



FALL SUPERINTENDENT MEETING NOVEMBER 1, 2016

School Law Topics

November 2016

Missouri Department
of Elementary and Secondary Education



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Missouri Sunshine Law

Chapter 610 RSMo

Open Meetings and Records Law



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



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Liberal Construction of the Law

Meetings, records and deliberations of public governmental bodies to be open to the public.
- Exceptions strictly construed

Transgender Discrimination

- EEOC concluded discrimination based on sex violates Title VII.

Gloucester County School Board v. G.G., by his Next Friend and Mother, Deirdre Grimm (8/2016)

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- U.S. Supreme Court by a vote of 5-3 blocked U.S. Appeals court's ruling that allowed a transgender boy to use the boys' bathroom in a Virginia public high school.





Olmsted v. Saint Paul Pub. Schs., 15-2657 (8th Circuit 8/1/2016)

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- ❑ Minnesota teacher, being investigated for discrimination complaints by students, resigned before the expiration of his employment contract.
- ❑ He claimed that he was coerced to resign.
- ❑ The 8th U.S. Circuit Court of Appeals held that the school district didn't breach the contract because the teacher had the opportunity to consult an attorney before resigning.



*Andrew F., a Minor, By and Through His Parents and Next Friends,
Joseph F. and Jennifer F. v. Douglas County School District Re-1 (2016)*

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- Parents of a disabled student claimed that the Douglas School District didn't do enough to provide their son with a "free appropriate public education" as required by federal law.
- An administrative law judge, a federal judge and the U.S. 10th Circuit Court of Appeals backed the school district finding "some educational benefit" is the standard.
- The U.S. Supreme Court held that IDEA guaranteed disabled students access to a public education but didn't address the quality of the education.

LEGISLATIVE BRIEFING



Key Legislation

Governor Signed:

- SBs 620 & 582
- SB 635
- SB 638
- SB 711
- HB 1583
- HBs 1646 et al.
- HB 2379
- HB 2428

Governor Vetoed, Legislature Overrode:

- SBs 586 & 651





Senate Bills 586 & 651

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School Funding

- Reinstates the five percent (5%) per calculation cap on the growth of current operating expenditures when calculating the state adequacy target.
- Specifies that charter schools receive early childhood education funding at the same time as the district in which the charter school is located.

Senate Bills 620 & 582

Career and Technical Education

- Requires the Department of Elementary and Secondary Education in consultation with the Career and Technical Education Advisory Council to establish minimum requirements for a career and technical education certificate.



Senate Bill 635

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Dyslexia

- Legislative Task Force on Dyslexia
 - Must provide recommendations for identifying and supporting students with dyslexia

- Guidelines for dyslexia screening
 - DESE must develop guidelines consistent with the Task Force's recommendations

- Dyslexia screening and classroom supports
 - Schools must screen students and provide supports beginning in the 2018-19 school year
 - Must be consistent with the guidelines DESE develops



Senate Bill 635

(Slide 2/2)

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Dyslexia

- In-service training
 - School districts must offer two (2) hours of in-service training for all practicing teachers regarding dyslexia and related disorders beginning in the 2018-19 school year

CPR Instruction

- Graduation Requirement
 - High school students must receive thirty (30) minutes of CPR instruction and training in the proper performance of the Heimlich maneuver beginning in the 2017-18 school year
 - Instruction must be included in the district's existing health or physical education curriculum



Senate Bill 638

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Civics Education

- Graduation Requirement
 - School districts must ensure all students entering ninth (9th) grade after July 1, 2017 pass an examination on the provisions and principles of American civics

Trauma-Informed Schools

- Notification
 - School districts must provide the web address to the trauma-informed website that DESE develops to parents before October first (1st) of each school year



Senate Bill 638

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Gifted Education

- Identifying
 - When identifying a student as gifted, school districts must make that determination only if the child meets the definition of “gifted children” as defined in Section 162.675, RSMo

At-Risk Students

- Identification
 - School districts must adopt a policy and implement a measurable system for identifying students in their ninth (9th) grade year who are at risk of not being ready for college or entry level career positions by July 1, 2018



Senate Bill 638

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Pledge of Allegiance

- Recitation
 - School districts must ensure that the Pledge of Allegiance to the flag of the United States of America is recited in at least one (1) scheduled class of every pupil enrolled in the school no less often than once per school day

CPR Instruction

- Graduation Requirement
 - *See SB 635*



Senate Bill 638

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Dyslexia *See SB 635*

- Legislative task force on dyslexia
- Guidelines for dyslexia screening
- Dyslexia screening and classroom supports



Senate Bill 711

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CPR Instruction

- Graduation Requirement
 - *See SB 635*



House Bill 1583

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Bullying

- Policy
 - Modifies the definition of bullying and defines cyberbullying
 - Districts must adopt an anti-bullying policy that includes the *additional* minimum components
 - Districts must include the policy in the student handbook

Youth Suicide Prevention and Awareness

- Policy
 - School districts must adopt a suicide prevention and awareness policy that includes plans for how the district will provide for the training and education of district employees by July 1, 2018



House Bill 1646 et al.

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Civics Education

- Graduation Requirement
 - *See SB 638*



House Bill 2379

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Dyslexia

- Legislative task force on dyslexia
- Guidelines for dyslexia screening
- Dyslexia screening and classroom supports

Youth Suicide Prevention and Awareness

- Policy
 - *See HB 1583*



House Bill 2428

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School Counselors

- Terminology
 - Replaces “guidance counselor” with “school counselor” in statutes relating to education

Governmental Affairs

Home

The Office of Governmental Affairs provides legal counsel to the staff of the Department of Elementary and Secondary Education.

The general counsel serves as counsel for the Commissioner and the State Board of Education; as a liaison to other state and federal agencies; and as an advisor on legislative issues, contracts and grants, and internal audits.

The Governmental Affairs staff works with the Educator Certification office and the Missouri Attorney General's office to conduct hearings which may result in the revocation of the certificates of Missouri educators who are charged with misconduct.

The General Counsel also coordinates work of legal counsel assigned to the Office of Special Education and the Office of Adult Learning and Rehabilitative Services.

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