



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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KANSAS CITY, MO 64106

REGION VII  
KANSAS  
MISSOURI  
NEBRASKA  
OKLAHOMA  
SOUTH DAKOTA

March 13, 2018

**SENT VIA EMAIL**

Kimberly Riley  
7715 Jarboe Street  
Kansas City, Missouri 64114  
kriley88@yahoo.com

Re: Raytown C-2 School District  
OCR Case Number 07-16-1026

Dear Ms. Riley:

On November 2, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received your complaint against the Raytown C-2 School District (District), Raytown, Missouri, alleging discrimination on the basis of disability.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance (FFA).
- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

As a recipient of FFA from the Department and a public entity, the District is subject to Section 504 and Title II. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR investigated whether the District treats students with disabilities differently than students without disabilities by adopting a policy that allows parents classroom visits to observe their children who are students without disabilities but denies the same opportunity to the parents of students with disabilities.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Prior to the conclusion of the investigation, the District submitted a signed Resolution Agreement (Agreement) March 12, 2018 (copy enclosed) that, when fully implemented, will resolve the allegations. This letter summarizes the information gathered during the investigation to date, and how the complaint allegations were resolved.

In the remainder of this letter, you are referred to as “the Complainant” and your son is referred to as “the Student.” To protect individuals’ privacy, the name of employees, witnesses, and other parties also were not used in the letter.

### **Legal Standards**

Section 504 and Title II contain similar anti-discrimination provisions prohibiting recipients of Federal financial assistance and public entities, respectively, from discriminating against individuals on the basis of disability. Section 504 mandates “no otherwise qualified individual with a disability . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”<sup>1</sup> Title II states “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”<sup>2</sup>

The regulations implementing Title II delineate specific areas of prohibited discriminatory conduct by public entities, including prohibitions that a public entity may not: 1) deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit or service, or 2) afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others.<sup>3</sup>

Different, or disparate, treatment is a legal theory that requires a finding of intentional discrimination on the basis of disability, and evidence of discriminatory intent may be direct or circumstantial. OCR initially examines whether there is direct evidence of discriminatory intent by a recipient based on disability. Direct evidence includes conduct or statements by persons involved in the decision-making process reflect a discriminatory motive. Any direct evidence of discrimination must show that discrimination motivated the denial of an educational benefit or other adverse action.

In cases where there is no direct evidence of discrimination or the direct evidence is not strong, OCR reviews the evidence using the general *prima facie* analysis for disability discrimination which requires a showing of the following elements: 1) the student is a person with a disability as defined by Section 504; 2) the student is an otherwise qualified individual; 3) the District is subject to Section 504 and Title II, and 4) the District denied the student an opportunity to participate in or benefit from the District’s aids, services, or programs, or otherwise discriminated against complainant because of complainant’s disability.

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<sup>1</sup> 29 U.S.C. § 794.

<sup>2</sup> 42 U.S.C. § 12132.

<sup>3</sup> 28 C.F.R. § 35.130(b)(1)(i) and (ii). Section 504 contains identical prohibitions at 34 C.F.R. § 104.4(b)(1)(i)&(ii).

If a *prima facie* case is established, an inference of discrimination is created and OCR then determines whether there is a legitimate, nondiscriminatory reason for the denial of benefit or other adverse action. OCR then examines the proffered reason to determine whether there is sufficient evidence to support a conclusion the proffered reason is actually a pretext for discrimination.

### **Preliminary Investigative Findings**

The Complainant's son (Student) is a student diagnosed with autism. At the start of the 2015-16 school year, the Student began attending a new high school (School) in the District. At all times during the 2015-16 school year, the Student received educational services pursuant to an Individualized Education Plan (IEP) and receives specialized instruction in a self-contained classroom, separate from the general education population. He was with his peers without disabilities in the regular education setting 26% of the time.

On October 28, 2015, the Complainant emailed the Coordinator at the School, stating she would like to visit the Student at the School and requesting information about who to contact to facilitate her visit. The Coordinator responded to the Complainant that same day. In her response email, the Coordinator asked the Complainant to clarify whether she just wanted to "meet and talk" with the Student in school, or whether she wanted to observe the Student in his classroom. The Coordinator explained that classroom observations are not permitted at the School "due to HIPAA laws and protecting the privacy of other students," but stated that if the Complainant merely wanted to talk with the Student or eat with him during lunch, that could be arranged.

The Complainant responded to the Coordinator:

I am at a loss. I have always been an active part of my child's education and have been welcomed by teachers and schools. As for HIPAA, I worked in education for 11 years and that law was never designed to prevent parents from visiting schools. It is designed to protect student privacy records... This correspondence is truly disheartening. Schools are constantly complaining about apathetic parents and look at the roadblocks you're putting up to prevent me from being an active part of my child's education.

On October 30, 2015, the Coordinator emailed the Complainant, further clarifying the School's position to her. The Coordinator stated that the Board policy on visitors encourages parents to be "an active part of their child's education" however, the School,

must maintain an instructional environment and cannot allow observations that could be disruptive to that learning environment. We believe that due to the small, individualized setting, it is disruptive to the learners in a self-contained classroom.

The Coordinator invoked the confidentiality rights of other students as an additional reason for precluding the classroom observation with other students present. The Coordinator offered the Complainant a few alternatives to observing the Student in the classroom, stating the Complainant could observe the Student (1) in the general education setting, during his PE class,

(2) during meal-times, or (3) working individually with his teacher. The Coordinator indicated the Assistant Principal at the school would assist the Complainant with scheduling the visit.

The Complainant filed this OCR complaint three days later, on November 2, 2015.

*Relevant District's Policies and Procedures*

During the 2015-16 school year, Board Policy KK, **Visitors to District Property/Events**, stated in the relevant part:

**Inappropriate Behavior**

The Board encourages parents and other members of the public to visit district buildings and attend district events and activities; however inappropriate behavior or conduct will not be tolerated.

The **Administrative Procedures on Board Policy KK** state, in the relevant parts:

**District Property**

[...]

The Board wants and expects for our students and staff to have an environment that is safe, secure and stable and conducive to learning and teaching. As such, the Board and administration will not tolerate any person whose presence disturbs classes or district activities or hinders the instructional process, including any individual who disrupts or threatens to disrupt school or office operations, threatens the health or safety of students or staff, willfully causes property damage, or uses loud and/or offensive language that could provoke a violent reaction.

[...]

**Observation During Instructional Time**

The Raytown C-2 School District Board of Education encourages parents to be actively involved in the childrens' education. Further, Missouri law states a preference for continuing meaningful contact with parents. The district is also committed to maintaining an instructional climate that is conducive to student success. The district will only consent to such observations if it is possible to protect the legal privacy of other students in the classroom and the observation will not interrupt the educational process. Observations are subject to the following conditions:

1. All observations will be arranged in advance with the building administrator.
2. The district reserves the right to refuse any request for observation that is

deemed, inappropriate, excessive or detrimental to the instructional process.

3. The classroom teacher and building administrator or a certified designee shall be present throughout any and all observations.
4. The duration of the observation will be established at the time arrangements are made. The observation shall not exceed 45 minutes.
5. The individual conducting the observation and the observer shall not intervene and/or disrupt the instructional process.
6. Audio recorders and/or video cameras are not permitted.
7. During any time of the observation, the superintendent, principal or designee of either may require the observer to leave.

An internal procedure/guidance entitled **Self-Contained Classroom Observations from [sic] Parents/Guardians** states:

**We do not approve parent requests to make “observations” within our self contained classrooms** [emphasis in the original] - first and foremost is that each child has an IEP, this can violate confidentiality of the IEP children (since the children would be identifiable as disabled). Here is further guidance to assist you with explaining to [sic] parent/guardian:

- Our Board of Education policy KK does allow us to limit observations ~ here is the quote within the policy that allows us to limit the type of observation: *“As such, the Board and administration will not tolerate any person whose presence disturbs classes or district activities or hinders the instructional process...”*
- We do not allow the self-contained setting to be observed ~ because it is a small, intimate instructional setting and it is more invasive to have a person observe in this type of classroom – so it is a disruption to this small learning environment.
- We need to ask a parent what they are hoping/wanting to see ~ our job is to see if we can set this up in some manner to allow them access for an observation for the specific behavior/instruction/interaction, etc. requesting to be observed.
- This could mean that we have the child in a 1-1 teaching setting (other students will stay in the SpEd classroom) but this gives the parent an opportunity to observe[.]

- FERPA allows parent to see their [sic] child but it does not allow them to observe other children (i.e. parent can't request to watch their [sic] child with another child because they want to see "what's going on between them...")

We can use verbiage like: "we are unable to allow you to observe in the self-contained classroom due to confidentiality of other children along with our Board policy that indicates observations cannot be disruptive to the learning environment; we are of the belief that due to the small individualized setting, it is disruptive to the learners BUT we do want to offer you options..."

**Here are a few ideas for observation options:** [emphasis in the original]

- ~ Specials class in general education
- ~ A time in which the student goes into a general education class for a certain subject
- ~ Create a setting that allows the teacher and individual student to be working together
- ~ Recess with general education students

#### *OCR Interviews*

OCR interviewed the Complainant on November 24, 2015. OCR interviewed parents of four other students in the Student's class on March 11, 2016. OCR interviewed the Coordinator, Assistant Superintendent, Vice Principal, the Student's special education teacher, the Student's PE teacher, and another special education teacher on April 19, 2016. OCR interviewed two other parents (Parent 1 and Parent 2) who requested to observe their children in self-contained special education classes in the District on May 25, 2017.

The Assistant Superintendent specified that the document entitled *Self-Contained Classroom Observations from [sic] Parents/Guardians* (guidance document) is not District policy. She explained that, unlike Board policies and administrative procedures, guidance documents are not reviewed and officially adopted by the Board. She stated there is no similar guidance for general education classroom settings.

The Vice Principal noted the guidance document has been in effect since 2008. The Vice Principal was able to recall two instances where parents observed general education students in their classroom settings, but no instances where parents observed special education students in their self-contained classroom setting.

The Coordinator stated that in the time she has worked at the School, there have been no incidents where a parent observation interrupted a class. However, she stated that students in self-contained classes have more severe disabilities and any minor change in their routines can

negatively affect the instructional climate. She recounted an experience in a different school where she witnessed a parent observation causing a disruption in a special education classroom.

The Student's teacher told OCR there are nine students in the Student's self-contained class. Each student is a student with a disability, receives special education services pursuant to an IEP and receives specialized instruction separate from the general education population in her self-contained classroom. She stated that several students may be distracted by a visitor.

Parent 1 told OCR that the middle school her child attends in the District refused her request to observe her child in his self-contained special education classroom, on the basis that allowing her to do so would violate the privacy rights of other students in the classroom.

Parent 2 told OCR that she has two children who receive special education services in the District. Her older child is a student in a self-contained classroom in a specialized school within the District. Her younger child is a student in a self-contained classroom in one of the District's general education elementary schools. The District has permitted Parent 2 to observe her older child in his self-contained classroom with other students present on multiple occasions, but denied her requests to observe her younger child in her classroom setting on the basis of the Family Educational Rights and Privacy Act (FERPA).

### **Voluntary Resolution Agreement**

Prior to the completion of OCR's investigation, the District submitted a signed Agreement (copy enclosed) on March 12, 2018 that, when fully implemented, will address the allegation of this complaint. The Agreement requires the District to confirm in writing that it has rescinded the *Self-Contained Classroom Observations from [sic] Parents/Guardians* guidance document and distribute a written reminder to relevant District staff that said guidance is no longer in use, revise Board Policy KK and publish it after it has been approved by OCR, provide notice to relevant District staff detailing the changes to the District's classroom observation policies and the practical application of the changes, provide internal District training on the revised policy, and provide information about District determinations on parent observation requests to OCR for a full academic semester.

OCR considers this case resolved as of the date of this letter. OCR will monitor the District's implementation of the Agreement. When OCR concludes the District has fully implemented the terms of the Agreement, OCR will close the complaint. If the District fails to carry out the Agreement, OCR may resume its investigation or take other action.

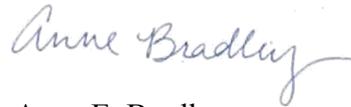
This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR is committed to prompt and effective service. If you have any questions, please contact Elana M. Simha, General Attorney, at (816) 268-0536 (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at [Elana.Simha@ed.gov](mailto:Elana.Simha@ed.gov).

Sincerely,

A handwritten signature in cursive script that reads "Anne Bradley".

Anne E. Bradley  
Acting Supervisory Attorney

Enclosure

**Resolution Agreement  
Raytown C-2 School District  
OCR Case Number 07-16-1026**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Raytown C-2 School District (District), Raytown, Missouri, enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrong-doing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104 and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions:

1. Within sixty (60) days of this agreement, the District agrees to review and revise Board Policy KK, *Visitors to District Property/Events*, subsection *Observations During Instructional Time* as follows:
  - a. Specify that all parents may request classroom observations, regardless of what program or classroom their child is in;
  - b. Indicate that any parent requesting an observation should submit a request in writing to the building principal;
  - c. Detail the factors the District will consider in assessing all parental requests for classroom observation;
  - d. Specify that the determination of the time, place and manner of the classroom observation will be made on a case-by-case basis by the building principal; and
  - e. Specify that schools in the District must process observation requests in a manner consistent with the requirements of Board Policy KK.

**REPORTING REQUIREMENT:** Within sixty-five (65) days of the date of this agreement, the District will submit a copy of the revised Board Policy to OCR for review and approval.

2. Within sixty (60) days of receiving OCR approval of its revised Board Policy, the Board will approve the revised policy, and within ten (10) days thereafter, the District will disseminate the revised Board Policy to all students, parents and employees by

prominently including the revised Board Policy in the District's published Board Policies. The District may meet this requirement either by including appropriate inserts in existing hardcopy materials and publications, by revising and reprinting the materials and publications, and/or by updating the electronic version of the Board Policies.

**REPORTING REQUIREMENT:** Within seventy (70) days after OCR notifies the District in writing that it has approved the revised Board Policy, the District will submit to OCR documentation showing completion of the activities described in this section.

3. Within thirty (30) days of this agreement, the District agrees to confirm in writing that it discontinued use of the internal guidance entitled *Self-Contained Classroom Observations from Parents/Guardians* and shall distribute a written reminder to District officials and staff who have received or had access to the guidance that it is no longer in use by the District.

**REPORTING REQUIREMENT:** Within forty-five (45) days of the date of this agreement, the District will submit a copy of the notice described in this section to OCR for review and approval.

4. No later than August 31, 2018, the District shall distribute notice regarding the changes to the District's classroom observation policies to District officials and staff involved in the decision making process when a request for classroom observation is made. The notice will specifically state that schools are not permitted to develop, adopt or utilize internal school guidance or policies that alter, supplement or supplant Board Policy KK, without Board approval. The notice will also detail methods by which the District may structure a parent's classroom observation in order to minimize their distractions to other students, while still allowing parents to observe the students in their regular classroom settings. The notice will specify a District administrator who may be contacted if District officials or staff believe that a request for observation implicates other students' confidentiality rights under state or federal law.

**REPORTING REQUIREMENT:** Within forty-five (45) days of the date of this agreement, the District will submit a copy of the notice described in this section to OCR for review and approval.

5. No later than August 31, 2018, the District will provide training on the subject of District's revised Board Policy and the notice described in the previous paragraph to District officials and staff involved in the decision making process when a request for classroom observation is made. The training will be conducted by an individual(s) knowledgeable about the revised Board Policy and the ways in which it differs from the prior Board Policy. The training may be conducted in person or electronically.

**REPORTING REQUIREMENT:** Within fifteen (15) days after the training described in item three (3) takes place, the District will provide documentation

to OCR showing it has completed the training. The documentation must identify the:

- Date, time, and location or means of the training;
  - Topics addressed at the training (the District may provide OCR an outline of the training and copy of the materials disseminated at the training);
  - Name(s), title(s), and credentials of the individual(s) who conducted the training; and
  - A sign-in sheet containing the name, title, signature or digital equivalent, and work location of each employee who completes the training.
6. For the academic semester (excluding summer school) beginning after the date OCR notifies the District in writing that it has approved the revised Board Policy, the District agrees to log detailed information pertaining to certain parental classroom observations. The detailed logging requirements set forth in this paragraph apply only to parental requests for observation for which the student requested to be observed has either an Individualized Education Program (IEP) or a Section 504 Plan, and which request is either denied or approved subject to terms, conditions, or limitations contradictory to the parent's request. For such requests and observations, the following detailed information will be logged:
- a. Date of the request and copy of the written request;
  - b. Name and phone number of the parent requesting the observation;
  - c. Name of the student to be observed;
  - d. The student's disability classification and classroom setting;
  - e. Name of the individual who responded to the parent's request;
  - f. Description of the factors considered in assessing the parent's request;
  - g. Indication of whether the observation was granted or denied;
  - h. If the observation was granted, a description of how the observation was structured (e.g. parent sat at the back of the classroom, parent observed through a window, etc.);
  - i. If the observation was denied, the reasons for the denial; and
  - j. A copy of the written notification to the parent of the denial.

The District may meet this requirement by providing OCR with logs from its Student Information System (SIS), however the District must ensure that information responsive to each of the items listed in (a) – (j) of this section is included in the SIS logs.

The detailed logging requirements set forth above do not apply to requests to observe students who do not have an IEP or Section 504 Plan, or requests that are unconditionally approved. Such requests may continue to be logged with the existing

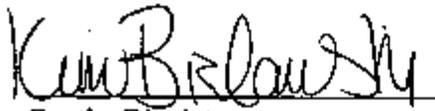
level of detail through the parent contact log in SIS. The District will specifically add “Observation” as a menu item in the drop down box for ease of OCR review.

**REPORTING REQUIREMENT:** Within thirty (30) days after the termination of the academic semester described in this section, the District will submit a copy of all the classroom observation request logs to OCR for review.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. § 104.21, § 104.22, and § 104.23 and the regulation implementing Title II at 28 C.F.R. § 35.149, § 35.150, and § 35.151, which was at issue in this case.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement and that all actions taken to comply with the requirements of the Agreement are subject to OCR’s review and approval. OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. § 104.21, § 104.22, and § 104.23 and the regulation implementing Title II at 28 C.F.R. § 35.149, § 35.150, and § 35.151, which was at issue in this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

  
For the District

3/12/18  
Date



# GUIN MUNDORF

LLC

Attorneys at Law

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August 10, 2018

**VIA ELECTRONIC MAIL**

Ms. Elana M. Simha  
United States Department of Education  
Office of Civil Rights  
1010 Walnut Street, Suite 320  
Kansas City, MO 64106  
[Elana.Simha@ed.gov](mailto:Elana.Simha@ed.gov)

Re: *Raytown C-2 School District*  
OCR Case No. 07-16-1026

Dear Ms. Simha:

The resolution agreement signed by the school district in the above-referenced matter includes the following provision:

- No later than August 31, 2018, the District shall distribute notice regarding the changes to the District's classroom observation policies to District officials and staff involved in the decision making process when a request for classroom observation is made. The notice will specifically state that schools are not permitted to develop, adopt or utilize internal school guidance or policies that alter, supplement or supplant Board Policy KK, without Board approval. The notice will also detail methods by which the District may structure a parent's classroom observation in order to minimize their distractions to other students, while still allowing parents to observe the students in their regular classroom settings. The notice will specify a District administrator who may be contacted if District officials or staff believe that a request for observation implicates other students' confidentiality rights under state or federal law.
- No later than August 31, 2018, the District will provide training on the subject of District's revised Board Policy and the notice described in the previous paragraph to District officials and staff involved in the decision making process when a request for classroom observation is made. The training will be conducted by an individual(s) knowledgeable about the revised Board Policy and the ways in which it differs from the prior Board Policy. The training may be conducted in person or electronically.

The Raytown C-2 School District has continued to fulfill the terms of the resolution agreement entered into in the above-referenced matter. On July 25, 2018, the notice and training requirements as set forth above were met during the District's annual Administrative Retreat.

Ms. Elana M. Simha

August 10, 2018

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The training was conducted in person by Ms. Jessica Bernard, who is an attorney for the District, and Dr. Marlene DeVilbiss, who is the Assistant Superintendent of Human Resources for the District. Enclosed please find the following:

- Notice of Changes to Board Policy KK
- Observation Request Form
- Training Materials Regarding Changes to Observation Policy
- Powerpoint Slides from Training
- Sign In Sheets for Training

These materials meet the reporting requirements for paragraphs four (4) and five (5) of the resolution agreement. Please let me know if you need any further information with respect to those terms.

Sincerely,



Shellie L. Guin

SLG/kh

Enclosures

cc: Ms. Kim Bielawski

## NOTICE OF CHANGES TO OBSERVATION POLICY

- The Board of Education revised Policy KK as it pertains to classroom observations on June 11, 2018.
  - A reference copy with revisions is attached.
- Parents should submit a request to observe in writing. Please use the Observation Request Form, which will be distributed electronically prior to the start of the school year.
- Observation requests must be processed in accordance with Policy KK.
  - Schools are not permitted to develop, adopt or utilize internal school guidance or policies that alter, supplement or supplant Policy KK, without Board approval.
- Listed below are methods you may use to structure a parent's classroom observation in order to minimize distractions to other students, while still allowing parents to observe their student in his/her regular classroom setting. The method used may vary depending on the purpose of the observation.
  - Designated place in classroom
  - Observe through door or window
  - Use of partition
  - Use of video
  - Less structured instructional time – specials
  - Less structured activity – lunch/recess
  - Individualized instruction or therapy
- If confidentiality issues or other concerns arise, please contact Tony Moore (North) or Kim Bielawski (South).

# REFERENCE COPY

FILE: KK  
Critical

## EXPLANATION: VISITORS TO DISTRICT PROPERTY/EVENTS

The revisions to the section regarding parental observations during instructional time were requested by the district.

*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.*

Board Secretary		Business Office		Coaches/Sponsors
Facility Maintenance		Food Service		Gifted
Human Resources	X	Principals		Library/Media Center
Health Services		Counselor		Special Education
Transportation		Public Info/Communications		Technology

FILE: KK  
Critical

**REFERENCE COPY**

## VISITORS TO DISTRICT PROPERTY/EVENTS

### District Property

Members of the Raytown C-2 School District staff will treat parents and other members of the public with respect and will expect the same in return. The district must keep schools and administrative offices free from disruptions and prevent unauthorized persons from entering district grounds.

Accordingly, this policy promotes mutual respect, civility and orderly conduct among district employees, parents and the public. The Board does not intend this policy to deprive any person of his or her right to freedom of expression. Rather, the Board seeks to maintain, to the extent possible and reasonable, a safe, harassment-free workplace for our students and staff. In the interests of presenting teachers and other employees as positive role models, we encourage positive communication and discourage volatile, hostile, abusive or aggressive actions and language.

The Board wants and expects for our students and staff to have an environment that is safe, secure and stable and conducive to learning and teaching. As such, the Board and administration will not tolerate any person whose presence disturbs classes or district activities or hinders the instructional process, including any individual who disrupts or threatens to disrupt school or office operations, threatens the health or safety of students or staff, willfully causes property damage, or uses loud and/or offensive language that could provoke a violent reaction. Visitors to district property may not possess weapons, including concealed weapons, on district property, on district transportation or at any district function or activity sponsored or sanctioned by the district unless the visitor is an authorized law enforcement official or is otherwise authorized by Board policy.

The principal or designee of each school building will post appropriate signs to direct visitors to designated doors nearest the building office. It is the responsibility of all district employees to direct visitors to the office and report any person in violation of district rules.

### Visits During Non-Instructional Time

Parents/Guardians and patrons of the district are welcome to visit district schools and attend district events. Examples of visits include but are not limited to lunch with a child, open house, room parties, etc. All visitors during business hours, including Board members, must sign or check in at the building office prior to being escorted elsewhere in the building. The district encourages parents/guardians or others to notify the building office ahead of their visit to minimize classroom disruption. Parents who wish to visit a school and/or class for the purpose of noting student and/or staff interactions must follow district guidelines for observations. Visitors not approved by the parent are not allowed to visit or observe.

### **Observations During Instructional Time**

The Raytown C-2 School District Board of Education encourages parents to be actively involved in their childrens' education. Further, Missouri law states a preference for continuing a meaningful contact with parents.

The district is also committed to maintaining an instructional climate that is conducive to student success. Any parent may request to conduct an observation of their child regardless of the building, class or program to which the child is assigned. The district will only consent to such observations if it is possible to protect the legal privacy of other students in the classroom and that the observations will not disrupt the educational process. Observations will be processed in accordance with this policy and are subject to the following conditions:

1. All observations will be arranged in advance with the building administrator. Parents should submit a request for observation in writing to the building administrator.
2. The time, place and manner of the observation will be determined on a case-by-case basis by the building administrator based on factors including purpose of the observation, potential disruption to the educational process, legal rights of other students, safety of staff and students, and best interest of the child.
23. The district reserves the right to refuse any request for an observation that is deemed inappropriate, excessive or detrimental to the instruction process.
34. The classroom teacher and building administrator or a certificated designee shall be present throughout any and all observations.
45. The duration of the observation will be established at the time arrangements are made. The observation shall not exceed 45 minutes.
56. The individual conducting the observation and the observer shall not intervene and/or disrupt the instructional process.
67. Audio recorders and/or video cameras are not permitted.
78. During any time of the observation, the superintendent, principal or a designee of either may require the observer to leave.

### **Visits or Observations During Recess**

Parents are not allowed to visit or observe during recess without an administrative escort.

## REFERENCE COPY

FILE: KK  
Critical

### Guest Speakers

Guest speakers must be approved by administration at least 24 hours in advance. Content of the presentation must be connected to district goals and curriculum. The speaker must sign-in. He/she must be escorted and supervised throughout the visit.

### Third-Party Observations

Observation of students by third parties is permitted if the observation is legally required, in the best educational interest of the child, or is otherwise designed to improve the district's educational program. Third-party observations must adhere to all conditions set forth in this policy for visits and observations. Parents who wish to have a child observed must complete form KK-AF and submit it to the assistant superintendent of special services or the building principal. Parents will be notified whether their request has been approved.

### Appropriate Behavior

The Raytown C-2 School District believes that district events are a vital part of the total educational program and should be used as a means for developing positive social interaction, good sportsmanship and appropriate behavior, in addition to 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 encourages district patrons to exhibit good sportsmanship, citizenship, ethics and integrity at all district events and at all times while on district grounds. The district will work with the Missouri State High School Activities Association (MSHSAA) and other organizations to promote good behavior by patrons at athletic and other events. The Board will work with parents/guardians, alumni associations and local service organizations to keep appropriate behavior a top priority. The superintendent will establish procedures for crowd control at district events consistent with this policy.

### Registered Sex Offenders and Persons Prohibited on or Near District Property

Sex offenders required to be listed on the Missouri Highway Patrol's sex offender registry, or who have pled guilty, pled *nolo contendere* or been convicted of crimes for which the law currently requires offenders to be listed, regardless of when those crimes were committed, are not allowed on district property or transportation or at district activities, regardless of whether those activities are held on or off district property, unless access is required by law.

In accordance with law, the district also prohibits all persons who have pled guilty or *nolo contendere* to or who have been convicted of or found guilty of violating the following provisions

from being on or within 500 feet of any school building, district property, district activity or any vehicle used to transport students:

1. Any of the provisions in Chapter 566 of the Missouri Revised Statutes.
2. Incest, § 568.020, RSMo.
3. Endangering the welfare of a child in the first degree, § 568.045, RSMo.
4. Use of a child in a sexual performance, § 573.200, RSMo.
5. Promoting a sexual performance by a child, § 573.205, RSMo.
6. Sexual exploitation of a minor, § 573.023, RSMo.
7. Promoting child pornography in the first degree, § 573.025, RSMo.
8. Furnishing pornographic material to minors, § 573.040, RSMo.
9. Any offense committed in another state, a foreign country, or under tribal, federal or military jurisdiction that, if committed in this state, would be a violation listed above.

Despite the prohibitions in this section, the superintendent may grant permission for a parent, guardian or custodian of a student to be on district property for the limited purpose of attending meetings with district staff or in other situations where the student may benefit. Permission will be granted sparingly, if ever, and only in situations where the parent, guardian or custodian will be supervised at all times or will not be alone with a child. If the superintendent does not grant permission, the parent, guardian or custodian may seek permission from the Board. The superintendent will inform the principal and other relevant district staff of the scope of the permission granted.

This section may not apply to a student entitled by law to be on district property for educational services if the student's presence is necessary to obtain those services and the student is not otherwise prohibited by law from being on district property. The exceptions cited in this section do not apply if the person is otherwise prohibited or banned from district property by other sections of this policy.

### **Disruptive Conduct**

If a visitor's conduct becomes disruptive, threatening or violent, the superintendent, principal or a designee of either may require the visitor to leave. The superintendent or designee may inform the visitor that he or she is not welcome back on district property or at district events indefinitely or for

## REFERENCE COPY

FILE: KK  
Critical

a specific period of time. During any period of prohibition, the visitor will not be allowed on district property. The superintendent may make exceptions for parents, guardians or custodians of students enrolled in the district if the person's presence is necessary to transport the student or may benefit the student educationally, or in situations where the parent, guardian or custodian will be supervised at all times. The superintendent may make an exception for visitors to attend a meeting of the Board or its committees but is not obligated to do so. This paragraph does not apply if the person is otherwise prohibited or banned from district property by other sections of this policy.

### Enforcement

If a visitor prohibited from district property or events under this policy is on district property, district staff will contact law enforcement and/or escort the person from district grounds and inform the person of the district policy prohibiting his or her presence.

The superintendent, principal or a designee of either may file a report or sign a complaint with law enforcement on behalf of the district. The Board grants the superintendent or designee the authority to consult an attorney for guidance or to seek a court order banning the visitor from district property. A visitor denied access to district property may communicate with the Board in writing but will not be allowed back onto district property unless allowed by the Board.

\* \* \* \* \*

*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: 02/12/2007, eff. 07/01/2007

Revised: 05/11/2009, eff. 07/01/2009; 06/25/2012; 11/10/2014; 01/09/2017;

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation  
AH, Use of Tobacco Products and Imitation Tobacco Products  
BDDH, Public Participation at Board Meetings  
ECA, Building and Grounds Security  
ECD, Traffic and Parking Controls  
ECG, Animals on District Property  
INC, Speakers at District Events  
JEDB, Student Dismissal Precautions

Legal Refs: Mo. Const. art. IX, § 1(a)

FILE: KK  
Critical

## REFERENCE COPY

§§ 566.149, 589.400, RSMo.

*U.S. Postal Serv. v. Greenburgh Civic Ass'ns.*, 453 U.S. 114 (1981)

*Embry v. Lewis*, 215 F.3d 884 (8th Cir. 2000)

*Lovern v. Edwards*, 190 F.3d 648 (4th Cir. 1999)

*Vukadinovich v. Board of Sch. Trustees of Mich. City*, 978 F.2d 403 (7th Cir. 1992)

*Miller v. Montgomery County R-II Sch. Dist.*, 2011 WL 1299536 (April 1, 2011)

Raytown C-2 School District, Raytown, Missouri

# GUIN MUNDORF

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July 19, 2018

**VIA ELECTRONIC MAIL**

Ms. Elana M. Simha  
United States Department of Education  
Office of Civil Rights  
1010 Walnut Street, Suite 320  
Kansas City, MO 64106  
[Elana.Simha@ed.gov](mailto:Elana.Simha@ed.gov)

Re: *Raytown C-2 School District*  
OCR Case No. 07-16-1026

Dear Ms. Simha:

Enclosed please find a final copy of the revised Policy KK, which was adopted by the Board of Education on June 11, 2018. In accordance with the resolution agreement in this matter, the revised policy has been uploaded to the electronic version of the board policies, which may be accessed through [www.raytownschools.org](http://www.raytownschools.org). This submission satisfies paragraph two of the resolution agreement.

Best Regards,



Shellie L. Guin

SLG/kh  
Enclosure

cc: Ms. Kim Bielawski

**Policy**  
**VISITORS TO DISTRICT**  
**PROPERTY/EVENTS**

**Descriptor Code: KK**

**District Property**

Members of the Raytown C-2 School District staff will treat parents and other members of the public with respect and will expect the same in return. The district must keep schools and administrative offices free from disruptions and prevent unauthorized persons from entering district grounds.

Accordingly, this policy promotes mutual respect, civility and orderly conduct among district employees, parents and the public. The Board does not intend this policy to deprive any person of his or her right to freedom of expression. Rather, the Board seeks to maintain, to the extent possible and reasonable, a safe, harassment-free workplace for our students and staff. In the interests of presenting teachers and other employees as positive role models, we encourage positive communication and discourage volatile, hostile, abusive or aggressive actions and language.

The Board wants and expects for our students and staff to have an environment that is safe, secure and stable and conducive to learning and teaching. As such, the Board and administration will not tolerate any person whose presence disturbs classes or district activities or hinders the instructional process, including any individual who disrupts or threatens to disrupt school or office operations, threatens the health or safety of students or staff, willfully causes property damage, or uses loud and/or offensive language that could provoke a violent reaction. Visitors to district property may not possess weapons, including concealed weapons, on district property, on district transportation or at any district function or activity sponsored or sanctioned by the district unless the visitor is an authorized law enforcement official or is otherwise authorized by Board policy.

The principal or designee of each school building will post appropriate signs to direct visitors to designated doors nearest the building office. It is the responsibility of all district employees to direct visitors to the office and report any person in violation of district rules.

**Visits During Non-Instructional Time**

Parents/Guardians and patrons of the district are welcome to visit district schools and attend district events. Examples of visits include but are not limited to lunch with a child, open house, room parties, etc. All visitors during business hours, including Board members, must sign or check in at the building office prior to being escorted elsewhere in the building. The district encourages parents/guardians or others to notify the building office ahead of their visit to minimize classroom disruption. Parents who wish to visit a school and/or class for the purpose of noting student and/or staff interactions must follow district guidelines for observations. Visitors not approved by the parent are not allowed to visit or observe.

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The district is also committed to maintaining an instructional climate that is conducive to student success. Any parent may request to conduct an observation of their child regardless of the building, class or program to which the child is assigned. The district will only consent to such observations if it is possible to protect the legal privacy of other students in the classroom and that the observations will not disrupt the educational process. Observations will be processed in accordance with this policy and are subject to the following conditions:

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3. The district reserves the right to refuse any request for an observation that is deemed inappropriate, excessive or detrimental to the instruction process.
4. The classroom teacher and building administrator or a certificated designee shall be present throughout any and all observations.
5. The duration of the observation will be established at the time arrangements are made. The observation shall not exceed 45 minutes.
6. The individual conducting the observation and the observer shall not intervene and/or disrupt the instructional process.
7. Audio recorders and/or cameras (still and video) are not permitted.
8. During any time of the observation, the superintendent, principal or a designee of either may require the observer to leave.

#### **Visits or Observations During Recess**

Parents are not allowed to visit or observe during recess without an administrative escort.

#### **Guest Speakers**

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5. Promoting a sexual performance by a child, § 573.205, RSMo.
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Raytown C-2

Date Adopted: 7/1/2007  
Last Revised: 6/11/2018

**State Reference**

§566.149, RSMo.  
§589.400, RSMo.  
Mo. Const. art.IX § 1(a)

**Description**

State Statute  
State Statute  
State Constitution

**Federal Reference**

FED COURT  
FED COURT  
FED COURT  
  
FED COURT

**Description**

Embry v. Lewis, 215 F.3d 884 (8th Cir. 2000)  
Lovern v. Edwards, 190 F.3d 648 (4th Cir. 1999)  
Miller v. Montgomery County R-II Sch. Dist., 2011 WL 1299536 (E.D. Mo. 2011)  
Vukadinovich v. Board of Sch. Trustees of Mich. City, 978 F.2d 403 (7th Cir. 1992)

**Policy Reference**

ECA-1  
AC  
  
AH  
  
BDDH-1  
ECA  
ECD  
ECG  
IKFB  
INC  
JEDB

**Description**

BUILDING AND GROUNDS SECURITY  
PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION  
USE OF TOBACCO PRODUCTS AND IMITATION TOBACCO PRODUCTS  
PUBLIC PARTICIPATION AT BOARD MEETINGS  
BUILDING AND GROUNDS SECURITY  
TRAFFIC AND PARKING CONTROLS  
ANIMALS ON DISTRICT PROPERTY  
GRADUATION EXERCISES  
SPEAKERS AT DISTRICT EVENTS  
STUDENT DISMISSAL PRECAUTIONS

**Policy Reference**

ECA-1  
AC  
AH  
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ANIMALS ON DISTRICT PROPERTY  
GRADUATION EXERCISES  
SPEAKERS AT DISTRICT EVENTS  
STUDENT DISMISSAL PRECAUTIONS

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.

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