

**MEMO**

**TO:** Board of Education  
**CC:** Central Office Administrators  
**FROM:** Sarah Riss  
**DATE:** October 9, 2015  
**RE:** BOE Policy Subcommittee Item of Consideration

Following are an item of consideration and recommendations from the BOE Policy Subcommittee. These changes will be presented during our October 12th meeting and then put on the agenda for approval on the October 26th meeting. Please feel free to contact one of the committee members with any questions.

*WEBSTER GROVES SCHOOL DISTRICT*

BOARD OF EDUCATION ITEM OF CONSIDERATION

DATE: October 9, 2015

**TOPIC/PROPOSAL:**

Approval of proposed policy changes recommended by the Board Policy Subcommittee Policies: JO and FEB.

**BACKGROUND INFORMATION:**

The Board Policy Subcommittee has reviewed the policy changes recommended by MSBA and as part of our regular policy review cycle. A summary of the proposed changes for selected policies is attached for your review. These were shared during the October 12, 2015 Board of Education meeting.

**INSTRUCTIONAL IMPACT/RATIONALE:**

The proposed policy changes will better reflect the current practices of WGSD and improve the practices of WGSD.

**CSIP/DISTRICT GOAL ADDRESSED:** All

**FISCAL NOTE:** NA

**ADMINISTRATIVE RECOMMENDATION:**

- Action Requested: \_\_\_\_
- Information:   X
- Proposed Motion for Approval (if applicable): Will be put on agenda for approval on October 26, 2015.

**PREPARED BY:** Sarah Booth Riss

**Motion:** \_\_\_\_\_ **Second:** \_\_\_\_\_

**Board Vote:** \_\_\_\_ (yes) \_\_\_\_ (no) \_\_\_\_ (abstain) \_\_\_\_ (Consent Agenda)

## Policy Subcommittee Recommendations

September 28, 2015

Policy	Title	Type of Change	Recommended Change
JO	Student Records	Minor	Created one category for directory information and took action to be sure that student email addresses were not part of directory information
FEB	Selection of Architectural, Engineering and Land Surveying Services	Minor	Accepted recommendation from MSBA

Next Meeting Date:

### *Types of Changes:*

Grammar	Grammatical
Minor	Minimal word changes not impacting current practice
Major	Major change that impacts current practice
Current	Changes that better reflect current practice



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## STUDENT RECORDS

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In order to provide students with appropriate instruction and educational services, it is necessary for the district to maintain extensive and sometimes personal information about students and families. These records must be kept confidential in accordance with law, but must also be readily available to district personnel who need the records to effectively serve district students.

The superintendent or designee will provide: the proper administration of student records in accordance with law, appropriate procedures for maintaining student records and standardized procedures for the collection and transmittal of necessary information about individual students throughout the district. The superintendent and building principals will maintain a student records system that includes protocols for releasing student education records. Principals are responsible for maintaining and protecting the student education records in each school. The superintendent or designee will make arrangements so that all district employees are trained annually on the confidentiality of student education records, as applicable for each employee classification.

### Definitions

**Eligible Student** – A student or former student who has reached age 18 or is attending a postsecondary school.

**Parent** – A biological or adoptive parent of a student, a guardian of a student, or an individual acting as a parent or guardian in the absence of the student's parent or guardian.

**Student** – Any person who attends or has attended a school in the school district and for whom the district maintains education records.

### Health Information

Student health information is a type of student record that is particularly sensitive and protected by numerous state and federal laws. Student health information shall be protected from unauthorized, illegal or inappropriate disclosure by adherence to the principles of confidentiality and privacy. The information shall be protected regardless of whether the information is received

orally, in writing or electronically and regardless of the type of record or method of storage.

#### Parent and Eligible Student Access

All parents may inspect and review their student's education records, seek amendments, consent to disclosures and file complaints regarding the records as allowed by law. These rights transfer from the parent to the student once the student becomes an eligible student; however, under the Missouri Sunshine Law, parents maintain some rights to inspect student records even after a student turns 18. The district will extend the same access to records to either parent, regardless of divorce, custody or visitation rights, unless the district is provided with evidence that the parent's rights to inspect records have been legally modified.

If a parent or eligible student believes an education record related to the student contains information that is inaccurate, misleading or in violation of the student's privacy, the parent or eligible student may use the appeals procedures created by the superintendent or designee to request that the district amend the record.

The district will annually notify parents and eligible students of their rights in accordance with law.

#### Directory Information

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

Even if parents or eligible students notify the district in writing that they do not want directory information disclosed, the district may still disclose the information if required or allowed to do so by law. For example, the district may require students to disclose their names, identifiers or district e-mail addresses in classes in which they are enrolled, or students may be required to wear, publicly display or disclose a student identification card or badge that exhibits information that is designated as directory information.

The following personally identifiable information regarding students has been designated by the district as directory information and may be routinely released:

General Directory Information – The following information the district maintains about a personally identifiable student may be disclosed by the district to the school community through, for example, district publications, or to any person without first obtaining written consent from a

parent or eligible student:

- a. Student's name;
- b. Student's address
- c. Date and place of birth;
- d. Parents' names;
- e. Parents/guardians' home address, telephone number and email address
- f. Grade level;
- g. Enrollment status (e.g., full-time or part-time);
- h. Student identification number;
- ~~i. user identification or other unique personal identifier used by the student for the purposes of accessing or communicating in electronic systems as long as that information alone cannot be used to access protected educational records;~~
- j. Participation in district-sponsored or district-recognized activities and sports;
- k. Weight and height of members of athletic teams;
- l. Dates of attendance;
- m. Degrees, honors and awards received; artwork or course work displayed by the district;
- n. Schools or school districts previously attended
- o. Photographs, videotapes, digital images and recorded sound unless such records would be considered harmful or an invasion of privacy

~~Limited Directory Information— In addition to general directory information, the following information the district maintains about a personally identifiable student may be disclosed to: school officials with a legitimate educational interest; parent groups or booster clubs that are recognized by the Board and are created solely to work with the district, its staff, students and parents and to raise funds for district activities; parents of other students enrolled in the same school as the student whose information is released; students enrolled in the same school as the student whose information is released; governmental entities including, but not limited to, law enforcement, the juvenile office and the Children's Division (CD) of the Department of Social Services;~~

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

#### Law Enforcement Access

The district may report or disclose education records to law enforcement and juvenile justice authorities if the disclosure concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed must comply with applicable restrictions set forth in federal law.

If the district reports a crime committed by a student with a disability as defined in the

Individuals with Disabilities Education Act (IDEA), the district will transmit copies of the special education and disciplinary records to the authorities to whom the district reported the crime as allowed by law.

Law enforcement officials also have access to directory information and may obtain access to student education records in emergency situations as allowed by law. Otherwise, law enforcement officials must obtain a subpoena or consent from the parent or eligible student before a student's education records will be disclosed.

#### Children's Division Access

The district may disclose education records to representatives of the CD when reporting child abuse and neglect in accordance with law. Once the CD obtains custody of a student, CD representatives may also have access to education records in accordance with law. CD representatives may also have access to directory information and may obtain access to student education records in emergency situations, as allowed by law.

#### Military and Higher Education Access

The district will disclose the names, addresses and telephone numbers of secondary school students to military recruiters or institutions of higher education as required by law unless the parent or student notifies the district in writing not to disclose the information to those entities.

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

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Date Adopted: 9/13/1993

Webster Groves

Last Revised: 6/14/2014

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

State Reference	Description
§§ 610.010-.030, RSMo.	State Statute
§167.022, RSMo	State Statute
§167.115, RSMo	State Statute
§167.122, RSMo	State Statute
§167.123, RSMo	State Statute
§210.865, RSMo.	State Statute
§452.375, RSMo.	State Statute
§452.376, RSMo.	State Statute
MO COURT	Oregon County R-VI Sch. Dist. v. LeMon, 739 S.W.2d 533 (Mo. Ct. App. 1987)

Federal Reference	Description
20 U.S.C. § 1232g	Family Educational Rights and Privacy Act
20 U.S.C. § 1232h	Protection of Pupil Rights Amendment
20 U.S.C. § 1400-1417	Individuals with Disabilities Education Act
20 U.S.C. § 6301-7941	Elementary and Secondary Education Act
29 U.S.C. § 794	Section 504 of the Rehabilitation Act of 1973
34 C.F.R Part 99	Family Educational Rights and Privacy Act
42 U.S.C. §§ 12101-12213	Americans with Disabilities Act

Policy Reference	Description
BBFA-1	BOARD MEMBER CONFLICT OF INTEREST AND FINANCIAL DISCLOSURE
EFB	FREE AND REDUCED-PRICE FOOD SERVICE
EHB	TECHNOLOGY USAGE



EHBC	PRIVACY PROTECTION
GBCB	STAFF CONDUCT
IGBA-2	PROGRAMS FOR STUDENTS WITH DISABILITIES
IGBE	STUDENTS IN FOSTER CARE
IGDB	STUDENT PUBLICATIONS
IIAC	INSTRUCTIONAL MEDIA CENTERS/SCHOOL LIBRARIES
IL	ASSESSMENT PROGRAM
KB	PUBLIC INFORMATION PROGRAM
KBA	PUBLIC'S RIGHT TO KNOW
KDA	CUSTODIAL AND NONCUSTODIAL PARENTS
KI	PUBLIC SOLICITATIONS/ADVERTISING IN DISTRICT FACILITIES
KNAJ	RELATIONS WITH LAW ENFORCEMENT AUTHORITIES

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Date: 7/31/2015

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# REFERENCE COPY

FILE: FEB  
Critical

**EXPLANATION:** SELECTION OF ARCHITECTURAL, ENGINEERING AND LAND SURVEYING SERVICES

Revised per attorney recommendations.

**ATTORNEY COMMENTS:**

I strongly recommend that the district reconsider this change. Having a selection process for these services is not optional. State statute §§8.285 - .291 sets out the selection process that political subdivisions such as school districts must use. Alternatively, 8.291 allows the district to adopt its own policy as long as it includes a qualification-based selection process.

In other words, the district is required by law to use the process outlined in this policy or to create its own custom policy for the selection of these services. However, the district does not have the legal authority to simply opt-out of the selection process. I do not recommend that the district replace “will” with “may.”

<i>MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.</i>				
<input checked="" type="checkbox"/>	Board Secretary	<input checked="" type="checkbox"/>	Business Office	Coaches/Sponsors
<input type="checkbox"/>	Facility Maintenance	<input type="checkbox"/>	Food Service	Gifted
<input type="checkbox"/>	Human Resources	<input type="checkbox"/>	Principals	Library/Media Center
<input type="checkbox"/>	Health Services	<input type="checkbox"/>	Counselor	Special Education
<input type="checkbox"/>	Transportation	<input type="checkbox"/>	Public Info/Communications	Technology

FILE: FEB  
Critical

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## SELECTION OF ARCHITECTURAL, ENGINEERING AND LAND SURVEYING SERVICES

The Board ~~may~~will select qualified firms and negotiate contracts for architectural, engineering and land surveying services for the various building projects in the school district when such services are required. Selection shall be made on the basis of demonstrated competence and qualifications for the types of services specified by the district at fair and reasonable prices.

The district will solicit statements of quality and performance data from architectural, engineering or land surveying firms when a project requiring such services is proposed.

The data submitted will be evaluated against the following criteria:

1. The specialized experience and technical competence, including that of partners and associates, demonstrated either with the district or elsewhere, with respect to the type of services desired by the Board.
2. The capacity and capability of the firm to perform the tasks requested, as well as any specialized services, within the time limitations established for the completion of the project.
3. The firm's past record of performance with respect to control of costs, quality of work, design, appearance, utility and the ability to meet time schedules.
4. The firm's proximity to and familiarity with the geographical area in which the project shall be located.

The superintendent or designee shall prepare a written description of the services desired by the district. Interested firms will submit statements of their qualifications and performance data with respect to the above criteria. In addition, each interested firm will identify the individuals or subcontractors performing each service required by the architectural, engineering or surveying project and their degrees, certifications and years of experience performing the service. The superintendent or designee shall analyze the data received and list the top three qualified firms. The Board shall select the firm considered best qualified and capable of performing the desired services and shall negotiate a contract. Should the Board be unable to negotiate a contract

FILE: FEB  
Critical

## REFERENCE COPY

acceptable to the district with the firm first selected, the Board may negotiate a contract with another firm from the list or may direct the superintendent or designee to seek additional statements of qualifications from other firms and then submit a new list of qualified firms. The Board may authorize a qualified person to negotiate a contract for architectural, engineering or land surveying services on its behalf, but any negotiated contract must be approved by an affirmative vote of a majority of the whole Board.

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***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: 09/13/1993

Revised: 12/09/2002; 09/12/2011; 04/13/2015;

Cross Refs: DJF, Purchasing

Legal Refs: §§ 8.285 - .291, 162.301, 327.091, .181, .272, RSMo.

Webster Groves School District, St. Louis, Missouri