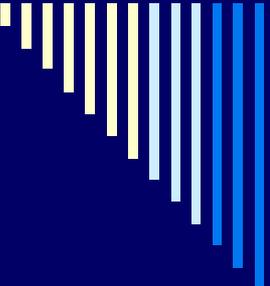


# New Superintendents Orientation

2013

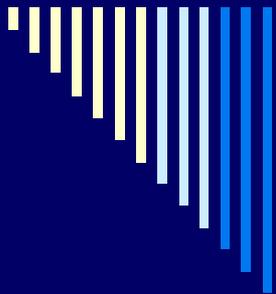
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# SAO Sunshine Law Audit

- ❑ Issued in November 1999
  - ❑ Sample of 204 political subdivisions
  - ❑ Requested minutes to the last board meeting in 1998
  - ❑ Offered reimbursement of costs up to \$10
  - ❑ Submitted on plain stationary
-



# SAO Audit Results

Sample of 204

Not responding:

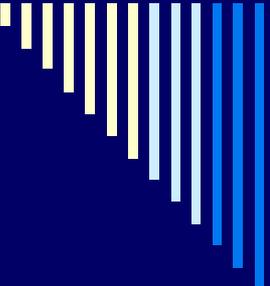
32.2%

Not responding properly:

47.6%

Not responding in 3 days:

89.3%



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# School District Response

Number of School Districts Contacted

35

Number of School Districts Not Responding

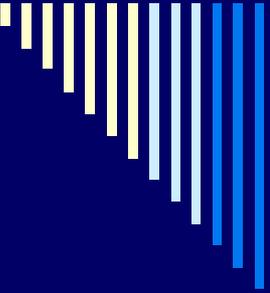
5

Number of School Districts Refusing Request

1

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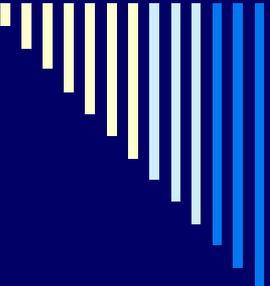
## Most Quotable Response

“First, we don’t know who you are, or anything about why you should want these minutes.”

“We can’t just send this information to anyone without knowing what they want with them.”

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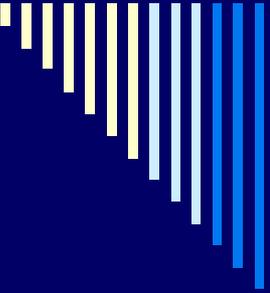
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# Scope of the Law

- Applies to meetings, records, and votes.
  - Access liberally construed, exceptions strictly construed.
  - Meetings at convenient times and accessible sites.
  - Applies to governmental bodies, quasi-governmental bodies and certain advisory committees.
-

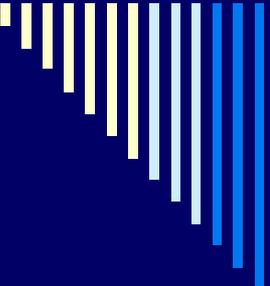
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# Key Policy Issues

- ❑ Each school district must have a written Sunshine Law policy.
  - ❑ The policy must name a custodian of records.
  - ❑ The policy applies to all public meetings, regardless of the manner in which they are held.
  - ❑ Public access to records is already in existence.
  - ❑ There is no requirement to create new records.
-

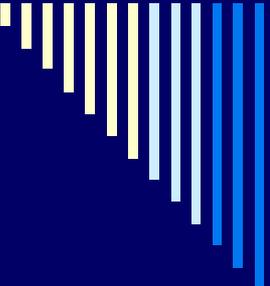
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# Public Records

- ❑ Documents prepared by a consultant are considered a public record and retained.
  - ❑ Definition of public record includes documents created by a private entity under contract with a governmental body.
  - ❑ Records must be supplied in the format requested, if available.
-

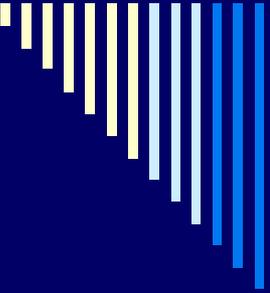
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# Public Votes

- Public votes include votes cast in person, by telephone or other electronic means.
  - Roll call votes taken in public meetings shall consist only of members who are physically present and in attendance at the meeting.
  - Exceptions: General Assembly, committees established by a public body and emergency meetings.
-

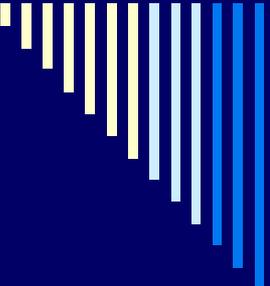
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# Public Meetings

- Meetings conducted by telephone or other electronic means must include notice of the mode by which the meeting will be conducted and where the public may attend the meeting.
  - Notice for such meetings must be posted on the website of the public body, as well as the principal office.
-

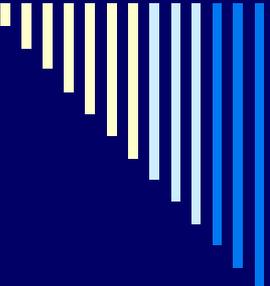
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# Public Access

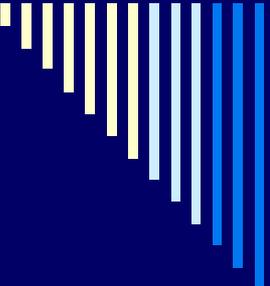
- ❑ Meetings held by telephone, video link or internet are considered public meetings.
  - ❑ Recording by audiotape or videotape is allowed.
  - ❑ Guidelines may be established to minimize disruption to the meeting.
  - ❑ Audio recording of a closed meeting without the permission of the public body is a Class C misdemeanor.
  - ❑ The custodian of records cannot alter or dispose of the records at issue after an enforcement action is filed.
-

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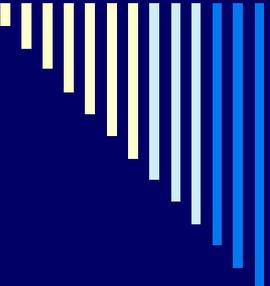
# Closed Meetings, Records and Votes

- ❑ Legal actions, causes of action or litigation
  - ❑ Leasing, purchase or sale of real estate
  - ❑ Hiring, firing, disciplining or promoting personnel
  - ❑ Individual welfare cases
  - ❑ Software codes
  - ❑ Individual personnel records
  - ❑ Records on security systems
  - ❑ Otherwise protected by law
-



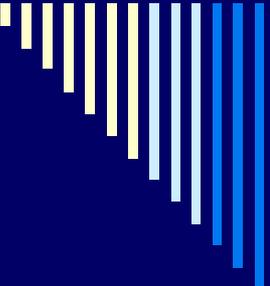
# Closed Meetings, Records and Votes

- ❑ Public bodies are required to maintain minutes of closed meetings.
  - ❑ Records concerning a transaction involving real estate must be made public upon execution of the transaction, rather than within 72 hours of execution.
  - ❑ Donations or contributions from private sources cannot be closed.
  - ❑ Final audit reports issued by auditors of a public body must be open.
-



# Closed Meeting - Member Objection

- ❑ Any board member may object to closing a meeting, record or vote if the member believes the motion violates the Sunshine Law.
  - ❑ Member must object at or before the motion to close is voted upon.
  - ❑ Member is allowed to fully participate in any subsequent meeting or vote.
  - ❑ If the objecting member also votes in opposition to the motion to close, the member shall be immune from any liability for improper closure of a meeting.
-

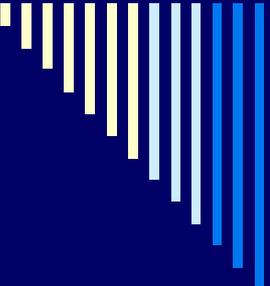


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# Copy and Search Fees

- ❑ Cannot exceed 10 cents per page for paper no larger than 9 by 14 inches
  - ❑ Search costs cannot exceed the average hourly rate of pay for the clerical staff of the public body
  - ❑ Research time may be charged at the actual cost
  - ❑ Must use employees that result in the least amount of charges for search and duplication
  - ❑ Must provide, if requested, an estimate of the costs prior to the production of the records
-

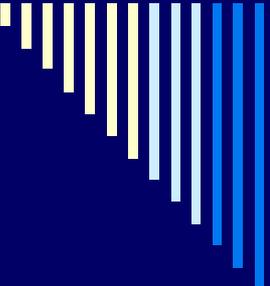
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# Copy and Search Fees

- Computer documents, maps, and copies larger than 9 by 14 inches, charges include:
    - cost of copies
    - staff time, not exceeding the hourly pay rate
    - cost of the disk used for duplication
  - If specialized personnel are needed to copy documents, a different fee may be charged for staff time.
-

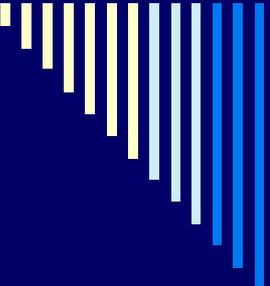
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# Databases

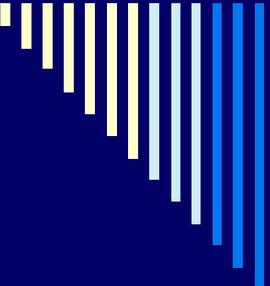
- ❑ Contracts to create a public records database must not impair the ability to inspect or copy public records.
  - ❑ A useable electronic format shall allow viewing and printing of records.
  - ❑ If records are kept on a system capable of being copied, then the body shall provide data to the public in such electronic format, if requested.
-

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# Electronic Communication

- Any member of a public body who transmits from a personal computer a message relating to public business must concurrently transmit the message to the person's office computer or to the custodian of records.
  - Applies to messages sent to two or more members of the board so that, when counting the sender, a majority of the members are copied.
-

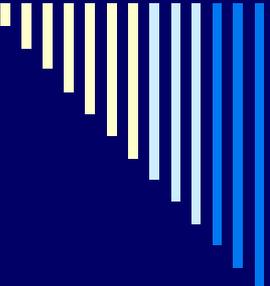


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# Penalties

- Civil penalty of up to \$1000 for knowingly violating the law.
  - Civil penalty of up to \$5000 for purposefully violating the law.
  - Costs and attorney fees may be awarded.
  - Courts have the discretion in setting the amount of the fine based upon the size of the entity, the seriousness of the offense, and whether there has been a previous violation of the Sunshine Law.
-

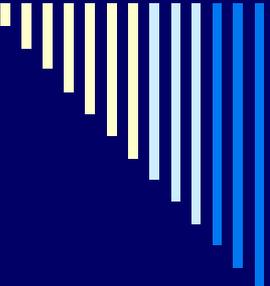
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# Frequently Asked Questions

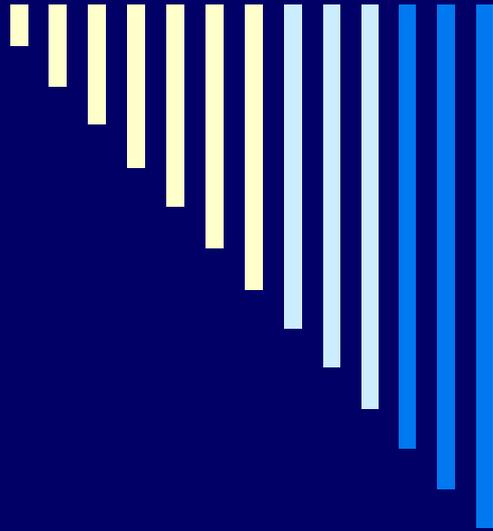
- ❑ The Sunshine Law allows you to close meetings and records, but it does not require that you do so.
  - ❑ You must give at least 24 hours public notice before holding a meeting.
  - ❑ If the meeting is closed, the notice must state the justification for it being closed.
-

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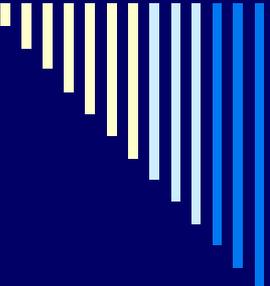
# Frequently Asked Questions

- ❑ You must respond to a records request as soon as possible, but no later than three business days after receipt.
  - ❑ You cannot avoid a records request by destroying records after receipt of a request.
  - ❑ You may charge only the actual cost of document search and duplication.
-



# 2013 Legislation

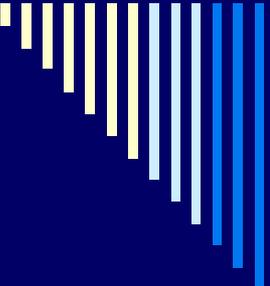




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# SB 17 (Munzlinger)

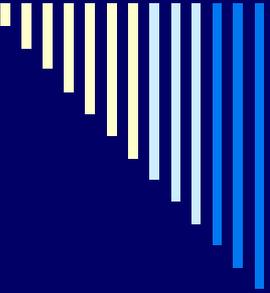
- ❑ Creates Career and Technical Education Board
  - ❑ Establishes a scholarship program for children with four specific disabilities (Bryce's law)
  - ❑ Creates an Advisory Council on the Education of Gifted and Talented Children
  - ❑ Removes the sunset for individuals to obtain teacher certification based on certification by ABCTE
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## SB 17 (Munzlinger) cont.

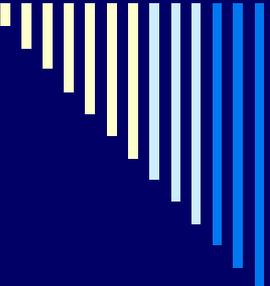
- ❑ Makes alternative retirement provisions under PSRS/PEERS permanent and extends the provision that allows teachers with 31 or more years of service to receive a higher multiplier to be used in the retirement calculation
  - ❑ Modifies qualifications for system membership for the Kansas City Public School Retirement System.
  - ❑ Allows religious books to be used in public schools in certain situations.
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## SB 42 (Munzlinger)

- Establishes standards for the school protection officer training.
  - Corrects a mistake in a provision of law dealing with training for school protection officers that was truly agreed to and finally passed in SCS/HCS/HB 436 (2013).
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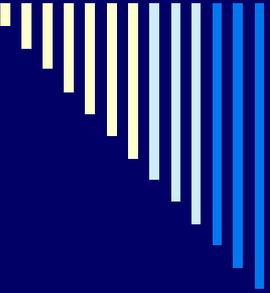


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## SB 75 (Brown)

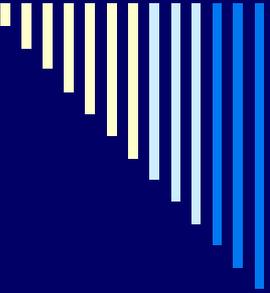
- ❑ Active Shooter and Intruder Response Training for Schools Program (ASIRT).
  - ❑ By July 1, 2014, each school district and charter school may train teachers and school employees on how to address a threatening situation or armed intruder in the school.
  - ❑ Program instructors must be certified by the Department of Public Safety.
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## SB 75 (Brown) cont.

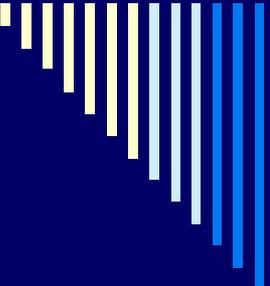
- Each school district and charter school may annually teach the Eddie Eagle Gunsafe Program to first grade students, or use a substantially similar or successor program of the same qualifications.
  - The purpose of the program will be to promote safety and protection of children and emphasize how students should respond if they encounter a firearm.
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## SB 125 (Nasheed)

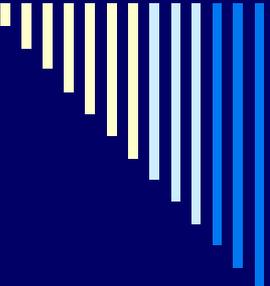
- ❑ Amends the law relating to tenured teachers in the SLPS.
  - ❑ Requires public hearing of the elements of MSIP 5.
  - ❑ This act removes the two-year waiting period that exists between the classification of a school district as unaccredited and the lapse of the district's corporate organization.
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## SB 170 (Chappelle-Nadal)

- Allows members who are elected, except for the Missouri General Assembly and any committee established by a public governmental body, to cast roll call votes if the member is participating via videoconferencing in such meetings.
-

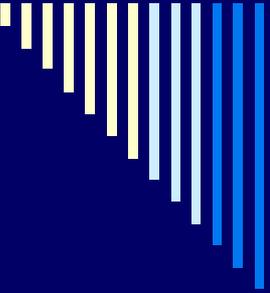


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## SB 256 (Silvey)

- Establishes the Task Force on the Prevention of Sexual Abuse of Children.
  - Allows school districts or charter schools to provide annually to high school students enrolled in health education at least 30 minutes of instruction relative to the Safe Place for Newborns Act of 2002.
-

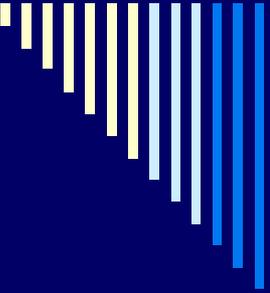
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## SB 258 (Levota)

- Modifies the composition of the Kansas City School District board of education by reducing the number of directors from nine to seven beginning at the election in 2019.
-

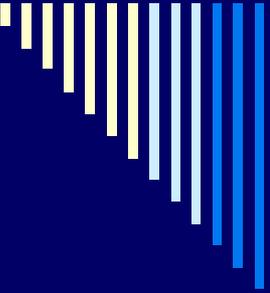
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## SB 381 (Kraus)

- Creates the Innovation Education Campus Fund to provide funding to innovative education campuses to actively work to lower the cost of students to complete a college degree.
-

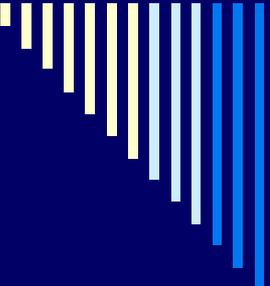
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## HB 152 (Solon)

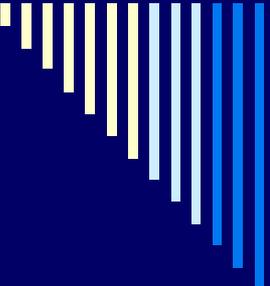
- Allows school districts to authorize and commission school officers to enforce laws relating to crimes committed on school grounds, at school activities and on school buses.
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## HB 159 (Guernsey)

- Waives proof of residency requirement for a child whose parent or guardian is serving on specified active duty military orders.
-

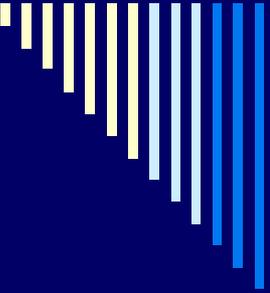


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## HBs 256, 33 and 305 (Jones)

- Authority is extended until 2016 to close operational guidelines and policies maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health under the sunshine law.
-

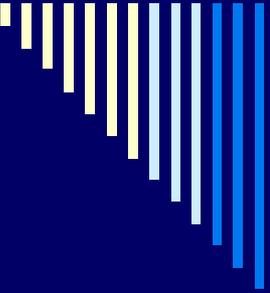
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## HB 278 (Brattin)

- Prohibits any state or local governmental entity; public building, park or school; or public setting or place banning or restricting the practice, mention, celebration, or discussion of any federal holiday.
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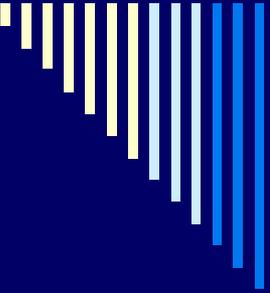
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# HB 436 (Funderburk)

- Allows any school district to designate one or more school teachers or administrators as a school protection officer.
-

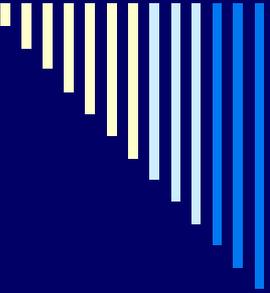
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## HB 505 (Haefner)

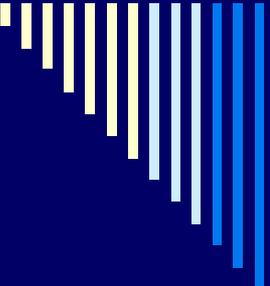
- Requires a mandatory reporter of suspected child abuse or neglect to immediately report it to the Children's Division.
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# HB 542 (Love)

- Creates the Career and Technical Education Advisory Council within the Department of Elementary and Secondary Education.
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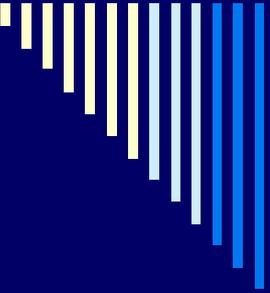


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## HB 675 (Grisamore)

- Requires the Department to develop rules on a physical fitness challenge for public school students (Cade's Law)
  - Requires the Department to develop guidelines for the training of school employees in the care needed for students with diabetes
  - Requires school specific training for peace officers who will be working in schools.
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# Contact Information

## Governmental Affairs Web Page

<http://dese.mo.gov/schoollaw/>

## Sunshine Law Web Page

<http://ago.gov/sunshinelaw/sunshinelaw.htm>

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