

**SECTION A
FOUNDATIONS AND BASIC COMMITMENTS**

AA	School District Legal Status
AC	Prohibition Against Illegal Discrimination and Harassment
AC-E-1	Prohibition Against Illegal Discrimination and Harassment (Notice of Discrimination)
AC-E-2	Prohibition Against Illegal Discrimination and Harassment (Grievance Form)
AC-E-3	Prohibition Against Illegal Discrimination and Harassment (Level I Grievance Report)
AC-E-4	Prohibition Against Illegal Discrimination and Harassment (Level II Grievance Report)
AC-E-5	Prohibition Against Illegal Discrimination and Harassment (Level III Grievance Report)
AC-E-6	Prohibition Against Illegal Discrimination and Harassment (Appeal Form)
ACA	Racial Harassment
ACA-R	Racial Harassment Grievance Procedure
ACA-E-1	Grievance Initiation Form – Racial Harassment
AD	School District Mission (Comprehensive School Improvement Plan)
ADF	District Wellness Program
ADF-R	District Wellness Program
AE	School District Goals and Objectives
AF	Accountability/Commitment to Accomplishment
AH	Tobacco-Free District

SCHOOL DISTRICT LEGAL STATUS

The State of Missouri must establish and maintain free public schools in accordance with the Missouri Constitution and state law. The State has delegated certain responsibilities to local school districts. The school district is governed by a seven-director School Board. Directors are elected or appointed in accordance with law.

As such, the Fort Zumwalt Board of Education is an agency of the state. All powers it possesses have been delegated to it by the legislature of the state. Every act of the Board shall conform to the statutes, court decisions, department regulations, and constitutions of the state and federal government.

The official, name of the school district shall be Fort Zumwalt School District.

In accordance with state law, the Board of Education shall keep a common seal with which to attest its official acts relative to district operations.

Adopted: April 5, 1982
Revised: December 3, 1990
Revised: January 4, 1993
Revised: August 18, 2003

Cross Refs: BBA, School Board Powers and Duties
BBB, School Board Elections
BBBA, Board Member Qualifications
BBE, Unexpired Term Fulfillment/Vacancies

Legal Refs: §§ 162.261, .311, .459, RSMo. Supp.
Mo. Const., Art. IX, § 1 (a)

Fort Zumwalt School District, O'Fallon, Missouri

PROHIBITION AGAINST ILLEGAL DISCRIMINATION AND HARASSMENT

General Rule

The Fort Zumwalt School District Board of Education is committed to maintaining a workplace and educational environment that is free from illegal discrimination or harassment in admission or access to, or treatment or employment in, its programs, activities and facilities. Discrimination or harassment against employees, students or others on the basis of race, color, religion, sex, national origin, ancestry, disability, age or any other characteristic protected by law is strictly prohibited in accordance with law. The Fort Zumwalt School District is an equal opportunity employer. Students, employees and others will not be disciplined for speech in circumstances where it is protected by law. The Board also prohibits:

1. Retaliatory actions based on making complaints of prohibited discrimination or harassment or based on participation in an investigation, formal proceeding or informal resolution concerning prohibited discrimination or harassment.
2. Aiding, abetting, inciting, compelling or coercing discrimination or harassment.
3. Discrimination or harassment against any person because of such person's association with a person protected from discrimination or harassment due to one (1) or more of the above-stated characteristics.

All employees, students and visitors must immediately report to the district for investigation any incident or behavior that could constitute illegal discrimination or harassment.

Additional Prohibited Behavior

Behavior that is not unlawful or does not rise to the level of illegal discrimination or harassment might still be unacceptable for the workplace or the educational environment. Demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics including, but not limited to, socioeconomic level, sexual orientation or perceived sexual orientation.

Consequences

Employees who violate this policy will be disciplined, up to and including employment termination. Students who violate this policy will be disciplined, which may include suspension or expulsion. Patrons, contractors, visitors or others who violate this policy may be prohibited from school grounds or otherwise restricted while on school grounds. The superintendent or designee will contact law enforcement or seek a court order to enforce this policy when necessary or when actions may constitute criminal behavior.

In accordance with law and district policy, any person suspected of abusing or neglecting a child will be reported to the Children's Division (CD) of the Department of Social Services.

Definitions

Discrimination - Conferring, refusing or denying benefits or providing differential treatment to a person or class of persons in violation of law based on race, color, religion, sex, national origin, ancestry, disability, age or any other characteristic protected by law, or based on a belief that such a characteristic exists.

Harassment - A form of discrimination, as defined above, that occurs when the school or work environment becomes permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive enough that it unreasonably alters the employment or educational environment.

Behaviors that could constitute illegal harassment include, but are not limited to, the following acts if based on race, color, religion, sex, national origin, ancestry, disability, age or any other characteristic

protected by law or a belief that such a characteristic exists: graffiti; display of written material or pictures; name calling; slurs; jokes; gestures; threatening, intimidating or hostile acts; theft; or damage to property.

Sexual Harassment - A form of discrimination, as defined above, on the basis of sex. Sexual harassment is unwelcome conduct that occurs when a) benefits or decisions are implicitly or explicitly conditioned upon submission to, or punishment is applied for refusing to comply with, unwelcome sexual advances, requests for sexual favors or conduct of a sexual nature; or b) the school or work environment becomes permeated with intimidation, ridicule or insult that is based on sex or is sexual in nature and that is sufficiently severe or pervasive enough to alter the conditions of participation in the district's programs and activities or the conditions of employment. Sexual harassment may occur between members of the same or opposite sex. The district presumes a student cannot consent to behavior of a sexual nature with an adult regardless of the circumstance.

Behaviors that could constitute sexual harassment include, but are not limited to:

1. Sexual advances and requests or pressure of any kind for sexual favors, activities or contact.
2. Conditioning grades, promotions, rewards or privileges on submission to sexual favors, activities or contact.
3. Punishing or reprimanding persons who refuse to comply with sexual requests, activities or contact.
4. Graffiti, name calling, slurs, jokes, gestures or communications of a sexual nature or based on sex.
5. Physical contact or touching of a sexual nature, including touching of intimate parts and sexually motivated or inappropriate patting, pinching or rubbing.

Grievance - A verbal or written report (also known as a complaint) of discrimination or harassment made to the compliance officer.

Compliance Officer

The Board designates the following individual to act as the district's compliance officer:

Deputy Superintendent (employee issues)
110 Virgil St., O'Fallon, MO 63366
(636) 272-6620

Assistant Superintendent Student Personnel Services
(student issues)
110 Virgil St., O'Fallon, MO 63366
(636) 272-6620

The compliance officer will:

1. Coordinate district compliance with this policy and the law.
2. Receive all grievances regarding discrimination and harassment in the Fort Zumwalt School District.
3. Serve as the district's designated Title IX, Section 504 and Americans with Disabilities Act (ADA) coordinator, as well as the contact person for compliance with other discrimination laws.
4. Investigate or assign persons to investigate grievances; monitor the status of grievances; and recommend consequences.
5. Seek legal advice when necessary to enforce this policy.
6. Report to the superintendent and the Board aggregate information regarding the number and frequency of grievances and compliance with this policy.
7. Make recommendations regarding the implementation of this policy.

8. Coordinate and institute training programs for district staff and supervisors as necessary to meet the goals of this policy, including instruction in recognizing behavior that constitutes discrimination and harassment.
9. Perform other duties as assigned by the superintendent.

In the event the compliance officer is unavailable or is the subject of a report that would otherwise be made to the compliance officer, reports should instead be directed to the acting compliance officer:

Deputy Superintendent (employee issues)
110 Virgil St., O'Fallon, MO 63366
(636) 272-6620

Assistant Superintendent Student Personnel Services
(student issues)
110 Virgil St., O'Fallon, MO 63366
(636) 272-6620

Public Notice

The superintendent or designee will continuously publicize the district's policy prohibiting illegal discrimination and harassment and disseminate information on how to report discrimination and harassment. Notification of the district's policy will be posted in a public area of each building used for instruction or employment or open to the public. Information will also be distributed annually to employees, parents/guardians and students as well as to newly enrolled students and newly hired employees. District bulletins, catalogs, application forms, recruitment material and the district's website will include a statement that the Fort Zumwalt School District does not discriminate in its programs, activities, facilities or with regard to employment. The district will provide information in alternative formats when necessary to accommodate persons with disabilities.

Reporting

All persons must report incidents that might constitute illegal discrimination or harassment directly to the compliance officer or acting compliance officer. All district employees will direct all persons seeking to make a grievance directly to the compliance officer. Even if the potential victim of discrimination or harassment does not file a grievance, district employees are required to report to the compliance officer any observations, rumors or other information regarding discrimination or harassment prohibited by this policy. If a verbal grievance is made, the person will be asked to submit a written complaint to the compliance officer or acting compliance officer. If a person refuses or is unable to submit a written complaint, the compliance officer will summarize the verbal complaint in writing. A grievance is not needed for the district to take action upon finding a violation of law, district policy or district expectations.

Students, employees and others may address concerns directly with the person alleged to have caused harassment or discrimination in an attempt to resolve the issue, but are not expected or required to do so.

Student-on-Student Harassment

Building-level administrators are in a unique position to identify and address discrimination and harassment between students, particularly when behaviors are reported through the normal disciplinary process and not through a grievance. The administrator has the ability to immediately discipline a student for any behavior that otherwise would lead to disciplinary action in accordance with the district's discipline policy. The administrator will report all incidents of harassment and discrimination to the compliance officer and will direct the parent/guardian and student to the compliance officer for further assistance. The compliance officer may determine that the incident has been appropriately addressed or recommend additional action. When a grievance is filed, the investigation and complaint process detailed below will be used.

Investigation

The district will immediately investigate all grievances. All persons are required to cooperate fully in the investigation. The district compliance officer or other designated investigator may utilize an attorney or other professionals to conduct the investigation.

In determining whether alleged conduct constitutes discrimination or harassment, the district will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred and all other relevant information. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. If, after investigation, school officials determine that it is more likely than not that discrimination, harassment or other prohibited behavior has occurred, the district will take immediate corrective action.

Grievance Process Overview

1. If a person designated to hear a grievance or appeal is the subject of the grievance, the next highest step in the grievance process will be used.
2. Investigation and reporting deadlines are not mandatory upon the district when more time might be necessary to adequately conduct an investigation and to render a decision. When extended, the person filing the complaint will be notified. If more than twice the allotted time has expired without a response, the appeal may be taken to the next level.
3. Failure of the person filing the grievance to appeal within the timelines given will be considered acceptance of the findings and remedial action taken.
4. The district will investigate all grievances, even if an outside enforcing agency such as the Office for Civil Rights, law enforcement or the CD is also investigating a complaint arising from the same circumstances.
5. The district will only share information regarding an individually identifiable student or employee with the person filing the grievance or other persons if allowed by law and in accordance with Board policy.
6. Upon receiving a grievance, district administrators or supervisors, after consultation with the compliance officer, will take immediate action if necessary to prevent further potential discrimination or harassment during the pending investigation.

Grievance Process

1. Level I - A grievance is filed with the district's compliance officer. The compliance officer may, at his or her discretion, assign a school principal or other appropriate supervisor to conduct the investigation when appropriate.

Regardless of who investigates the grievance, an investigation will commence immediately, but no later than ten (10) working days after the compliance officer receives the grievance. The compliance officer will complete a written report within 30 working days of receiving the grievance that 1) summarizes the facts; 2) makes conclusions on whether the facts constitute a violation of this policy; and 3) if a violation of this policy is found, recommends corrective action to the superintendent. If someone other than the compliance officer conducts the investigation, the compliance officer or acting compliance officer will review and sign the report. The person who filed the grievance will be notified in writing, in accordance with law and district policy, regarding whether the policy has been violated.

FILE: AC
Critical
Page 5

2. Level II - Within five (5) working days after receiving the Level I decision, the person filing the grievance may appeal the compliance officer's decision to the superintendent by notifying the superintendent in writing. The superintendent may, at his or her discretion, designate another person (other than the compliance officer) to review the matter when appropriate.

Within ten (10) working days, the superintendent will complete a written decision on the appeal, stating whether a violation of this policy is found and, if so, stating what corrective actions will be implemented. If someone other than the superintendent conducts the appeal, the superintendent will review and sign the report before it is given to the person appealing. A copy of the appeal and decision will be given to the compliance officer or acting compliance officer. The person who filed the grievance will be notified in writing, in accordance with law and district policy, regarding whether the policy has been violated.

3. Level III - Within five (5) working days after receiving the Level II decision, the person filing the grievance may appeal the superintendent's decision to the Board by notifying the Board secretary in writing. The person filing the grievance will be allowed to address the Board, and the Board may call for the presence of such other persons deemed necessary. The Board will issue a decision within 30 working days for implementation by the administration. The Board's decision and any actions taken are final. The Board secretary will give the compliance officer or acting compliance officer a copy of the appeal and decision. The person who filed the grievance will be notified in writing, in accordance with law and district policy, regarding whether the policy has been violated.

Confidentiality and Records

To the extent permitted by law and in accordance with Board policy, the district will keep confidential the identity of the person filing a grievance and any grievance or other document that is generated or received pertaining to grievances. Information may be disclosed if necessary to further the investigation, appeal or resolution of a grievance, or if necessary to carry out disciplinary measures. The district will disclose information to the district's attorney, law enforcement, the CD and others when necessary to enforce this policy or when required by law. In implementing this policy, the district will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record.

Adopted: April 5, 1982
Revised: December 3, 1990
Revised: January 4, 1993
Revised: July 19, 1999
Revised: May 21, 2001
Revised: June 18, 2001
Revised: June 28, 2007

Cross Refs: EHB, Technology Usage
GBCB, Staff Conduct
GBH, Staff/Student Relations
GBL, Personnel Records
GCD, Professional Staff Recruiting and Hiring
GDC, Support Staff Recruiting and Hiring
IGBA, Programs for Students with Disabilities
IGBCB, Programs for Migrant Students
IGBH, Programs for Limited English Proficient/Language Minority Students
IGD, District-Sponsored Extracurricular Activities and Organizations
IICC, School Volunteers
JFCF, Hazing and Bullying
JG, Student Discipline
KK, Visitors to District Property/Events

Legal Refs: Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 - 1487
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681
Equal Pay Act, 29 U.S.C. § 206(d)
Age Discrimination in Employment Act, 29 U.S.C. §§ 621 - 634
The Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d - 2000d-7
Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e - 2000e-17
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101 - 6107
Americans with Disabilities Act, 42 U.S.C. §§ 12101 - 12213
Missouri Human Rights Act, §§ 213.010 - 213.137, RSMo.
Female Employees' Wages, §§ 290.400 - .450, RSMo.
Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
Gebser v. Lago Vista Ind. Sch. Dist., 524 U.S. 274 (1998)
Oncale v. Sundowner Offshore Services, 523 U.S. 75 (1998)
Harris v. Forklift Systems, Inc., 510 U.S. 17 (1993)

Fort Zumwalt School District, O'Fallon, Missouri

RACIAL HARASSMENT

A. Anti-Discrimination Law Compliance

As a political subdivision, employer, recipient of federal funds and educational institution, the Board of Education is prohibited from, and hereby declares a policy against, racial harassment. This prohibited conduct may be in a form of student-to-student, staff to student, or student to staff interactions.

B. Collateral Prohibitions

As part of this obligation, the Board is also prohibited from, and declares a policy against:

- (1) Retaliatory actions based on making complaints of racial harassment, participation in an investigation, formal proceeding or informal resolution concerning racial harassment;
- (2) Aiding, abetting, inciting, compelling or coercing racial harassment;
- (3) Racial harassment against any person because of such person's association with a person protected from racial harassment.

C. Racial Harassment – Defined

Any oral, written, graphic or physical conduct related to an individual's race, color, or national origin that is sufficiently severe, persistent or pervasive so as to interfere with or limit the ability of an individual to participate in or benefit from programs or activities is considered racial harassment. Examples of this conduct can include, but are not limited to, racial name-calling, graffiti, cartoons of a negative demeanor, racially motivated harassing, threatening or intimidating comments, and physical acts of aggression.

D. Compliance Officer Appointment

To ensure that these obligations are met, the Board designates the following individual to act as the district's Title VI compliance coordinator, who shall also be the appointee for all laws specifically mandating such an appointment, and who shall have the duty of keeping the superintendent informed of the state of compliance with this policy district wide:

Fort Zumwalt School District
Attn: Assistant Superintendent Student Personnel Services
110 Virgil Street
O'Fallon, MO 63366
(636) 240-2072

E. Reporting and Complaint

Complaints and reports regarding discharge of the duties summarized in this policy should be addressed to the compliance coordinator. Any employee of the district or member of the Board of Education who becomes apprised of a possible violation of this policy must report the matter to the coordinator. In the event the compliance coordinator is the subject of a report that would otherwise be made to the compliance coordinator, reports should instead be directed to: Fort Zumwalt School District Superintendent, 110 Virgil Street, O'Fallon, MO, who will assume the coordinator's duties for the purpose of that complaint.

F. Grievance Procedure and Resolution of Complaints

The administration will establish an effective grievance procedure and take any other actions necessary to carry out this policy, with due regard for the substantive and procedural rights of all parties concerned. Nothing in this policy prohibits a complainant from filing a complaint with the Office of Civil Rights, 8930 Ward Parkway, Suite 2037, Kansas City, MO 64114, phone: (816) 268-0550.

G. Confidentiality and Records

To the extent permitted by law, any public record held by this district that is generated or received pursuant to this policy shall be closed and available only to the Board acting as a quorum, a committee appointed by the Board to carry out this policy on a permanent or ad hoc basis, the compliance coordinator and other administrators whose duties require access to the record in order to carry out this policy. Such persons may share access, on an individual basis, to such records with complainants or participants in a grievance or other resolution, only to the extent such disclosures may be required when material in the records is integral to an action affecting a constitutionally recognized property or liberty interest.

H. Public Notice and Dissemination

A copy of this policy will be posted in a public area of each building used for instruction and/or administrative offices. A copy of this policy will also be distributed annually to employees. Parents or guardians and students will receive notification concerning the District's prohibition of racial harassment, procedures for reporting harassment, the name of the compliance officer to which reports shall be made and a timetable for investigation and processing claims. The administration is directed to further publicize compliance with anti-discrimination laws, including instruction in recognizing behavior indicative of a violation of this policy.

I. Limitations

Nothing in this policy shall be construed as creating a cause of action. Neither the proscriptions of, nor actions taken under, this policy shall on that basis estop the Board from fully arguing for or against the existence of any fact and the scope or meaning of any law in any forum.

Note: *The reader is encouraged to review administrative procedures and/or forms for related information in support of this policy area.*

Legal Refs: P. L. 92-318, Education Amendments of 1972, Title IX 45 CFR, Parts 81, 86
(*Federal Register*, June 4, 1975; August 11, 1975)
"Notice of Nondiscrimination," Office of Civil Rights, U.S. Dept. of Ed., September 1996
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000D *et seq.*
Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000D *et seq.*
Missouri Human Rights Act, §§ 213.010 *et seq.*, RSMo.

Adopted: February 20, 2001
Revised: May 21, 2001
Revised: July 18, 2007

Fort Zumwalt School District, O'Fallon, Missouri

RACIAL HARASSMENT GRIEVANCE PROCEDURE

I. Overview of Procedural Components**A. General**

1. This grievance procedure exists to provide formal resolution of complaints that policy ACA has been violated. It does not prohibit the informal adjustment of any complaint. Pursuit of informal adjustment is not a valid reason for missing a filing deadline, but a timely filed complaint may be continued by consent of the parties in order to allow pursuit of informal adjustment.
2. The compliance coordinator should be informed of the progress of all informal adjustments and grievances at each step by the district employee responsible for each step of a grievance, so that the compliance coordinator may keep abreast of all matters concerning policy ACA and be ready at any time to report on the same to the superintendent, Board or an outside agency.
3. Where a statute, administrative rule, or Board policy provides a scheme for resolutions of complaints arising under that statute, rule or policy, this grievance procedure shall not be applicable.
4. When, based upon reported information and/or investigation, the compliance coordinator finds a likely violation of policy ACA, the compliance coordinator shall so inform the superintendent, regardless of whether a complaint has been filed. Lack of a complaint will not preclude appropriate remedial action by the district upon finding by the superintendent of a violation of policy ACA, nor will the existence of a complaint or its outcome hinder the superintendent in enforcing policy ACA. Lack of a remedial action does not preclude a disciplinary action, and vice versa.
5. In addition to keeping the superintendent informed of likely violations of policy ACA throughout the district, the compliance coordinator should also confidentially contact putative victims of likely violations of policy ACA to investigate, further explain policy ACA if necessary, and make sure the putative victim is aware of the grievance procedure.
6. Actions involving employees or students implemented as remedial action for a violation of policy ACA are not exempt from such constitutional due process requirements as apply case-by-case to such an individual and/or the nature of the action taken. However, this regulation is not meant to provide any additional substantive or procedural rights to employees or students who must be involved in remedial actions.
7. If a person designated to hear a complaint or appeal is the subject of the complaint, the next highest step in the grievance process will be used.
8. Deadlines herein are directory only, and not mandatory, upon the district. If more than twice the allotted time has expired without a response, appeal may be taken to the next step.
9. Persons alleged to have violated policy ACA, and/or persons necessarily involved in resolution of complaints, will have access to written grievance materials only in the event that remedial or disciplinary action is actually implemented, and then only on a need-to-know basis or as required by the constitution. Participants must understand that FERPA may prevent the disclosure of some records or actions to complainants, including the written responses called for in these regulations.

10. Failure to prosecute an appeal within the timelines given will be deemed as acceptance of the findings and any remedial action of the last level used.
11. All documents, communications and records pertaining to this grievance procedure will be kept separate from personnel records of employees. *
12. The district will not be relieved of its responsibility to respond to a complaint filed under this grievance procedure by the fact that an outside enforcing agency has received a complaint arising from the same circumstances.
13. The compliance coordinator will make follow-up inquiries on completed grievances and informal adjustments to assure that remedial actions have been effective, and to assure that no violation of policy ACA persists or has been caused by the grievance or adjustment itself.

B. Definitions Used in This Procedure

1. **Complaint** – Submission to the responsible district official of a written and signed allegation that there has been a violation of policy ACA, which states: date of filing, names of persons involved including possible witnesses, facts alleged to have happened, a statement of why the facts constitute a violation of policy ACA, a suggestion of the remedy desired, and a statement of any informal adjustment attempts or progress within the complainant's knowledge as of the date of the complaint. Exhibits may be attached.
2. **Complainant** – A person who, by the filing of a complaint under this procedure, claims to be the victim, or the parent or guardian of a student who claims the student was a victim of discrimination in violation of policy ACA.
3. **Appeal** – An appeal requires the filing of the original complaint and exhibits, all decisions rendered by district officials at any lower levels in the grievance process, a statement of why the decision being appealed is inadequate or incorrect, and a statement of the progress of any informal adjustment known to the complainant.

II. Procedure

- A. **Level I** – A complaint is to be filed with the district's compliance coordinator or the building principal. If a complaint is filed with any other administrator, the administrator will immediately forward any complaint received to the compliance coordinator. The compliance coordinator may, in his or her discretion, assign the principal of the building concerned to investigate the matter, unless the principal is a subject of the complaint. Likewise, the principal may delegate an assistant principal to investigate the matter unless the assistant principal is a subject of the complaint. If the compliance coordinator does not assign a principal to investigate the matter, then the compliance coordinator will conduct the investigation.

Regardless of who investigates the complaint, an investigation will be conducted within a normal limit of five (5) working days after submission of a complete complaint, including such hearings or *ex parte* interviews as are reasonably necessary, including contacting witnesses identified by the complaint. The investigator will then issue a written response to the complaint: (1) Summarizing the facts, (2) Making conclusions on whether they constitute a violation of policy ACA and (3) if a violation of policy ACA is found, stating what remedial action will be implemented at the school level or sought from the central administration.

- B. *Level II*** – Within five (5) working days after receiving the *Level I* decision, appeal may be taken to the nondiscrimination compliance coordinator. If the compliance coordinator conducts the initial investigation, an appeal may be taken to the superintendent, as outlined in *Level III*. The compliance coordinator will meet with the complainant as soon as workably possible to review the appellate materials, further discuss the complaint and take any additional evidence the complainant has to offer. Within a normal limit of five (5) working days, the compliance coordinator will issue a written response to the appeal summarizing his or her findings and stating what, if any, remedial actions will be recommended to the superintendent and/or the building-level administration for implementation.
- C. *Level III*** – Within five (5) working days after receiving the *Level II* decision, appeal may be taken to the superintendent. If the compliance coordinator conducts the initial investigation, an appeal may be taken to the superintendent within five (5) working days after receiving the *Level I* decision. If the superintendent is the compliance coordinator, an appeal of the superintendent's decision may be made to the Board of Education as outlined in *Level IV*. If the superintendent is the subject of the complaint, an appeal of the compliance coordinator's decision may be made to the Board of Education as outlined in *Level IV*.

The superintendent may refer the matter to an assistant superintendent, general counsel, or outside counsel, to act as designee and prepare a final decision for signature and implementation. The superintendent or designee will review the appeal materials, conduct further investigations or hearings at the superintendent's or designee's discretion, and seek counsel if necessary. Within a normal limit of ten (10) working days, the superintendent will issue a written decision upon the appeal stating whether a violation of policy ACA is found and, if so, stating what remedial actions will be implemented. A copy of the appeal and decision will be sent to the compliance coordinator by the superintendent.

- D. *Level IV*** – Within five (5) working days after receiving the *Level III* decision, appeal may be taken to the Board of Education by filing the appeal with the superintendent. The matter will be placed on the agenda of the next scheduled meeting of the Board, for closed session unless law requires otherwise. The complainant will be allowed to address the Board, and the Board may call for the presence of such other persons as the Board deems necessary to advise it on the matter and the maintenance of its compliance obligations. The Board may conduct its procedures upon the appeal within 30 working days, for implementation by the administration. For district purposes, and without waiving the right to take any actions later deemed necessary for nondiscrimination mandate compliance, the Board's decision and any actions taken are final. A copy of the appeal and decision will be sent to the compliance coordinator by the Board secretary.

* **This paragraph does not include the records of a collateral disciplinary action. Records of disciplinary actions for violations of policy ACA are kept in the same manner as any other discipline record.**

Note: *The reader is encouraged to review administrative procedures and/or forms for related information in support of this policy area.*

Adopted: February 20, 2001
Revised: May 21, 2001

Fort Zumwalt School District, O'Fallon, Missouri

**PROHIBITION AGAINST ILLEGAL DISCRIMINATION AND HARASSMENT
(Notice of Nondiscrimination)**

The Fort Zumwalt School District does not discriminate on the basis of race, color, religion, national origin, ancestry, sex, disability, age or any other characteristic protected by law in its programs, activities or in employment.

The district will identify, evaluate and provide a free appropriate education to all students with disabilities in accordance with law. Anyone who knows or believes that a student may have a disability, regardless of whether the student is currently enrolled in the Fort Zumwalt School District, is encouraged to contact the district's compliance officer listed below.

All persons with disabilities requiring accommodations to participate in district programs, activities or employment are encouraged to contact the compliance officer listed below.

The following compliance officers have been designated to address inquiries, questions and grievances regarding the district's nondiscrimination policies:

Deputy Superintendent (employee issues)
110 Virgil St., O'Fallon, MO 63366
(636) 272-6620

Assistant Superintendent Student Personnel Services
(student issues)
110 Virgil St., O'Fallon, MO 63366
(636) 272-6620

Inquiries may also be made to the U.S. Department of Education's Office for Civil Rights, the U.S. Equal Employment Opportunity Commission, the Missouri Commission on Human Rights, or the U.S. Department of Justice if applicable.

Office for Civil Rights
U.S. Department of Education
8930 Ward Parkway, Suite 2037
Kansas City, MO 64114-3302
1-816-268-0550 TDD: 1-877-521-2172
E-mail: OCR.KansasCity@ed.gov

Equal Employment Opportunity Commission
Robert A. Young Federal Building
1222 Spruce St., Rm. 8.100
St. Louis, MO 63103

OR

Gateway Tower II
4th & State Ave., 9th Floor
Kansas City, KS 66101
1-800-669-4000 TTY: 1-800-669-6820

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights Section - NYAV
Washington, DC 20530
1-800-514-0301 TTY: 1-800-514-0383

Missouri Commission on Human Rights
P.O. Box 1129
Jefferson City, MO 65102-1129
mchr@dolir.mo.gov

OR

111 N. 7th Street, Suite 903
St. Louis, MO 63101
mchr@dolir.mo.gov

Approved: August 16, 1993
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Revised: August 19, 2002
Revised: June 28, 2007

Fort Zumwalt School District, O'Fallon, Missouri

**PROHIBITION AGAINST ILLEGAL DISCRIMINATION AND HARASSMENT
(Grievance Form)**

Once completed, file this form with the compliance officer. If you have any questions or need assistance, contact the compliance officer at 110 Virgil St., O'Fallon, MO 63366 or (636) 272-6620.

Grievant's Contact Information

Name: _____ / _____ / _____

Address: _____

Phone Number(s): _____

School (if applicable): _____

Relationship to the District: Student Parent/Guardian Employee Other _____

Discrimination/Harassment Grievance (Use additional sheets if necessary.)

Please list all factual information you have regarding the alleged discrimination/harassment, as well as the reasons you believe these actions constitute illegal discrimination/harassment. Be complete and use full names/titles, dates, exact locations and specific occurrences, if appropriate.

List the names of witnesses to the alleged misconduct.

List the names of any person who may have been a victim of this alleged discrimination/harassment.

Have you brought your concern to the attention of a district employee or any other person? If so, who?

What results are you seeking by filing this form?

I have read policy AC, including the time limits and other provisions governing the grievance process.

Signature of Grievant _____

Date _____

- Approved: August 16, 1993
- Revised: August 15, 1994
- Revised: August 17, 1998
- Revised: August 19, 2002
- Revised: June 28, 2007

**PROHIBITION AGAINST ILLEGAL DISCRIMINATION AND HARASSMENT
(Level I Grievance Report)**

**CONFIDENTIAL-For Internal Use Only
To Be Completed by Compliance Officer or Designated Investigator
Attach additional sheets if necessary.**

Name of Grievant: _____ / _____ / _____

Date Grievance Was Filed: _____ Investigator Assigned: _____

Other Persons Involved in the Investigation: _____

Persons Interviewed: _____

Other Information Considered: _____

After investigation, it is more likely than not that the following facts are true: _____

It is more likely than not that the district's policy prohibiting illegal discrimination and harassment

was was not violated. Reasoning: _____

It is more likely than not that other district policies, regulations, procedures or expectations

were were not violated. Reasoning: _____

Corrective Action

Is corrective action needed? Yes No
If yes, state the type of corrective action recommended.

Signature of Investigator (if not compliance officer)

Date

Signature of Compliance Officer

Date

Approved: June 28, 2007

Fort Zumwalt School District, O'Fallon, Missouri

PROHIBITION AGAINST ILLEGAL DISCRIMINATION AND HARASSMENT
(Level II Grievance Report)

CONFIDENTIAL- For Internal Use Only
To Be Completed by the Superintendent or Designee
Attach additional sheets if necessary.

Name of Grievant: _____ / _____ / _____

Date Grievance Was Filed: _____ Date Appeal Was Filed: _____

After review of the report and the investigation conducted:

- I agree with the decision of the compliance officer.
- I believe further investigation is necessary.
- I find the following: _____

It is more likely than not that the district's policy prohibiting illegal discrimination and harassment

- was was not violated. Reasoning (if different from the previous report): _____

It is more likely than not that other district policies, regulations, procedures or expectations were were not violated. Reasoning (if different from the previous report): _____

Corrective Action

Is corrective action needed? Yes No
If yes, state the type of corrective action recommended.

Signature of Superintendent's Designee (if applicable)

Date

Signature of Superintendent

Date

Approved: June 28, 2007

**PROHIBITION AGAINST ILLEGAL DISCRIMINATION AND HARASSMENT
(Level III Grievance Report)**

(Before the Board of Education of the Fort Zumwalt School District)

**CONFIDENTIAL- For Internal Use Only
To Be Completed by the Board or Designee
Attach additional sheets if necessary.**

Name of Grievant: _____ / _____ / _____

Date Grievance Was Filed: _____ Date Appeal Was Filed: _____

Level III: Board of Education

Findings _____ and _____ Conclusions: _____

Corrective Action

Is corrective action needed? Yes No
If yes, state the type of corrective action required.

Signature of Board President Verifying Board Decision

Date

Approved: June 28, 2007

Fort Zumwalt School District, O'Fallon, Missouri

**PROHIBITION AGAINST ILLEGAL DISCRIMINATION AND HARASSMENT
(Appeal Form)**

**To Be Completed by Grievant Appealing a Prior Decision
Attach additional sheets if necessary.**

Name of Grievant: _____ / _____ / _____

Address: _____

Phone Number(s): _____

School (if applicable): _____

Relationship to the District: Student Parent/Guardian Employee Other _____

This is an appeal of the findings and conclusions at the following level:

- Level I - Compliance Officer/Investigator
- Level II - Superintendent/Designee

I disagree with these conclusions because: _____

List any additional information not previously provided to the district. _____

Attach copies of the original grievance form and all lower-level findings and conclusions.

Signature of Grievant

Date

For Office Use Only. Date Appeal Filed: _____

Approved: June 28, 2007

Fort Zumwalt School District, O'Fallon, Missouri

SCHOOL DISTRICT MISSION
(*Comprehensive School Improvement Plan*)

The mission of the Fort Zumwalt School District is to assure that its students, regardless of ability or economic level, are provided an education in such a positive and safe learning environment that all reach their potential. A strong commitment is made to promote the virtues of democracy, citizenship, self-discipline, the work ethic and the need to respect all members of society.

STUDENTS SHOULD

- Develop the abilities to think critically, have a sense of responsibility and enjoy a love of learning.
- Develop physical and emotional well being and a sense of personal worth, as well as a respect for humanity and the dignity of all others.
- Acquire the skills to continue the lifelong process of learning.
- Have equal opportunity.
- Develop a sense of belonging and a desire to improve our society.
- Acquire academic skills as presented in our Board approved curriculum guides.

FACULTY SHOULD

- Make the child the center of all efforts.
- Seek to be the best possible role model at all times.
- Continually review their commitment to students.
- Always strive to provide a safe environment.
- Strive to provide each student with a sense of achievement.
- Seek professional development and the opportunity for advancement.
- Always seek to be motivated and excited about education.
- Always be aware of and sensitive to an ever-changing, multicultural society.
- Always seek to provide individual attention to our students.

CURRICULUM SHOULD

- Ensure true inclusion of skills necessary for success.
- Include long range goals to accommodate future needs.
- Prepare students to be informed, productive and contributing citizens in a democratic society.
- Provide opportunities to understand and appreciate our American heritage.
- Provide opportunities for Fine Arts appreciation.

- Motivate students to be creative, think critically, reason logically.
- Be periodically reviewed, updated and evaluated.
- Include programs for all students including gifted and handicapped.
- Be designed to allow for development of student skills in vocational and real life applications.
- Inspire students to develop an appreciation of their world.

COMMUNITY SHOULD

- Place emphasis on a strong home-school relationship.
- Place emphasis on the morality of the community.
- Understand the mission of the school district.
- Understand the needs of the district.
- Be a resource to the families of the district.
- Work as a partner with businesses, homes, churches, city governments and other schools in all ways that enhance education and life-long learning.
- Make use of all facilities available in the district and establish special programs to encourage participation of the community at large.
- Focus first on parents.
- Expect and help parents take an active role in their child's total development, including education.

The district has a Board-approved Comprehensive School Improvement Plan (CSIP) guided by the mission statement and based on the district's fundamental beliefs about teaching and learning. This plan serves as the district's foundation for allocating resources, developing policies and procedures, and selecting and implementing instructional programs designed to raise student achievement.

The CSIP was developed through the combined efforts of Board members, staff, administrators, students, parents/guardians and community members and is ongoing. Goals, outcomes or objectives are provided in sufficient detail to direct the improvement efforts of the district for at least a five-year period. The CSIP is evaluated and updated as necessary.

A copy of the district's CSIP is available in the superintendent's office.

Adopted: July 18, 1994
Revised: August 18, 2003

Cross Refs: GBB, Staff Involvement in Decision Making
IA/IAA, Instructional Goals. Instructional Priority of Citizens
KC, Community Involvement in Decision Making

Fort Zumwalt School District, O'Fallon, Missouri

DISTRICT WELLNESS PROGRAM

The Board recognizes the relationship between student well-being and student achievement as well as the importance of a comprehensive district wellness program. Therefore, the district will provide developmentally appropriate and sequential nutrition and physical education as well as opportunities for physical activity. The wellness program will be implemented in a multidisciplinary fashion and will be evidence based.

Wellness Committee

The district will establish a wellness committee that consists of at least one (1): parent, student, nurse, school student nutrition services representative, Board member, school administrator, member of the public, and other community members as appropriate. The Board designates the following individual as wellness program coordinator: Assistant Superintendent Administrative Services. Only employees of the district who are members of the wellness committee may serve as wellness program coordinators. Wellness coordinators, in consultation with the wellness committee, will be in charge of implementation and evaluation of this policy. Meetings, records and votes of the wellness committee will adhere to the requirements of the Missouri Sunshine Law.

Nutrition Guidelines

It is the policy of the Fort Zumwalt R-II School District that all foods and beverages made available on campus during the school day are consistent with the Missouri Eat Smart nutrition guidelines. Guidelines for reimbursable school meals will not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to law. The district will create procedures that address all foods available to students throughout the school day in the following areas:

- < National School Lunch Program and School Breakfast Program meals
- < A la carte offerings in the student nutrition services program
- < Vending machines and school stores
- < Classroom parties, celebrations, fundraisers, rewards and school events
- < Snacks served in after-school programs

Nutrition and Physical Education

The district will provide nutrition and physical education aligned with the Show-Me Standards and Missouri's Frameworks for Curriculum Development in Health/Physical Education in all grades. The wellness program coordinator, in consultation with the wellness committee, will develop procedures that address nutrition and physical education.

Other School-Based Activities

The wellness program coordinator, in consultation with the wellness committee, is charged with developing procedures addressing other school-based activities to promote wellness.

Evaluation

The wellness committee will provide input to curriculum committees concerning all education curricula and materials on wellness and will monitor programs for accuracy, completeness, balance and consistency with the state and district's educational goals and standards. The wellness program coordinator, with the committee, shall be responsible for devising a plan for implementation and evaluation of the district wellness policy and are charged with operational responsibility for ensuring that schools meet the goals of the district wellness policy. The wellness program committee will report to the Board annually.

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.

Cross Refs: EF, Student Nutrition Services Management
EFB, Free and Reduced-Cost Student Nutrition Services
IGAEA, Teaching About Alcohol, Tobacco and Drugs
KI, Public Solicitations/Advertising in District Facilities

Legal Refs: §§ 610.010 - .028, RSMo.
The Child Nutrition and WIC Reauthorization Act of 2004, Section 204, P.L. 108 – 265
The Richard B. Russell National School Lunch Act, 42 U.S.C. §§ 1751 - 1769h
The Child Nutrition Act of 1966, 42 U.S.C. §§ 1771 – 1789

Adopted: June 29, 2006

Fort Zumwalt School District, O'Fallon, Missouri

DISTRICT WELLNESS PROGRAM

The primary goals of the Fort Zumwalt School District's Wellness Program are to promote student health, reduce student overweight/obesity, facilitate student learning of lifelong, healthy habits and increase student achievement.

Nutrition Guidelines

The District designates the following nutrition guidelines, based on the Missouri Eat Smart Nutrition Guidelines for foods and beverages served in schools during the school day:

School Breakfasts/Lunches - All meals served by the District for breakfast and lunch comply with USDA regulations and state policies. In addition, the District will meet all qualifications of the Missouri Eat Smart Guidelines at the intermediate level and will continue to strive toward meeting these standards at the advanced level.

Ala Carte Food Items/Beverages – Ala carte food items and beverages comply with USDA regulations prohibiting the sale of “foods of a minimal nutritional value” during all breakfast and lunch meal periods. The District will continue to strive to provide a wider variety of healthy and nutritious choices in the ala carte offerings.

Food and Beverages Sold in Vending Machines – All vended food and beverages made available for sale to students will be in compliance with USDA regulations concerning “Foods of a Minimal Nutritional Value”. The District will continue to look for methods to promote the healthiest choices for students in available vending.

Reward – All staff will be encouraged to utilize non food incentives in the classrooms and throughout the building. The committee will provide a list of alternative incentives as a means of assisting with this strategy

Celebrations and Parties - All staff and parent teacher groups will be encouraged to search for foods of higher nutrition when feeding children as part of a celebration. The committee will provide a list of snacks and treats that have a higher nutritional value to assist with this strategy.

Fundraisers – Prohibit the selling of food fundraising items at school or on school grounds during the normal hours of student attendance that don't meet minimal nutrition standards as defined by the USDA. This would include the sale of items just prior to or immediately after the school day.

Nutrition Education

The District nutrition education goal is to integrate sequential nutrition education within the comprehensive health education program and to the extent possible, to integrate it into the core curriculum taught at every grade level to assist students in acquiring lifelong healthy habits for eating, exercising and maintaining good health.

This goal will be accomplished through instruction provided with the guidance of the comprehensive K-12 curriculum as developed by the District's instructional staff and approved by the Board of Education. In addition, professional development opportunities will be used as means of creating broader awareness concerning nutritional topics. The Student Nutrition Services representatives will serve as resources for staff, students and parents on issues of nutritional importance.

Physical Activity

The District's physical activity goal is to assist students in learning to value and enjoy physical activity as an ongoing part of a healthy lifestyle by ensuring that every student has the opportunity to develop the knowledge and skills necessary to perform a variety of physical activities, maintain physical fitness and regularly participate in physical activity.

This goal will be accomplished through the instruction provided under the direction of the comprehensive K-12 curriculum for physical education as developed by the instructional staff and approved by the Board of Education. In addition, opportunities for clubs, intramurals, interscholastic sports and family fitness opportunities will be provided as an enhancement of the Physical Education curriculum. All efforts will be focused on instilling positive attitudes toward lifetime activities and fitness.

Other School-Based Activities

The District's goal for additional activities is to ensure that the approach to wellness is an integrated whole-school method. Achievement of this goal will be attained by addressing the areas noted below:

Family Involvement – The District will strive to engage families as partners to help their children with improving and maintaining their health, preventing disease and avoiding health-related risk behaviors. The methods designed to encourage this partnership will include educational opportunities for parents, nutrition and fitness information, connecting families with community agencies that provide health-related services and offering opportunities for participation in family fitness.

Meal Times – Students will not be permitted to leave the campus during the school day to purchase food or beverages. Students will be allowed appropriate time to eat breakfast or lunch following being served. Administrators should construct eating schedules which encourage healthy eating habits.

Community Involvement – Partnerships will be established between the District and the community as a means of providing educational messages that are consistent for children and families. These efforts will be initiated at both the District and individual school level as means of providing health related opportunities for District residents. A culmination activity will be sponsored in cooperation with Positive Peer Influence to encourage nutrition, fitness and health awareness in the spring of each year.

Oversight and Evaluation

The Wellness Program Coordinator and the committee will assume the responsibility of monitoring the implementation of this program policy. The purpose of the oversight will be to communicate the intent of the policy and committee objectives designed to promote the goals of the policy as approved yearly by the Board of Education, evaluate the progress concerning the implementation of the policy and procedure using various criteria, make annual recommendations concerning further implementation and enhancement and report to the Board of Education concerning policy compliance and revision recommendations on an annual basis.

Compliance Indicators

During initial development of the District's wellness-related policies and procedures a baseline assessment of the schools' existing nutrition and physical activity programs and practices will be conducted. In addition, the wellness committee will utilize no fewer than four indicators related to physical activity, fitness, healthy food options, vending, student absenteeism, staff training and academic achievement to assist in the measurement of the wellness program.

Adopted: June 29, 2006

Fort Zumwalt School District, O'Fallon, Missouri

SCHOOL DISTRICT GOALS AND OBJECTIVES

The Board of Education is charged on behalf of the public with the responsibility of determining the goals of the school district. In discharging that responsibility the Board has addressed four primary areas: education, personnel, school environment and operation.

It is the commitment of the Board to develop policies to implement the goals within each area. Furthermore, it is the commitment of the Board to review annually and restate as necessary the goals within each area so that the programs will at all times speak directly to the stated goals.

EDUCATION

- To structure the overall instructional program to promote sufficient alternatives to meet the variety of individual needs, capacities and aspirations in both individualized class offerings and offerings that extend the learning environment into the community.
- To promote a plan for the organized improvement of school curriculum including the articulation between elementary and secondary schools.
- To provide offerings which explore a wide range of career and service opportunities.
- To provide an integration of the intellectual, physical, social and career developmental experiences for each student.
- To maintain a comprehensive and articulated program for handicapped students involving maximum inclusion of handicapped students in regular school programs.
- To help students gain an understanding of themselves as well as skills and techniques involved in living and working with others.
- To promote a relevant and challenging secondary school curriculum which will adequately prepare the student for his vocational goals or post-secondary education.
- To promote participation and recognition of achievement in all endeavors (academic, athletic, fine arts, performing arts, practical arts, etc.).
- To provide opportunities to assist students in forming attitudes and acquiring habits needed for responsible citizenship.

PERSONNEL

- To improve district-wide performance in the teaching of reading, writing and mathematical skills.
- To establish minimum acceptable professional performance standards for all professional personnel.
- To provide inservice training and professional growth experiences for the professional staff.
- To continue disciplinary procedures that promote a positive school environment.
- To maintain and review an accountability system for the improvement of the instructional program.

SCHOOL ENVIRONMENT

- To assure each individual a physically and emotionally safe teaching and learning environment.
- To assure that each individual is treated fairly, respectfully and without bias by all members of the school community.
- To assure accessibility of all facilities and educational programs for all students and staff members.
- To have each individual in the school community know and fulfill his or her responsibility with regard to safety and respect to others.

OPERATIONS

- To make every effort to secure adequate funding for the district's educational program.
- To operate within a balanced budget during the school year.
- To maintain an annual inventory of the supplies and equipment in the district.
- To continually strive for more efficient use of all professional and support staff.
- To maintain and review long-range plans for the efficient use of school facilities.
- To assure immediate communication between the superintendent or his or her designee and the Board on critical occurrences with the district.

In establishing these goals for the district the Board does not attempt to diminish the importance of other issues facing the district in the years ahead.

Adopted: April 5, 1982

Fort Zumwalt School District, O'Fallon, Missouri

ACCOUNTABILITY/COMMITMENT TO ACCOMPLISHMENT

The Board accepts ultimate responsibility for all facets of the operations of the school district. Because it is accountable to the patrons of the district, the Board will maintain a program of accountability that will help to accomplish the following objectives:

- Clearly state expectations and purposes as these relate to district operations, programs, departments and positions.
- Provide necessary resources and support to enable the professional and support staff to achieve stated expectations and purposes subject to the financial resources of the district.
- Evaluate district operations, programs, services, and instructional activities to determine how well expectations and purposes are being met.
- Evaluate the efforts of the employees of the Board and of the Board itself in accordance with stated objectives. The first purpose of personnel evaluation will be to help each individual make a maximum contribution to the goals and objectives of the school district.

The superintendent shall implement procedures to ensure continued progress and improvement of the district operations through a program of meaningful evaluations and assessments including compliance with annual district wide reporting requirements set forth by law.

Adopted: August 21, 1995
Revised: August 17, 1998

Cross Refs: AE, School District Goals and Objectives

Fort Zumwalt School District, O'Fallon, Missouri

TOBACCO-FREE DISTRICT

State law prohibits smoking, or other use of tobacco products, in any classroom or student occupied elementary or secondary school building or facility or on any school bus used to transport students to or from school or to or from any place for educational purposes.

To promote the health and safety of all students and staff, and to promote the cleanliness of all facilities, the Fort Zumwalt School District bans the use of all tobacco products in all school facilities, buildings, buses and on all school grounds at all times.

This ban extends to all employees, students and patrons attending school-sponsored athletic events and meetings. The Board issued this ban in a sincere appeal to all employees, students and patrons to cooperate in helping to create within our facilities a truly healthy environment for all concerned.

Adopted: August 19, 1996
Revised: August 17, 1998

Legal Refs: §§ 191.765 - .777, RSMo.
P.L. 103-227, Goals 2000: Educate America Act (Pro-Children Act of 1994)

Fort Zumwalt School District, O'Fallon, Missouri