

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release (“Release”) is entered into between Heath Gilbert and the Cameron R-1 School District (collectively, “Parties”) as of the date of the execution of this Release by all Parties hereto and in accordance with the terms and conditions set forth below.

WHEREAS Heath Gilbert (“Plaintiff”) is the parent of a student in the Cameron R-1 School District (“District” or “Defendant”).

WHEREAS Defendant issued to Plaintiff a property restriction letter after an incident occurring on December 19, 2022.

WHEREAS Plaintiff filed a lawsuit against Defendant in the United States District Court for the Western District of Missouri, Case No. 23-cv-06084. Therein, Plaintiff asserted allegations of constitutional violations under 42 U.S.C. § 1983 arising from the District’s issuance of the property restriction letter (“Lawsuit”).

WHEREAS on November 22, 2023, Plaintiff submitted to Defendant a complaint regarding Pam Ice, President of the District’s Board of Education, alleging Ms. Ice violated Policy BDDH-1 and engaged in viewpoint discrimination and took other unlawful actions with respect to Plaintiff (“Complaint against Pam Ice”). Together, the Complaint against Pam Ice and Lawsuit shall be referred to as the “Occurrences.”

WHEREAS, with respect to the Occurrences, Defendant specifically denies all wrongdoing, denies that it violated Plaintiff’s rights under any federal, state, or local statute or law, and further denies any liability to Plaintiff in any respect whatsoever for monetary damages or otherwise. This Release represents a compromise of disputed claims, is not any acknowledgment by the Defendant of the truth of the allegations in Plaintiff’s claims in the Occurrences, and is not any admission of liability with respect to the Occurrences. Defendant specifically states that it has entered into this Release for the sole purpose of avoiding the expense and inconvenience of further litigation.

WHEREAS by reason of the foregoing and the claims and allegations of Plaintiff in the Occurrences, controversies have arisen between Plaintiff and Defendant that they desire to compromise and settle, with any and all other claims and controversies related to or arising from the Occurrences set forth herein which may exist between Plaintiff and the District, the District’s Board of Education, members of the District’s Board of Education, and any of their directors, officers, agents, employees, attorneys, servants, affiliates, insurers, self-insurers, subsidiaries, representatives, successors, and assigns.

Now, therefore, this Release is made for and in consideration of the following, the receipt and sufficiency of which Plaintiff hereby acknowledges:

1. Defendant will pay, or cause to be paid, \$17,000, made payable to Plaintiff’s counsel, for attorney’s fees and costs incurred in the prosecution of the Lawsuit, the sufficiency of which is hereby acknowledged, by delivery of payment to Plaintiff’s counsel’s office, within twenty-one

(21) days following the date when both Plaintiff and Defendant have executed this Release and delivered counterparts of such signatures to the other Party.

2. Plaintiff fully, finally, and forever releases, waives, and discharges without limitation, exception or reservation, Cameron R-1 School District, the District's Board of Education, current and former members of the Board of Education, and their respective insurers, employees, individually named defendants, affiliates, successors, assigns, officers, agents, other insurers, servants, representatives, and all other entities affiliated with or related to Cameron R-1 School District, (collectively "Released Parties") from all liability, actions, claims, demands or lawsuits, which Plaintiff may have had or presently has against Released Parties, whether known or unknown, and regardless of the theory of recovery, related to or arising from the Occurrences set forth herein.

3. Within ten (10) days of the date when both the delivery of the check described in Paragraph 1 and the Board of Education's adoption of the revised policies described in Paragraph 8 have been completed Plaintiff will: (1) submit a stipulation of dismissal of the Lawsuit to the Court pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and in the form of the Joint Stipulation of Dismissal with Prejudice attached hereto as Exhibit A; and (2) withdraw his Complaint against Pam Ice by sending an email to mattrobinson@cameronschools.org stating that pursuant to the terms of this Release, Plaintiff withdraws his November 22, 2023 complaint against Pam Ice.

4. Except as provided by this Release, each Party shall bear his or its own fees and costs.

5. Plaintiff and his attorneys agree and promise to be responsible for payment in full of all federal, state or local income taxes, or other tax, if any, which may be assessed with respect to any amount paid pursuant to this Release, or any tax penalty assessed against the Released Parties should it later be determined that any part of the settlement proceeds are subject to tax withholding requirements. Plaintiff and his attorneys agree to indemnify and hold harmless the Released Parties for any damages resulting from any failure to withhold any taxes. Plaintiff agrees that he has not relied on the advice of the Released Parties or their agents, representatives or attorneys concerning the taxability of any amount paid or to be paid pursuant to this Release.

6. All liens, fees, and expenses of all of Plaintiff's attorneys have or will be fully paid and extinguished upon payment of the settlement proceeds described above. Plaintiff is not a prevailing party in this matter for any purpose.

7. Plaintiff agrees to indemnify and hold harmless the Released Parties from any liability for valid liens, valid fees, and valid expenses whatsoever he incurred related to the Lawsuit.

8. Defendant agrees that the Board of Education will adopt revised versions of Policies BDDH-1, KK and KK-AP(1), revised versions of which are attached hereto as Exhibit B, no later than January 16, 2024.

9. Defendant agrees that it will not use the incident of December 19, 2022, which led to the property restriction letter, as a basis for refusing to hear or delay hearing an agenda item pursuant to Policy BDDH-1.

10. This Release constitutes the entire agreement between Plaintiff and the Released Parties and shall not be construed as an admission of liability or wrongdoing.

11. Each Party warrants that they have not assigned the claims herein released to any other individual, company, or entity.

12. Each Party acknowledges, confirms, and agrees that they have been advised to seek legal counsel regarding this Release.

13. Each Party acknowledges, confirms, and agrees that they have read this Release and understand each of the terms of this Release.

14. Each Party acknowledges, confirms, and agrees that they have entered and executed this Release voluntarily and willingly.

15. This Release is binding on and inures to the benefit of the Parties, the Released Parties, and their successors, heirs, assigns, agents, representatives, and any trustees or conservators appointed for or on behalf of the Parties or their assets.

16. If a court of competent jurisdiction determines that any provision contained in this Release cannot be enforced, such determination shall not affect or invalidate the remainder of the Release.

17. The Parties each represent that no promises, inducements, or releases not herein expressed have been made or offered and that this Release is not executed in reliance upon any statement or representation except as specifically set out herein.

18. The Parties each agree and understand that the general rule that ambiguities are to be construed against the drafter shall not apply to this Release.

19. The provisions of this Release will be governed by the laws of the State of Missouri.

[REMAINDER OF PAGE INTENTIONALLY KEPT BLANK]

By signing below, I declare that I am legally competent to execute this Release and that I voluntarily execute it with full knowledge of its contents and meaning for the purpose of waiving all possible claims related to or arising from the Occurrences as described herein.

IN WITNESS WHEREOF, the undersigned has signed this Release on the day and year indicated below.

Heath M Gilbert

Heath Gilbert

8 Jan 24

Date

IN WITNESS WHEREOF, the undersigned, for the Cameron R-1 School District, have signed this Release on the day and year indicated below.

Attest:

Pam Elce
President, Board of Education
Cameron R-1 School District

Kelly B Walker
Secretary, Board of Education
Cameron R-1 School District

January 16, 2024
Date

January 16, 2024
Date

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

HEATH GILBERT,

Plaintiff,

v.

Case No. 23-CV-06084-JAM

CAMERON R-1 PUBLIC SCHOOLS d/b/a
CAMERON R-1 SCHOOL DISTRICT and
CAMERON R-1 BOARD OF EDUCATION,

Defendants.

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiff Heath Gilbert and Defendants Cameron R-1 Public Schools and Cameron R-1 Board of Education hereby stipulate to the dismissal of the above-captioned action. Except as otherwise agreed by the parties, each party is to bear his or its own attorneys' fees and costs.

Dated: _____, 2024

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EXHIBIT B

Policy KK: VISITORS TO DISTRICT PROPERTY AND EVENTS
Original Adopted Date: 05/21/2012 | Last Revised Date: 10/21/2019

District Property

Parents/Guardians and patrons of the district are welcome to visit district schools and attend district events; however, all visitors during business hours, including Board members, must sign or check in at the building office prior to proceeding elsewhere in the building. The principal or designee of each school building will post appropriate signs to direct visitors to designated doors nearest the building office. It is the responsibility of all district employees to direct visitors to the office and report any person in violation of district rules.

Student Visitation

In general, visitors to district property are not allowed to speak directly with students unless it is part of the district's education program or a parent/guardian has given permission.

The district understands that parents/guardians sometimes need to briefly communicate with a student during the school day or during a school activity and will accommodate such communications when possible. However, the district refuses to mediate visitation and custody disputes among parents/guardians and other relatives or accommodate visits that the district determines could be distracting to a student. The district discourages parents/guardians, grandparents and other relatives from visiting students during school hours or school activities.

The superintendent or designee has the discretion to prohibit a parent/guardian or other relative from, for example, eating lunch with a student, attending class parties or field trips or pulling a student out of class if such a visit could interfere with the education program or be disruptive; if one of the parents/guardians objects; if there is a current dispute regarding custody or visitation of the student; or if district employees are uncertain as to whether a person may legally have contact with a student.

Classroom Observations

Parental involvement with school activities is encouraged, and the district provides opportunities for such involvement. However, because classroom visits can be disruptive to the educational process, the district does not permit parents/guardians or others to visit classrooms during instructional time for the purpose of observing students unless the principal has approved the visit in advance after consulting with the teacher.

Service Providers

The district does not permit outside entities to provide services to students on district property unless the service providers are working with the students in conjunction with the district's student health services program or pursuant to an agreement with the district.

Prohibited Items

Visitors to district property may not possess weapons, including concealed weapons, on district property, on district transportation or at any district function or activity sponsored or sanctioned by the district unless the visitor is an authorized law enforcement official or is otherwise authorized by Board policy.

Visitors to district property may not possess or use alcohol or any substances that are illegal under state or federal law on district property, on district transportation or at any district function or activity sponsored or sanctioned by the district.

Appropriate Behavior

The Cameron R-I Public Schools believes that district events are a vital part of the total educational program and should be used as a means for developing positive social interaction, good sportsmanship and appropriate behavior, in addition to knowledge and skills. Well-organized and well-conducted programs contribute to the morale of the student body and strengthen school-community relations.

To this end, the Board encourages district patrons to exhibit good sportsmanship, citizenship, ethics and integrity at all district events and at all times while on district grounds. The district will work with the Missouri State High School Activities Association (MSHSAA) and other organizations to promote good behavior by patrons at athletic and other events. The Board will work with parents/guardians, alumni associations and local service organizations to keep appropriate behavior a top priority. The superintendent will establish procedures for crowd control at district events consistent with this policy.

Registered Sex Offenders and Persons Prohibited on or Near District Property

Sex offenders required to be listed on the Missouri Highway Patrol's sex offender registry, or who have pled guilty, pled *nolo contendere* or been convicted of crimes for which the law currently requires offenders to be listed, regardless of when those crimes were committed, are not allowed on district property or transportation or at district activities, regardless of whether those activities are held on or off district property, unless access is required by law. In accordance with law, the district also prohibits all persons who have pled guilty or *nolo contendere* to or who have been convicted of or found guilty of violating the following provisions from being on or within 500 feet of any school building, district property, district activity or any vehicle used to transport students:

1. Any of the provisions in Chapter 566 of the Missouri Revised Statutes.
2. Incest, § 568.020, RSMo.
3. Endangering the welfare of a child in the first degree, § 568.045, RSMo.

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

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

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

Disruptive Conduct

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

A visitor restricted under this subsection may appeal the restriction, as set forth in Policy KK-AP(1). The appeals process outlined in Policy KK-AP(1) relates solely to a restriction letter issued

for conduct under this subsection. It does not apply if the person is otherwise prohibited or banned from district property by other sections of this policy or for any other reason.

During any period of prohibition, the visitor will not be allowed on district property, except that no person may be denied the ability to attend open, public meetings of the Board and its committees or advisory committees except upon a specific finding by the Superintendent or Board of Education that denial of admission to such meetings is necessary to protect the Board's ability to conduct business at its meetings and is unrelated to any viewpoint expressed by that person. The superintendent may make exceptions for parents, guardians or custodians of students enrolled in the district if the person's presence is necessary to transport the student or may benefit the student educationally, or in situations where the parent, guardian or custodian will be supervised at all times.

Enforcement

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

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

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**Administrative Procedure KK-AP(1): VISITORS TO DISTRICT PROPERTY AND EVENTS -
(Public Conduct on District Property)**

Original Adopted Date: 05/21/2012 | Last Revised Date: 03/18/2013

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

Examples of inappropriate conduct include, but are not limited to:

1. Possessing or being under the influence of any alcoholic beverage or illegal substance.
2. Possessing a weapon in violation of Board policy.
3. Violating Board policy or the posted or stated rules of the event.
4. Fighting or otherwise striking or threatening another person.
5. Failing to obey the instructions of a security official or school district employee.
6. Engaging in any illegal or disruptive activity.

The superintendent may seek to deny future admission onto district property to any person by mailing a notice by first-class mail *and* by certified mail with return receipt requested, unless the individual's address is unknown. The notice should contain:

1. A description of the inappropriate conduct.
2. The proposed time period for which admission to district events will be denied.
3. Notice of the visitor's right to appeal the restriction to the Board of Education.

A visitor restricted for "disruptive conduct," as outlined in Policy KK, may appeal the restriction by providing written notice of a desire to appeal to the Board of Education's Secretary. The notice must be received by the Board of Education within ten (10) business days of the restricted visitor's receipt of the restriction letter. The Board of Education will provide the appealing visitor with a hearing notice, delivered or sent by certified mail with return receipt requested, at least ten (10) days before the Board hearing date. The hearing notice must contain:

1. The date, time, and place of the Board hearing.
2. A description of the inappropriate conduct.
3. The proposed time period that admission to school events will be denied.

The appeal shall be heard by the Board of Education within thirty (30) calendar days of receipt of the appeal. The appeal shall be heard by the Board of Education in open session, unless there is an exception listed for closure under the Missouri Sunshine Law. If the restriction relates to the restricted visitor's use of violence or threats of violence, the restricted visitor may only attend the appeal hearing by phone or videoconference. The appealing visitor may speak to the Board for up to ten (10) minutes. The appealing visitor

may reserve up to three (3) of their minutes for rebuttal. The District's administration may then speak to the Board for up to ten (10) minutes.

The Board of Education may affirm, overturn, or revise the restriction. The Board of Education will provide notice of its decision in writing to the appealing visitor and the Superintendent within three (3) business days of the Board meeting. The Board of Education's decision shall be final.

The superintendent is not obligated to make exceptions, but may allow visitors otherwise prohibited from being on district property to be on district property for the limited purposes of:

1. Transporting his or her child to and from school and school activities.
2. Attending scheduled conferences or meetings with district personnel pertaining to the visitor's child.

The superintendent will notify appropriate district staff of any individuals who are prohibited from being on district property, including the dates of the ban and any applicable exceptions.

Once a decision has been made to ban a person from district property, the superintendent, building principal or designee is authorized to file a trespassing complaint with local law enforcement if the person enters district property.

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Policy BDDH-1: PUBLIC PARTICIPATION AT BOARD MEETINGS

Status: ADOPTED

Original Adopted Date: 05/21/2012 | Last Revised Date: 03/20/2023 |

Last Reviewed Date: 03/20/2023

(Districts Designating a Public Comment Period)

The school board is acutely aware that board members are elected to serve the public, and the board seeks to conduct its business transparently. The district encourages the public to attend open school board meetings and other public meetings in person and, when available, virtually. In addition, there are some instances where members of the public may be provided the opportunity to speak at a school board meeting. As an extension of policy KC, Community Engagement, the board has created the following options for receiving input from students, employees and community members.

Grievance Policies and Procedures

The district has established several policies and procedures to assist students, parents/guardians, staff and the public in bringing concerns or grievances to the district. The board encourages the public to utilize these policies and procedures before bringing concerns to the board and may refer the public to these processes prior to taking action.

These policies include, but are not limited to:

AC, Prohibition against Illegal Discrimination, Harassment and Retaliation

ACA, Sexual Harassment under Title IX

DA, Fiscal Responsibility

GBM, Staff Grievances

IGBCA, Programs for Homeless Students

IGBE, Students in Foster Care

JGD, Student Suspension and Expulsion

KL, Public Concerns and Complaints

KLA, Concerns and Complaints Regarding Federal Programs

KLB, Public Questions, Comments or Concerns Regarding District Instructional/Media/Library Materials

There are additional legal processes created by law to address concerns about accommodating students with disabilities or concerns about a student's special education program.

Agenda Items

In accordance with law and the district's community engagement policy, district residents may place items on the agenda of a regularly scheduled board meeting as outlined in this policy. The agenda items must be directly related to the governance or operation of the district. The board will not hear resident-initiated agenda items at meetings other than the board's regularly scheduled meeting unless the board president grants an exception.

Residents who wish to place an item on the agenda must first meet with the superintendent or designee to attempt to resolve the issue unless the superintendent or designee waives such a meeting. The meeting will take place within 20 business days of the superintendent or designee receiving a written request to meet. If the superintendent or designee waives the meeting or does not meet with the resident within 20 business days, or if the resident is not satisfied with the meeting's outcome, the resident may submit a written request to the board secretary to add the item to the board agenda.

The board secretary will include the item on the next regularly scheduled board meeting's agenda, subject to the rules listed below, if the resident submits the request to the board secretary at least five business days prior to the meeting. Otherwise, the board secretary will place the item on the agenda for the subsequent regularly scheduled meeting.

Rules

1. The board may move an agenda item to a different meeting with the consent of the resident.
2. The board may refuse to hear or delay hearing an agenda item if:
 - The board has heard an identical or substantially similar agenda item in the previous three calendar months; or
 - The resident has previously violated district rules regarding conduct at meetings or on district property and upon a specific finding by the superintendent or board that the refusal or delay in hearing the resident's agenda item is necessary to protect the board's ability to conduct business at its meetings and is unrelated to any viewpoint expressed by that resident or the proposed agenda item.
3. The board may delay the hearing of a requested item if more than three resident-initiated agenda items are scheduled for the same meeting. The delayed agenda item

will be moved to the next regularly scheduled meeting. If a resident's item is delayed for this reason, the resident will be provided an alternate method of communication with the board, such as submitting written comments.

4. The board president will make the decision on whether to delay or refuse an agenda item and will communicate that decision to the resident and the other board members. Board members who disagree with the decision may communicate their concern to the board president, request that the agenda item be added, request that a special meeting be called, or make a motion at a meeting for the item to be included on a future meeting's agenda.
5. The board will place the agenda item in open or closed session in accordance with law and district policy.
6. The superintendent or designee may invite district staff or other relevant persons to be present during the discussion of the agenda item to address the item and answer questions.
7. The board will allow the resident five minutes to present their issue to the board unless the board president allots more time to the discussion.
8. Only resident(s) who met with or requested to meet with the superintendent or designee will be allowed to speak during this time.
9. If more than one resident seeks to speak on the same item at the same meeting, the board president, at their discretion, will determine the total time that will be devoted to the item and how the time will be shared between the residents. The board president will encourage residents to appoint a spokesperson or communicate their concerns through other means. If the board must limit the number of speakers, it will assign priority based on the order in which the requests were received.
10. Board members may ask the resident questions, seek additional information from the superintendent or designee, or otherwise discuss the topic.
11. The board may allow a resident additional time to speak upon the motion and vote of the board.
12. Any board member who wishes to devote more time to an agenda item may request that the item be put on the agenda for another meeting, which will be voted on by the board.

13. The board may discuss the public business content of presented agenda items but is not required to decide any matter of public business or formulate any public policy as a result of the discussion.

Public Hearings

From time to time, the board will schedule a public hearing to receive input on matters of community concern, such as setting the district's tax rate. The district will provide notice of these hearings as required by law and as determined necessary to inform the public.

Public Comment

The board encourages residents to utilize the process for placing items on the agenda but will also specifically designate time for district residents to provide public comments at regular meetings of the board. The following rules will apply to the public comment portion of the meeting:

1. The board will establish a time limit for the public comment period.
2. No individual will be permitted to speak more than once during this period.
3. The board will establish a uniform time limit for each speaker.
4. Discussion will be limited to items from the posted agenda.
5. All speakers must provide their name and address prior to speaking.
6. If there is insufficient time for everyone to speak, the board will encourage participants to submit their questions in writing or utilize the process for putting an item on the agenda.

