officials of another school district in which a student seeks or intends to enroll. [NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.]
4. The right to file a complaint with the U. S. Department of Education concerning alleged failures by Liberty Middle/ High School District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Superintendent
502 N. Elm Street
Mountain View, MO 65548
(417)934-5412

NOTICE OF NONDISCRIMINATION

Applicants for admission or employment, students, parents of elementary and secondary school students, employees, sources of referral and applicants for employment, and all professional organizations that have entered into agreements with the Mountain View-Birch Tree R-III School District ("School District") are hereby notified that the School District does not discriminate on the basis of race, color, national origin, sex, age, or disability in admission or access to, or treatment or employment in, its programs and activities. In addition, the School District provides equal access to the Boy Scouts of America and other designated youth groups.

Any person having inquiries concerning the School District's compliance with the laws and regulations implementing Title VI of the Civil Rights Act of 1964 (Title VI), Title IX of the Education Amendments of 1972 (Title IX), the Age Discrimination Act, Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (ADA) or the Boy Scouts of America Equal Access Act, is directed to the respective Compliance Coordinator listed below, who oversees the School District's efforts to comply with the laws and regulations implementing the laws and regulations cited above.

The School District has established grievance procedures for persons unable to resolve problems arising under the statutes above. The School District's Compliance Coordinator will provide information regarding those procedures upon request.

Any person who is unable to resolve a problem or grievance arising under any of the laws and regulations cited above may contact the Office for Civil Rights, Region VII, 8930 Ward Parkway, Suite 2037, Kansas City, Missouri 64114; telephone (816) 268-0550.

COMPLIANCE COORDINATOR

Lanna Tharp

502 N. Elm St.

Mountain View, Missouri 65548

(417) 934-5408

ltharp@liberty.mybt.k12.mo.us

COMMITMENT TO COMPLIANCE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Mountain View-Birch Tree R-III School District ("School District") does not discriminate on the basis of disability against qualified individuals with a disability with respect to the School District's services, programs or activities.

Employment: *The School District does not discriminate on the basis of disability in its hiring or employment practices. The School District complies with the federal regulations under Title I of the ADA (which governs the application of the ADA in the hiring and employment setting).*

Effective Communication: *The School District will comply with the ADA with respect to providing auxiliary aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in School District programs, services, and activities. These aids and services are designed to make information and communications accessible to people who have impairments, in areas such as speech, hearing, and vision. The School District will not place a surcharge on a qualified individual with a disability, or any group of qualified individuals with disabilities, to cover the cost of providing auxiliary aids/services or reasonable modifications of policy (for example, retrieving items from locations that are open to the public but inaccessible to users of wheelchairs).*

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a service, program, or activity of the School District should contact the respective Compliance Coordinator, whose contact information is listed below. Such contact should be made as soon as possible, but not later than 48 hours before the scheduled event (and, preferably, at least five (5) business days before the event).

Modifications to Policies and Procedures: *The School District will make reasonable modifications to policies and programs to ensure that qualified individuals with disabilities have an equal opportunity to enjoy its services, programs and activities.*

The ADA does not require the School District to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints that a School District service, program, or activity is not accessible to persons with a disability may be directed to the Compliance Coordinator below. In addition, as stated in the School District's Notice of Nondiscrimination, a person who is unable to resolve a problem or grievance arising under Title II of the ADA may contact the Office for Civil Rights, Region VII, 8930 Ward Parkway, Suite 2037, Kansas City, Missouri 64114; telephone (816) 268-0550.

COMPLIANCE COORDINATOR

Lanna Tharp

502 N. Elm St.

Mountain View, Missouri 65548

(417) 934-5408

ltharp@liberty.mvbt.k12.mo.us

Federal Programs Parent/Guardian Notification

No Child Left Behind (NCLB) requires notification to parents/guardians when any of the following situations exist in a district/LEA (local educational agency) receiving Federal funds.

1. Districts/LEAs must annually disseminate Federal Programs Complaint Resolution Procedures to parents/guardians of students and appropriate private school officials or representatives.
2. At the beginning of each school year, a participating school district/LEA must notify the parents/guardians of each student attending a building that receives Title I funds that they may request, and the district/LEA will provide in a timely manner, information regarding the professional qualifications of their child's classroom teachers and any paraprofessionals providing services to their child.
3. A building that receives Title I funds must provide all parents/guardians notice that their child has been assigned, or has been taught for four or more consecutive weeks, by a teacher or a person who is not appropriately certified.
4. When a school is identified for School Improvement, the district/LEA must notify the parents/guardians of all children in the identified Title I building of its School Improvement status. Yearly updates are provided to parents with available options until the building is no longer identified for improvement.
5. Within thirty days after the beginning of the school year, a district/LEA must inform parents/guardians that their limited English proficient (LEP) child has been identified for participation in a language instruction educational program.
6. Parents/guardians of students enrolled in a persistently dangerous school, or students who are victims of violent criminal offense while on school property, must be notified of their option to transfer their student to a school that is not designated persistently dangerous.

(From the Missouri Consolidated Federal Programs Administrative Manual, January 2005)

The Department of Elementary and Secondary Education does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. Inquiries related to Department programs and to the location of services, activities, and facilities that are accessible by persons with disabilities may be directed to the Jefferson State Office Building, Civil Rights Compliance (Title VI/Title IX/504/ADA/Age Act), 5th Floor, 205 Jefferson Street, Jefferson City, MO 65102-0480; telephone number 573-526-4757 or Relay Missouri 800-735-2966.

(03/10)

Parental Information and Resource Center (PIRC)

Local educational agencies (LEAs) or buildings that receive Title I.A funds **must** assist parents and parental organizations by informing them of the PIRCs and their purpose. The following is a sample notification that LEAs could put in a Parent Handbook, in their district newsletter, provide to their PTO/PTA, and that buildings could also send in a newsletter, provide to booster clubs/groups, etc. The LEA or building might want to use the link below to go to Missouri's PIRCs' website to include more specific information for their area. Documentation of notifications need to be kept on file.

The Parental Information and Resource Center (PIRC) program is funded by the US Department of Education, Office of Innovation and Improvement, established to provide training, information, and support to parents and individuals who work with local parents, districts, and schools that receive Title I.A funds. PIRCs provide both regional and statewide services and disseminate information to parents on a statewide basis.

PIRCs help implement successful and effective parental involvement policies, programs, and activities that lead to improvements in student academic achievement, and that strengthen partnerships among parents, teachers, principals, administrators, and other school personnel in meeting the education needs of children; and to assist parents to communicate effectively with teachers, principals, counselors, administrators, and other school personnel.

The recipients of PIRC grants are required to: serve both rural and urban areas, use at least half their funds to serve areas with high concentrations of low-income children, and use at least 30 percent of the funds they receive for early childhood parent program.

Centers must include activities that establish, expand, or operate early childhood parent education programs and typically engage in a variety of technical assistance activities designed to improve student academic achievement, including understanding the accountability systems in the state and school districts being served by a project. Specific activities often include helping parents to understand the data that accountability systems make available to parents and the significance of that data for such things as opportunities for supplemental services and public school choice afforded to their children attending buildings in school improvement.

PIRCs generally develop resource materials and provide information about high quality family involvement programs to families, schools, school districts, and others through conferences, workshops, and dissemination of materials. Projects generally include a focus on serving parents of low-income, minority, and limited English proficient (LEP) children enrolled in elementary and secondary schools.

Missouri has two PIRCs – one in St. Louis and one in Springfield. For service and contact information, go to their website at <http://www.nationalpirc.org/directory/MO-32.html>

NON-DISCRIMINATION STATEMENT

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6135 (Spanish). USDA is an equal opportunity provider and employer.

Missouri Department of Elementary & Secondary Education NCLB COMPLAINT PROCEDURES

The Federal No Child Left Behind Act of 2001 (NCLB), Title IX Part C. Sec. 9304(a)(3)(C) requires the Missouri Department of Elementary & Secondary Education (DESE) to adopt procedures for resolving complaints regarding operations of programs authorized under the Act, including Title I, Title II, Title III, Title IV (Part A), Title V, Title VI, and Title VII and Title IX, part C.

Who May File a Complaint

Any local education agency (LEA), consortium of LEAs, organization, parent, teacher, or member of the public may file a complaint.

Definition of a Complaint

There are both formal and informal complaint procedures.

A formal complaint must be a written, signed statement that includes:

1. an allegation that a federal statute or regulation applicable to the state educational agency (SEA) or a local education agency (LEA) program has been violated,
2. facts, including documentary evidence that supports the allegation, and
3. the specific requirement, statute, or regulation being violated.

Alternatives for Filing Complaints

It is federal and state intent that complaints are resolved at a level nearest the LEA as possible. As described below, formal complaints filed with the SEA will be forwarded to the appropriate LEA for investigation and resolution. Informal complaints made to the SEA will be subject of an initial investigation by the SEA, but will be forwarded to the LEA if a formal complaint evolves. Precise processes in both instances are described below.

Informal and Formal Complaints Received by the Local Education Agency

Informal and formal complaints filed with the LEA concerning NCLB program operations in that LEA are to be investigated and resolved by the LEA according to locally developed procedures, when at all possible. Such procedures will provide for:

1. disseminating procedures to the LEA school board,
2. central filing of procedures within the district,
3. addressing informal complaints in a prompt and courteous manner,
4. notifying the SEA within 15 days of receipt of written complaints,
5. timely investigating and processing of complaints within 30 days, with an additional 30 days if exceptional conditions exist,
6. disseminating complaint findings and resolutions to all parties to the complaint and the LEA school board. Such findings and resolutions also shall be available to parents, teachers and other members of the general public, provided by the LEA, free of charge, if requested, and
7. appealing to the Missouri Department of Elementary & Secondary Education within 15 days

Appeals to the Missouri Department of Elementary & Secondary Education will be processed according to the procedures outlined in sections below.

Informal Complaints Received by the SEA Office

Informal complaints (i.e., verbal and/or anonymous) to the SEA by individuals (who may ask not to be identified to the LEA) concerning program operations in an LEA will be investigated by the SEA, according to procedures deemed most appropriate by the SEA, within 10 days of receipt of the complaint. Findings of this investigation shall be reported to the complainant within 10 additional days. In the event that the complainant requests further investigation or a hearing, the complainant must file a signed written complaint. This formal complaint will be processed according to procedures outlined in sections below.

Formal Complaints Initially Received by the SEA Office

1. Record. Upon receipt of a written complaint, a record of the source and nature of the complaint, including the applicable program involved in the complaint, statute violated and facts on which the complaint is based, will be initiated.
2. Notification of LEA. Within 15 days of receipt of the complaint, a written communication will notify the district superintendent and the district NCLB coordinator of the complaint filed with the SEA. Upon receipt of the communication, the LEA will initiate its complaint procedures as set forth above. If the complaint is that an LEA is not providing equitable services to private school children, it also will be filed with the U.S. Secretary of Education.
3. Report by LEA. Within 20 days of receipt of the complaint, the LEA will advise the SEA of the status of the complaint resolution proceedings and, at the end of 30 days, will submit a written summary of the LEA investigation and complaint resolution. This report is considered public record and may be made available to parents, teachers, and other members of the general public. A copy of this procedure also will be filed with the U.S. Secretary of Education, if it involves equity of services to private school children.
4. Verification. Within ten days of receipt of the written summary of a complaint resolution, the DESE office will verify the resolution of the complaint through an on-site visit, letter or telephone call(s). Verification will include direct contact with the complainant. If the complaint is about equity of services to private school children, the U.S. Secretary of Education shall also be given copies of all related communications.

Appeals

Appeal to the SEA

1. Record. Upon receipt of a written appeal to a complaint unresolved at the LEA level, a record of the source and nature of the complaint, including the applicable program involved in the complaint, statute violated and facts on which the complaint is based, will be initiated.
2. Investigation. The SEA will initiate an investigation within 10 days, which will be concluded within 30 days from receipt of the appeal. Such investigation may include a site visit if the SEA determines that an on-site investigation is necessary. By stipulation of all concerned, this investigation may be continued beyond the 30-day limit.
3. Hearing. If required by the SEA, or formally requested by parties to the complaint, this investigation will include an evidentiary hearing(s) before an SEA Division Director acting as chairperson and designated staff personnel. Conduct of such hearings will follow the procedures outlined in state rules. The hearing proceedings shall be tape recorded and the recording preserved for preparation of any transcript required on appeal.

Decision

Within 10 days of conclusion of the investigation and/or evidentiary hearing(s), the SEA will render a decision detailing the reasons for its decision and transmitting this decision to the LEA, the complainant, and the district school board. Recommendations and details of the decision are to be implemented within 15 days of the decision being given to the LEA. This 15-day implementation period may be extended at the discretion of the SEA Division Director. The complainant or the LEA may appeal the decision of the SEA.

Formal LEA Complaints Against SEA

1. Record. The SEA will record the source, and nature of the complaint, including the applicable program involved in the complaint, statute violated and facts on which the complaint is based.
2. Decision. The SEA decision will be rendered within 15 days of the complaint receipt. The LEA will be promptly notified of the SEA's decision.
3. Appeal. The LEA may appeal the decision of the SEA to the SEA review board within 30 days of receipt of the decision. Procedures under the "Appeal to the State Agency Review Board" section will be followed.
4. Second Appeal. An applicant has the right to appeal the decision of the SEA Review Board to the U.S. Secretary of Education. The applicant shall file written notice of the appeal with the Secretary within 20 days after the applicant has been notified by the SEA of its decision.

Complaints Against LEAs Received from the United States Department of Education

1. Complaints against LEAs received from the U.S. Department of Education will be processed as though they had been received initially at the SEA.
2. A report of final disposition of the complaint will be filed with the U.S. Department of Education.
3. These procedures shall not prevent the SEA from partially or wholly interrupting funding of any LEA IASA program or taking any other action it deems appropriate.

Procedure Dissemination

1. This procedure will be disseminated to all interested parties through the agency webpage at <http://dese.mo.gov> and to subscribers to the Federal Programs listserv.
2. This guidance will be distributed through regional and statewide meetings with Federal Programs Coordinators. LEAs are asked to incorporate the elements of the complaint procedure into their own policies and procedures.
3. DESE will also keep records of any complaints filed through this policy.

Rev. 9/6/07

Policy

Assessment Program

The district will use assessments as one indication of the success and quality of the district's education program. Further, the Board recognizes its obligation to provide for and administer assessments as required by law. The Board directs the superintendent or designee to create procedures governing assessments consistent with law and Board policy.

In cooperation with the administrative and instructional staff, the Board will regularly review student performance data and use this information to evaluate the effectiveness of the district's instructional programs, making adjustments as necessary.

The district will comply with all assessment requirements for students with disabilities mandated by federal and state law, including the Individuals with Disabilities Education Act (IDEA).

In order to achieve the purposes of the student assessment program, the district requires all enrolled students to participate in all applicable aspects of the assessment program.

District Assessment Plan

The superintendent or designee shall ensure that the district has a written assessment plan that will test competency in the subject areas of English, reading, language arts, science, mathematics, social studies and civics, as required by law.

The purposes of the district wide assessment plan are to facilitate and provide information for the following:

1. *Student Achievement* – To produce information about relative student achievement so that parents/guardians, students and teachers can monitor academic progress.
2. *Student Guidance* – To serve as a tool for implementing the district's student guidance program.
3. *Instructional Change* – To provide data that will assist in the preparation of recommendations for instructional program changes to:
 - a. Help teachers with instructional decisions, plans and changes regarding classroom objectives and program implementation.
 - b. Help the professional staff formulate and recommend instructional policy.

c. Help the Board of Education adopt instructional policies.

4. *School and District Evaluation* – To provide indicators of the progress of the district and individual schools toward established goals.

5. *Accreditation* – To ensure the district maintains accreditation.

There shall be broad-based involvement of staff and others with appropriate expertise in the development of the assessment program and its implementation. Instructional staff will be given training and responsibilities in coordinating the program. Every effort will be made to ensure that testing contributes to the learning process rather than detracts from it and that cultural bias does not affect the accuracy of assessments.

Reading Assessment

The district will administer a reading assessment to students in third, fourth, fifth and sixth grades to determine whether additional reading instruction and retention are needed, as required by law. The district will also administer a reading assessment to all students who transfer to the district in grades four, five or six, and to all students attending summer school due to a reading deficiency, as required by law.

The reading assessment will be a recognized method, or combination of methods, of assessing a student's reading ability. Results of assessments will be expressed as reading at a particular grade level. The superintendent or designee will determine which methods of reading assessment the district will utilize.

English Proficiency Assessments

The district will annually assess the English reading, writing and oral language skills of district students with limited English proficiency.

Statewide Assessments

The district will implement the components of the Missouri Assessment Program (MAP) in order to monitor the progress of all students in meeting the standards adopted by the Missouri State Board of Education.

End-of-course (EOC) assessments will be administered in accordance with law and the rules of the Department of Elementary and Secondary Education (DESE). In courses where EOC assessments are given, the superintendent will determine what percent of the course grade will be decided by performance on EOC assessments.

If a student is taking a course that requires an EOC assessment and is failing the course or for some other reason may be required to retake the course, the district may choose to delay administration of the EOC assessment until the student has completed the course the second time. A team consisting of the course instructor, the principal and a counselor will determine when delayed administration of an EOC assessment is appropriate. In the case of a student with an individualized education program (IEP), the IEP team will make the determination.

The School Board authorizes the superintendent to establish a process designed to encourage the students of this district to give their best efforts on each portion of any statewide assessment, which may include, but is not limited to, incentives or supplementary work as a consequence of performance.

The district's policy on student participation in statewide assessments shall be provided at the beginning of the school year to each student and the parent/guardian or other person responsible for every student under 18 years of age. The policy will also be kept in the district office and be available for viewing by the public during business hours of the district office.

National Assessment of Educational Progress

If chosen, the district will participate in the National Assessment of Educational Progress (NAEP) as required by law.

Case 6:25-cv-03119-JAM Document 1-2 Filed 05/12/25 Page 96 of 109



IN THE 37TH JUDICIAL CIRCUIT COURT, HOWELL COUNTY, MISSOURI

Riley Grunden

Next Friend,

vs.

Mountain View-birch Tree R-iii School District Et Al

Defendant.

Case Number: 25AL-CC00054

Entry of Appearance

Comes now undersigned counsel and enters his/her appearance as attorney of record for Riley Grunden, Next Friend, in the above-styled cause.

/s/ Marc H. Ellinger

Marc Henry Ellinger

Mo Bar Number: 40828

Attorney for Next Friend

308 E. High Street

Floor 3

Jefferson City, MO 65101

Phone Number: (573) 230-1192

mellinger@ellingerlaw.com

Certificate of Service

I hereby certify that on April 14th, 2025, a copy of the foregoing was sent through the Missouri eFiling system to the registered attorneys of record and to all others by facsimile, hand delivery, electronic mail or U.S. mail postage prepaid to their last known address.

/s/ Marc H. Ellinger

Marc Henry Ellinger

Based on the Supreme Court Rules governing eFiling, an eService email has been issued to the following parties:

SERVICE PARTY: STEPHANIE SUE BELL, Attorney for Other Party
SERVICE EMAIL: sbell@ellingerlaw.com



Summons in Civil Case

IN THE 37TH JUDICIAL CIRCUIT, HOWELL COUNTY, MISSOURI

Judge or Division: STEVEN A PRIVETTE	Case Number: 25AL-CC00054	(Date File Stamp for Return)
Plaintiff/Petitioner: vs.	Plaintiff's/Petitioner's Attorney/Address	
Defendant/Respondent: MOUNTAIN VIEW-BIRCH TREE R-III SCHOOL DISTRICT	Court Address: HOWELL COUNTY CIRCUIT COURT 106 COURTHOUSE WEST PLAINS, MO 65775	
Nature of Suit: CC Declaratory Judgment		

The State of Missouri to: **MOUNTAIN VIEW-BIRCH TREE R-III SCHOOL DISTRICT**
Alias:

**502 N ELM ST
MOUNTAIN VIEW, MO 65548**

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

COURT SEAL OF



HOWELL COUNTY

14-APR-2025

Date

/s/ Cynthia Lee, Circuit Clerk;

By: Crystal Howell, D.C.

Clerk

Further Information:

Officer's or Server's Return

Note to serving officer: Service should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.
- ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
- ☐ (for service on a corporation) delivering a copy of the summons and petition to: _____ (name) _____ (title).
- ☐ other: _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date)
at _____ (time).

Printed Name of Officer or Server

Signature of Officer or Server

Must be sworn before a notary public if not served by an authorized officer.

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____
Date Notary Public

Service Fees (if applicable)

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$. _____ per mile)
Total	\$ _____

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



Summons in Civil Case

IN THE 37TH JUDICIAL CIRCUIT, HOWELL COUNTY, MISSOURI

Judge or Division: STEVEN A PRIVETTE	Case Number: 25AL-CC00054	(Date File Stamp for Return)
Plaintiff/Petitioner: vs.	Plaintiff's/Petitioner's Attorney/Address	
Defendant/Respondent: MOUNTAIN VIEW-BIRCH TREE R-III SCHOOL DISTRICT	Court Address: HOWELL COUNTY CIRCUIT COURT 106 COURTHOUSE WEST PLAINS, MO 65775	
Nature of Suit: CC Declaratory Judgment		

The State of Missouri to: **TAMMY HEINEY**
Alias:

502 N ELM ST
MOUNTAIN VIEW, MO 65548

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

COURT SEAL OF



HOWELL COUNTY

14-APR-2025

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By: Crystal Howell, D.C.

Clerk

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- ☐ (for service on a corporation) delivering a copy of the summons and petition to: _____ (name) _____ (title).
- ☐ other: _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date)
at _____ (time).

Printed Name of Officer or Server

Signature of Officer or Server

Must be sworn before a notary public if not served by an authorized officer.

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____
Date Notary Public

Service Fees (if applicable)

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$. _____ per mile)
Total	\$ _____

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Plaintiff/Petitioner: vs.	Plaintiff's/Petitioner's Attorney/Address	
Defendant/Respondent: MOUNTAIN VIEW-BIRCH TREE R-III SCHOOL DISTRICT	Court Address: HOWELL COUNTY CIRCUIT COURT 106 COURTHOUSE WEST PLAINS, MO 65775	
Nature of Suit: CC Declaratory Judgment		

The State of Missouri to: **LANA THARP**
Alias:

502 N ELM ST
MOUNTAIN VIEW, MO 65548

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COURT SEAL OF



HOWELL COUNTY

14-APR-2025

Date

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By: Crystal Howell, D.C.

Clerk

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 _____ (name) _____ (title).
- ☐ other: _____.

Served at _____ (address)
 in _____ (County/City of St. Louis), MO, on _____ (date)
 at _____ (time).

 Printed Name of Officer or Server

 Signature of Officer or Server

Must be sworn before a notary public if not served by an authorized officer.

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____
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[Redacted]
[Redacted]

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HOWELL COUNTY

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Nature of Suit: CC Declaratory Judgment		

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Alias:

[REDACTED]
[REDACTED]

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HOWELL COUNTY

14-APR-2025

Date

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By: Crystal Howell, D.C.

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Nature of Suit: CC Declaratory Judgment		

The State of Missouri to: **LANA THARP**
Alias:

[REDACTED]
[REDACTED]

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COURT SEAL OF



HOWELL COUNTY

14-APR-2025

Date

/s/ Cynthia Lee, Circuit Clerk;

By: Crystal Howell, D.C.

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- ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
- ☐ (for service on a corporation) delivering a copy of the summons and petition to: _____ (name) _____ (title).
- ☐ other: _____.

Served at _____ via email, and service was accepted by Counsel for all Defendants at 8:07 p.m. on April 15, 2025. (address)
in _____ (County/City of St. Louis), MO, on _____ (date)
at _____ (time).

Printed Name of Officer or Server

/s/ Marc H. Ellinger

Signature of Officer or Server

Must be sworn before a notary public if not served by an authorized officer.

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____
Date Notary Public

Service Fees (if applicable)

Summons	\$ _____
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Supplemental Surcharge	\$ 10.00
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Based on the Supreme Court Rules governing eFiling, an eService email has been issued to the following parties:

SERVICE PARTY: STEPHANIE SUE BELL, Attorney for Other Party
SERVICE EMAIL: sbell@ellingerlaw.com