



**FALL NEW SUPERINTENDENT  
MEETING  
NOVEMBER 9, 2015**

*Legal Stuff*

November 2015

Missouri Department  
of Elementary and Secondary Education

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# Missouri Sunshine Law

Chapter 610 RSMo

Open Meetings and Records Law

# Chapter 610.010

Definitions.

- (1) Closed Meeting or Closed Record
- (5) Public Meeting
- (6) Public Record

# Closed Meeting and Closed Records

## Section 610.021

- (1) Legal Actions, Causes of Action or Litigation
- (3) Personal Information
- (6) Scholastic Probation, Expulsion, or Graduation of Identifiable Individuals
- (7) Testing and Examination Material BEFORE THE TEST OR EXAM IS GIVEN.
- (13) Individually Identifiable Personnel Records, Rating or Records
- (14) Records Protected by Law

## Liberal Construction of the Law

Meetings, records and deliberations of public governmental bodies to be open to the public.

- Exceptions strictly construed

## Key Issues

### Transgender Discrimination

- EEOC concluded discrimination based on sex violates Title VII

### Undocumented Students

- U.S. Supreme Court in Plyer vs. Doe (1982) ruled these children have the same rights to a public education

## Key Issues

### Religious Discrimination

- Section 160.2500 RSMo permits students to express their religious beliefs, as long as it isn't disruptive.
- Can students be excused from religiously objectionable lessons?
  - A. Substantial burden on exercise of religion
  - B. No compelling interest to require attendance

## Key Issues

### Non Custodial Parents Rights

- Section 452.376 RSMo permits non-custodial parents to obtain their children's records, UNLESS a otherwise ordered by a court.

FERPA gives custodial and noncustodial parents the same rights to their children's records UNLESS prohibited by state law or a court order.

# QUESTIONS

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