

EWING MARION KAUFFMAN SCHOOL, INC. BOARD OF DIRECTORS MEETING PACKET September 7, 2022

CONTENTS		
Meeting Agenda	2	
Meeting Minutes (8.10.2022)	3	
Summary of Governance Items	5	
Updates to Board Policies	7	
Board Member Terms and Recommendations	16	

EWING MARION KAUFFMAN SCHOOL, INC. BOARD OF DIRECTORS - MEETING AGENDA

MEETING INFORMATION

Ewing Marion Kauffman School Wednesday, September 7, 2022 Board of Directors Meeting (8:30am CT) Meeting will be held at the Kauffman School 6401 Paseo Blvd Kansas City, MO 64131

AGENDA

• CALL TO ORDER

- Welcome guests
- Review and discuss meeting agenda
- Action: Meeting minutes (8.10.2022)
- Board Chair Comments

LEADERSHIP REPORT

- FINANCE
 - None

GOVERNANCE

- Special Education Adoption of the Missouri State Plan for Special Education as EMKS's Local Compliance Plan
- o Adoption of DESE's Model Policy on Seclusion & Restraint
- Updates to Board Policies
 - Policy 0120: Legal Status- Charter
 - Policy 0310: Board Organization- Governing Board Purpose and Roles
 - Policy 0311: Board Organization- Statement of Practices
- o Board Member Terms and Recommendations

COMMUNITY FORUM

The Board will hear comments from community members regarding items on the agenda or other issues that should be brought to the Board's attention. Individual comments are limited to three minutes. It is anticipated the time allotted for the community forum will be no longer than fifteen minutes, unless time is extended by the Board Chair. Individuals who do not have an opportunity to speak during the allotted time will be given first opportunity at the next regularly scheduled Board of Directors meeting.

CLOSED SESSION / EXECUTIVE SESSION

- Close meeting pursuant to R.S.Mo 610.021(6) discussion of a student matter, R.S.Mo 610.021(1) discussion of legal matters and R.S.Mo 610.021(3) - discussion of a personnel matter
- ADJOURN

FUTURE MEETINGS

- Committee Meetings: Monday, October 17, 2022 (5:00 pm CST)
- Board Meeting: Wednesday, October 19, 2022 (8:30 am CST)

MINUTES OF REGULAR MEETING OF THE BOARD OF DIRECTORS OF EWING MARION KAUFFMAN SCHOOL, INC

August 10, 2022

A regular meeting of the Board of Directors of Ewing Marion Kauffman School, Inc., a Missouri nonprofit corporation exempt from federal taxation under Internal Revenue Code § 501(c)(3), was held at its headquarters in Kansas City, Missouri on August 10, 2022, pursuant to public notice provided at least 24 hours in advance. The meeting was held in person at the School.

Participating were Kristin Bechard, Brett Hembree, Juan Rangel, Corey Scholes. Participating via Zoom such that all could hear and be heard and see and be seen were Tracy McFerrin and Jerry Williams.

Also participating from the School were Hannah Lofthus, President and Chief Executive Officer; Katie Pasniewski, Chief Operating Officer; and Cat Cain, Chief of Staff. John Tyler, Secretary and General Counsel, joined the meeting in progress as indicated below.

No one from the community was present.

Ms. McFerrin chaired the meeting and Ms. Bechard and Mr. Tyler served as secretary for respective parts of the meeting based on when Mr. Tyler was present. Ms. McFerrin called the meeting to order at 8:36 am, welcomed those in attendance, and previewed the agenda.

After discussion and motion duly made (Rangel) and seconded (Scholes), the board unanimously approved minutes from the meetings of July 13, 2022.

Leadership Report

Ms. Lofthus reviewed the staff's professional development journey on social and emotional development and otherwise over the past few weeks. She previewed the professional development happening today and that the board members would be able to join. Discussion occurred throughout.

Governance Report

Ms. Pasniewski explained the recommended school calendar and proposed changes to student and family handbook and personnel policies.

After discussion and upon motion duly made (Rangel) and upon the recommendation from the Governance Committee, the Board unanimously approved the school calendar for the academic year 2022-2023 as provided for in attached Exhibit A.

After discussion and upon motion duly made (Hembree) and upon the recommendation from the Governance Committee, the Board unanimously approved the policy changes as provided for in attached Exhibit B.

Discussion followed about the Committee's discussion of another potential board member.

Finance Report

Ms. Pasniewski presented highlights from the Treasurer's report that was distributed in advance of the meeting. Discussion occurred throughout.

After discussion and upon motion duly made (Bechard) and seconded (Scholes), the Board unanimously approved the Treasurer's report as submitted.

Discussion followed about the proposed engagement of Kander Consulting to provide professional development and leadership training for the staff and amendment of the prior year's contract to cover activities that occurred during that time.

After discussion and upon motion duly made (Bechard) and seconded (Rangel), the Board unanimously approved amending the 2021-2022 engagement with Kander Consulting to a new total of \$149,000 and engaging Kander Consulting to provide professional development and leadership training and consulting services for the 2022-2023 academic year in an amount of \$115,000.

The School's annual Form 990 tax return for 2020 has been filed with the IRS.

The meeting recessed at 8:50 am for those present to participate in the all staff professional development sessions. Mr. Tyler joined during that session.

The meeting reconvened at 10:15 am with all those present as indicated above, including Mr. Tyler and excluding Ms. Bechard.

Discussion followed about the professional development session and how it is connected to the strategic goal of social and emotional learning and being culturally responsive.

Community Forum

With no one from the community present, there was no community forum.

There being no further business, the meeting adjourned at 10:35 am.

Kristin Bechard, Secretary for Part of the Meeting John Tyler, Secretary

Summary of Governance Items for September 2022 Board Meeting

Headline	Summary
Special Education – Adoption of the Missouri State Plan for Special Education as EMKS's Local Compliance Plan	Context: Annually, DESE publishes the Missouri State Plan for Special Education. Districts then have three options: § Adopt the State's plan as the District's Local Compliance Plan. § Adapt the State's plan for the District and get DESE's approval of adaptations. § Develop a District-specific compliance plan and get DESE's approval of the full plan. Historically, EMKS has taken the first option and has adopted the State's plan as our Local Compliance Plan. We suggest we do the same in 2022-2023. The Board must vote annually to adopt the State's plan as EMKS's Local Compliance Plan. The full State plan can be found here: https://dese.mo.gov/media/pdf/model-compliance-plan-2022 The changes made to the 2021-22 plan and now incorporated into the 2022-23 plan can be found here: https://dese.mo.gov/media/pdf/description-changes-state-plan-effective-june-30-2022. EMKS has reviewed and is comfortable with all changes. Board Action: Adopt the Missouri State Plan for Special Education as EMKS's Local Compliance Plan.
Adoption of DESE's Model Policy on Seclusion & Restraint	Section 160.263, RSMo, requires the local school board of each local education agency (LEA), including school districts and charter schools, in the state of Missouri to adopt a written policy on the use of restrictive behavioral interventions as a form of discipline or behavior management technique. The policy must be consistent with professionally accepted practices and standards of student discipline, behavior management, health and safety, including the Safe Schools Act. The policy must apply consistently to all students. DESE has developed a model policy on Seclusion and Restraint. The model policy aligns with practices already in place at EMKS or practices that will be implemented at EMKS within the next month and is more comprehensive than the Board's existing Seclusion and Restraint policy. Therefore EMKS leaders propose the adoption of the model policy as EMKS's policy. Upon adoption, the policy will replace Policy 2770: Student Welfare- Seclusion and Restraint in the School's Board Policies. Board Action: Adopt the DESE model policy on Seclusion and Restraint

Updates to Board Policies

Our authorizer, the Missouri Public Charter School Commission (MPCSC) prompts an annual review of Board Policies, especially to ensure alignment with the Missouri Public Charter School Association's (MPCSA) Model Policies. Upon engaging in this review, EMKS leadership identified basic changes that should be made to Board Policies to 1) make them accurate, and 2) align with MPCSC's policy requirements.

We are approaching this work in phases and will be bringing similar proposals to the next several meetings to ensure full alignment with Model Policies.

Proposed changes to Board policies are provided in redline on the following pages.

Proposed changes in Phase I include the following:

- Replace references to UMC, our former charter authorizer, with MPCSC, our current authorizer. This impacts the following Board policies:
 - o Policy 0120: Legal Status- Charter
 - o Policy 0310: Board Organization- Governing Board Purpose and Roles
 - o Policy 0311: Board Organization- Statement of Practices

Board Action: Adopt the proposed changes to the above Board Policies

Updates to Board Policies

Policy 0120: Legal Status- Charter

The School operates under a charter from the Missouri Public Charter School Commission (MPCSC).

The School's charter serves as a contract between the School and its sponsoring institution in the absence of any other document designated as an official contract between the School and the sponsoring institution.

The School's charter includes its mission statement, a description of the school's organizational structure and bylaws, a financial plan, the School's policy for securing personnel services, personnel qualifications, professional development plan, description of the grades and ages of its students, calendar of operations, and criteria for measurement of the School's effectiveness.

The School's Charter will also provide:

- Educational goals and objectives
- · Description of the educational programs and curriculum
- Terms of the Charter
- Pupil performance standards
- Governance plan
- Policies on student discipline

The Board acknowledges that the School may be placed on probation by MPCSC at any time if the School fails to meet its statutory requirements or its commitments to the School's assurance. The purpose of the probationary period is to allow the School to change methodology, leadership, or other factors to bring the School in compliance with the law or the requirements of MPCSC.

The Board further acknowledges that the School Charter may be revoked by MPSCS if the School commits a serious breach of one or more provisions of its charter for:

- · Failure to meet academic performance standards
- · Failure to meet generally accepted standards of fiscal management
- Failure to provide information necessary to confirm compliance with the procedure of this Charter within 45 days of request
- · Violation of law

Adopted and or ratified (9/7/2022)

Katie Pasniewski Deleted: University of Missouri-Columbia (UMC)

Katie Pasniewski Deleted: UMC

Katie Pasniewski Deleted: UMC

Katie Pasniewski Deleted: UMC

Katie Pasniewski Deleted: 8/10/2011

Policy 0310: Board Organization- Governing Board Purpose and Roles

The Governing Board performs three basic functions in the management of the School:

Legislative

The Board shall exercise full legislative rule and management authority for the School by adopting policy and directing all procedures necessary for the governance of the School's educational and administrative responsibilities.

Executive

The School Board shall delegate to the Chief Executive Officer the responsibility of implementing all Board policy. Such delegation shall be accomplished through Board resolution.

Appraisal

The Board shall determine the effectiveness of policy implementation through evaluation of the Chief Executive Officer, school operations, practices, and program outcomes. The achievement level of students shall be the guiding standard through which all success shall be measured.

Sponsors

The Board will not contract with sponsors other than the Missouri Public Charter School Commission (MPCSC) without MPCSC's agreement to the division of sponsor responsibilities.

Adopted and or ratified (9/7/2022)

Katie Pasniewski Deleted: UMC

Katie Pasniewski Deleted: UMC

Katie Pasniewski Deleted: 8/10/2011

Policy 0311: Board Organization- Statement of Practices

Attendance

Members shall attend all regularly scheduled Board meetings insofar as possible. Any member failing to attend the meeting of the Board for three (3) consecutive regular meetings, unless excused by a majority of the Board for reasons satisfactory to the Board, shall be deemed to have vacated the seat; and the Secretary of the Board shall certify that fact to the Board. The vacancy shall be filled as other vacancies occurring in the Board. Attendance for purposes of this provision shall be defined as actual, physical attendance at the Board meeting or remote participation such that everyone can hear and be heard until all of the business of the Board has been completed unless a member is excused by the Chairman of the Board.

Knowledge

Members bring a variety of experiences to their Board positions. Members shall come to Board meetings informed concerning the issues to be considered.

Sunshine Laws and Quorum

Any meeting at which there is a quorum of board members in attendance and at which School business is discussed shall constitute a Board meeting subject to these Board policies as well as open records laws of the State of Missouri. Board members should be aware of this stipulation and endeavor to avoid attendance at meetings at which a quorum of board members is in attendance unless Board policies have been followed. Gatherings open to the general public and training or educational activities sponsored by outside groups shall not be considered a meeting of the Board unless the purpose of the attendance of Board members at such meetings is to discuss School business that has been submitted to the Board for consideration.

Abstentions

Members shall avoid abstaining except when required by statute or Board policy. The members of the Board have been elected to make difficult decisions on behalf of the students, parents, patrons, and employees of the School. The concept of trusteeship requires each member to review the issues under the Board's consideration and to take a stand regarding those issues. A member who has conformed to the above described tenets of knowledge, open discussion, independent judgment, and independence and civility should be prepared to cast a vote on each of the issues before that member.

Cooperation/Delegation

Members shall work with other Board members to establish effective Board policies and to delegate authority for the administration of the School to the Chief Executive Officer. Members shall not attempt to by-pass, undermine, or usurp the Chief Executive Officer's authority and responsibility for the daily operation of the schools.

Conflict of Interest (See also Policy 0342 – Nepotism, Conflict of Interest and Financial Disclosure)

Members shall avoid being placed in a position of conflict of interest and shall not use the Board position for personal or partisan gain. Members shall conduct themselves in accordance with the conflict of interest policy and disclosure requirements prescribed by statute and Board policy.

Training

Members of the Board have received training related to their responsibilities.

Accessibility

Members are accessible to the School and reside within a reasonable distance from the School.

Confidentiality

Members shall not disclose confidential information. Information is confidential if it is (a) communicated during executive session; or (b) otherwise communicated with a mutual understanding of confidentiality.

Acceptance of Gifts

Members shall not solicit or accept gifts, payments, or anything greater than a nominal value item or holiday gifts of nominal value from any person, organization, group, or entity doing business or desiring to do business with the School. Nominal value shall be considered to be \$75.

Contact with Vendors

Members, if contacted by a vendor requesting information about the School's bidding procedures, whether of a general nature or with regard to specific goods or services to be bid, shall provide the vendor with the name and business telephone number of the administrator responsible for purchasing such goods or services. The member shall request that the vendor contact the relevant administrator and direct all questions and concerns to that administrator.

Board Communications to Staff

All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Chief Executive Officer, and the Chief Executive Officer will employ such media as are appropriate to keep the staff fully informed of the Board's concerns and actions.

Visits to Schools

Individual Board members who, in their parental capacity, wish to visit the school or classroom(s) of their child(ren), will follow the regular procedures for visitors. Official visits by Board members will be conducted only with the full knowledge of the Chief Executive Officer.

Educational Welfare

Members shall remember always that the first and greatest concern must be the educational welfare of the students attending the School.

Background Checks

Members shall obtain a background check prior to beginning service on School's board. Copies of such background checks will be stored in a secure location by the School. Copies may be available to the public by formal request to the Missouri Department of Elementary and Secondary Education.

The Missouri Public Charter School Commission (MPCSC) will visit the school in alternate years to observe and assess the educational performance. In addition, MPCSC will conduct such on-site visits whenever the operation or management of the School is changed, or through mutual agreement with the Chief Executive Officer. MCPSC representatives will be placed on the agenda of a Board meeting to review the results of the on-site visit. Kat Delo	Catie Pasniewski teleted: UMC Catie Pasniewski teleted: UMC Catie Pasniewski teleted: UMC Catie Pasniewski teleted: 6/11/2014
--	--

Policy 2770: Student Welfare- Seclusion and Restraint

Definitions

Emergency situation: one in which a student's behavior poses a serious, probable threat of imminent physical harm to self or others.

Law enforcement officer: any public servant having both the power and duty to make arrests for violations of the laws of this state.

Physical escort: the temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out or eloping to walk to a safe location.

Restraint: includes but is not limited to mechanical restraint, physical restraint, and prone restraint.

Mechanical restraint: the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:

- adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
- vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
- restraints for medical immobilization; or
- orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

Physical restraint: a personal restriction that immobilizes or reduces the ability of a student to move his/her torso, arms, legs, or head freely. It does not include briefly holding a student without undo force for instructional purposes, briefly holding a student to calm them, taking a student's hand to transport them for safety purposes, physical escort or intervening in a fight, or using an assistive or protective device prescribed by an appropriately trained professional or professional team.

Prone restraint: using mechanical or physical restraint or both to restrict a student's movement while the student is lying with the student's front or face downward.

Publicly contracted private providers: any person working at a school function under a contract or written agreement with the school system to provide educational, behavioral, or related services to students.

School personnel: includes employees of a local board of education or a charter school governing body; any person, paid or unpaid, working on school grounds in an official capacity.

Seclusion: the involuntary confinement of a student alone in a room or area that the student is physically prevented from leaving and that complies with the building code in effect in the School. Seclusion does not include time-out, in-school suspension, detention, or other appropriate disciplinary measures.

Time-Out: a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

Use of Seclusion or Restraint

The use of seclusion or restraint by the School or publicly contracted private providers is limited to situations of conditions in which there is imminent danger of physical harm to self or others. Any student placed in seclusion or restraint shall be removed from seclusion or restraint as soon as the student is no longer in imminent danger of physical harm to self or others.

For all school years beginning on or after July 1, 2022, the School or publicly contracted private provider shall not use any mechanical, physical, or prone restraint technique that:

- obstructs views of the student's face;
- obstructs the student's respiratory airway, impairs the student's breathing or respiratory capacity, or restricts the movement required for normal breathing to cause positional or postural asphyxia;
- places pressure or weight on or causes the compression of the student's chest, lungs, sternum, diaphragm, back, abdomen, or genitals;
- obstructs the student's circulation of blood;
- involves pushing on or into the student's mouth, nose, eyes, or any part of the face or involves covering the face or body with anything including, but not limited to, soft objects such as pillows, blankets, or washcloths;
- endangers the student's life or significantly exacerbates the student's medical condition;
- is purposely designed to inflict pain; or
- restricts the student from communicating. If an employee physically restrains a student who
 uses sign language or an augmentative mode of communication as the student's primary mode
 of communication, the student shall be permitted to have the student's hands free of restraint
 for brief periods unless an employee determines that such freedom appears likely to result in
 harm to self or others.

Policy, Communication and Training

All School and publicly contracted private providers shall annually review the policy and procedures involving the use of seclusion and restraint. Personnel who use seclusion or restraint shall annually complete mandatory training in the specific seclusion and restraint techniques utilized by the School.

School personnel debriefing: Following any emergency situation involving the use of seclusion or restraint, a debriefing shall occur as soon as possible but no later than two school days after the emergency situation. At a minimum, the debriefing shall include:

- a discussion of the events that led to the emergency and why the de-escalation efforts were not
 effective;
- any trauma reactions on the part of the student, other students, or school personnel;
- what, if anything, could have been done differently; and
- an evaluation of the process.

Parental notification: Except as otherwise specified more stringently in a student's IEP or Section 504 plan:

- Following an emergency situation involving the use of seclusion or restraint, the parent or guardian of the student shall be notified through verbal or electronic means of the incident as soon as possible, but no later than one hour after the end of the school day of the incident; and
- The parent or guardian shall receive a written report of the emergency situation within five school days of the incident.

Personnel training: The School shall ensure that all school personnel receive annual training and know the policy and procedures involving the use of seclusion and restraint. The training shall include

- a continuum of prevention techniques;
- environmental management techniques;
- a continuum of de-escalation techniques; and
- information about the policy.

Personnel who utilize seclusion and/or restraint shall receive annual training in:

- de-escalation practices;
- appropriate use of seclusion, inclusion, physical restraint, and mechanical restraint;
- professionally-accepted practices in physical management and use of restraints;
- methods to explain the use of restraint to the student who is to be restrained and to the individual's family; and
- information on the policy and appropriate documentation and notification procedures.

Reports on use of seclusion or restraint: School and publicly contracted private providers shall monitor each incident of seclusion or restraint used by school, charter school, and/or publicly contracted private providers and create and maintain records documenting the use of seclusion and restraint to include the following:

- the date, time of day, location, duration, and description of the incident and interventions;
- any event leading to the incident and the reason for using seclusion or restraint;
- a description of the methods of seclusion or restraint used;
- the nature and extent of any injury to the student;
- the names, roles, and certifications of each employee involved in the use of seclusion or restraint;
- the name, role, and signature of the person who prepared the report;
- the name of an employee to contact if the parent or guardian wishes to file a complaint;
- a statement directing parents and legal guardians to a sociological, emotional, or behavioral support organization and a hotline number to report child abuse and neglect; and
- whether the student has an IEP, Behavior Intervention Plan (BIP), or personal safety plan.

The report shall be included as an education record of the student. A copy will be provided to the parent or legal guardian within five school days. An incident report must be filed within 30 days with the Missouri Department of Elementary and Secondary Education in the form, method, and with details specified by the department.

Applicability of this Policy

This policy applies to all School or publicly funded private providers. School personnel assigned to programs not located on School premises (e.g., hospitals, detention centers, juvenile facilities, and mental health facilities) shall follow the policy and procedure of the facility/program where they work. No person shall be retaliated against for reporting a violation of this policy or for providing information on a violation of Section 160.263, RSMo, by the School or member of the staff of the School or publicly contracted private contractor.

Policy 2770: Student Welfare - Seclusion and Restraint

The Board hereby adopts a no-use policy with respect to Seclusion and Physical Restraint and the use of such discipline and behavior management techniques shall be prohibited except for emergency situations to prevent injury to students or school personnel while awaiting the arrival of law enforcement personnel.

"Physical restraint" means the use of person to person physical contact to restrict the free movement of all or a portion of a student's body. It does not include briefly holding or hugging a student without undo force for instructional or other purposes, briefly holding a student to calm them, taking a student's hand to transport them for safety purposes, physical escort or intervening in a fight.

"Seclusion" means the confinement of a student alone in an enclosed space from which the student is physically prevented from Schoolving by locking hardware.

Applicability of this Policy

This policy applies to all school personnel. School personnel assigned to programs not located on School premises (hospitals, detention centers, juvenile facilities, and mental health facilities) shall follow the policy and procedure of the facility/program where they work.

Adopted and or ratified (8/10/2011)



Katie Pasniewski

This is the existing Board policy on seclusion and restraint. EMKS Leaders propose to replace this policy with the model policy language provided above.

Board Member Terms and Recommendations

As of 8.31.2022

Current Board Member and Terms

- Class A (4 Year Terms; Maximum 2 Terms)
 - Tracy McFerrin (2nd Full Term Expires 08/2023)
 - Juan Rangel (Start Date 11/16/2021; 1st Term Expires 08/2025)
 - Brett Hembree (Start Date 6/15/2022; 1st Term Expires 08/2026)
 - Jerry Williams (Start Date 6/15/2022; 1st Term Expires 08/2026)
- Class B (Foundation Appointment; No Term Limit)
 - Kristin Bechard (2nd Term; Start Date 12/16/2021)
 - Corey Scholes (Start Date 12/16/2021)

Recommendations to the Governance Committee (9.1.2022) for approval at the September 7, 2022 Meeting of Board of Directors

Director Appointments

Kelley Barnes

Director Renewals

No new director renewals

Officer Appointments

- Re-appoint current officers for a one-year term
 - Tracy McFerrin Chair
 - Corey Scholes Vice Chair
 - o Kristin Bechard Treasurer
 - John Tyler Secretary (non-voting officer)

Committee Appointments

- Governance Committee*
 - Brett Hembree
 - Juan Rangel
 - o Corey Scholes
 - Hannah Lofthus (non-voting; not on discipline committee)
- Finance Committee**
 - Kristin Bechard
 - o Jerry Williams
 - Hannah Lofthus (non-voting; not on audit committee)
 - Tracy McFerrin
- CEO Evaluation Sub-Committee
 - o Juan Rangel
 - o Hannah Lofthus (non-voting)
 - Tracy McFerrin
 - Corey Scholes
 - Kelley Barnes

Other Appointments

- Compliance Officer
 - Katie Pasniewski
- Custodian of Records
 - Katie Pasniewski

- *The Discipline Committee is comprised of all members of the Governance Committee excluding the Kauffman School CEO
- **The Audit Committee and Retirement Benefits Committee are comprised of all members of the Finance Committee (the Kauffman School CEO does not serve on the Audit Committee)