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**HAY SPRINGS SCHOOL  
BOARD POLICY MANUAL**

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## OBJECTIVES FOR EQUAL EDUCATIONAL OPPORTUNITIES FOR STUDENTS

This section of the board policy manual is devoted to the board's goals and objectives for assisting the students of the school district in obtaining an education. Each student shall have an opportunity to obtain an education in compliance with the policies in this series. It is the goal of the board to develop a healthy social, intellectual, emotional, and physical self-concept in the students enrolled in the school district. Each student attending school will have the opportunity to use it and its education program and services as a means for self-improvement and individual growth. In so doing, the students are expected to conduct themselves in a manner that assures each student the same opportunity.

The board supports the delivery of the education program and services to students free of discrimination on the basis of race (including skin color, hair texture, and protective hairstyles), color, national origin, sex, disability, religion or marital status, sexual orientation or gender identity and provides equal access to the Boy Scouts and other designated youth groups. This concept of equal educational opportunity serves as a guide for the board and employees in making decisions relating to school district facilities, employment, selection of educational materials, equipment, curriculum, and regulations affecting students.

Board policies, rules and regulations affect students while they are on school district property or on property within the jurisdiction of the school district; while on school owned, operated, or chartered transportation; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and educational processes of the school district.

This section of the board policy refers to the term "parents" in many of the policies. The term parents for purposes of this policy manual shall mean the legal parents. It shall also mean the legal guardian or custodian of a student and students who have reached the age of majority or are otherwise considered an adult by law.

Inquiries by students regarding compliance with equal educational opportunity laws and policies, including but not limited to complaints of discrimination, shall be directed to the Compliance Coordinators or the building principal.

Inquiries may also be directed in writing to the Director of the Kansas Office of Civil Rights, U.S. Department of Education, One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, MO 64106, (816) 268-0550, the Nebraska Equal Opportunity Commission, State Office Building, 301 Centennial Mall South, 5th floor, P.O. Box 94394, Lincoln, NE 68509-4934, (402) 471-2024 or (800) 642-6112 or by email to [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov). This inquiry or complaint to the federal or state office may be done instead of, or in addition to, an inquiry or complaint at the local level.

Approved 7/12/2021

Reviewed 7/12/2021

Revised 7/12/2021



Every report of alleged violations of this policy that can be interpreted at the outset to fall within the protections of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of an ongoing investigation of this policy, potential issues of sexual harassment or discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged sexual harassment or discrimination as well as the incidents of alleged violations of this policy.

Further information and copies of the procedures for filing a complaint are available in the school district's central administrative office and the administrative office in each attendance center.

Legal Reference:                   Sect. 504 of the Rehabilitation Act of 1973  
  20 U.S.C. §1681 et seq. (1994)  
  34 C.F.R. §104 et seq.  
  34 C.F.R. §160 et seq.  
  Neb. Statute 79-2,114 et seq. (Neb. Equal Opportunity in  
Education Act).

Cross Reference:                 100    District Organization and Basic Commitments

## EDUCATIONAL EQUITY

The District is committed to equity and excellence for all students. Educational equity is defined as providing all students, regardless of socioeconomic status, race (including skin color, hair texture, and protective hairstyles), ethnicity, language, religion, sex, gender, orientation, cognitive/physical ability, or mobility the high-quality instruction and support needed to reach and exceed state educational standards.

The district will identify and address any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers.

To achieve educational equity, the District will commit to:

1. using district-wide and individual school-level data disaggregated, when appropriate, by socioeconomic status, race/ethnicity, national origin, language, special education, and mobility, to inform district decision making;
2. working to raise the achievement of all students; and
3. graduating all students ready to succeed.

In order to reach the goal of educational equity for each and every student, the District shall monitor students' progress in meeting the state academic standards by:

1. developing and implementing a well-rounded program of instruction to meet the academic needs of all students;
2. identifying students who may be at risk for academic failure;
3. supporting efforts to reduce the overuse of discipline practices that remove students from the classroom;
4. providing additional educational assistance to individual students the District determines need help in meeting the state academic standards; and
5. identifying and implementing instructional and other strategies intended to strengthen academic programs and improve school conditions for student learning.

The District will provide organized, system-wide means of incorporating educational equity into its educational program by:

1. Providing every student with access to high quality curriculum, support, and other educational resources;
2. Providing multiple pathways to success in order to meet the needs of the entire student body and actively encourage, support, and expect high academic achievement for each student;
3. Working to create schools with a safe, supportive and inclusive environment; and
4. Seeking to promote educational equity as a priority in professional development.

The Superintendent will include equity practices leading to specific goals and strategies in the District's school improvement plan. The Superintendent will periodically report to the Board on progress in the implementation of this policy.

Approved 7/12/2021

Reviewed 7/12/2021

Revised 7/12/2021

Legal Reference:

20 U.S.C. §6312

## RESIDENT STUDENTS

Children who are residents of the school district community will attend the school district without paying tuition. Students whose residency in the district ceases during a school year may continue attending school for the remainder of the school year without payment of tuition.

The residence of a student means the place, abode, or dwelling of the student. Generally, the legal dwelling of minors is the same as their parents. However, a student may establish a dwelling with someone other than the parents and attend public school in the school district without paying tuition if the primary purpose for residing in the school district is not for the purpose of obtaining a free public education.

Each case involving the determination of residence of a student will be decided upon its individual merits by the superintendent. Payment of tuition will not be required in cases where the resident student would otherwise be denied free common school privileges. The burden of proof to supply the necessary documents to demonstrate legal residence shall rest with the person claiming legal residence in the district. Specific documents required shall be determined by the superintendent.

Legal Reference:                   Neb. Statute 79-215

Cross Reference:                101    District Organization and Basic Commitments  
  503    Student Attendance  
  801    Transportation

## NONRESIDENT STUDENTS/OPTION ENROLLMENT

Students who are eligible to attend a Nebraska public school but who are not legal residents of the school district may be admitted into the school district in accordance with the option enrollment program authorized by state statutes. Option enrollment students shall be accepted without charge. If the student has previously had an option enrollment accepted in any district, the application shall be rejected unless a statutory exception to this rule applies for that student.

Application for option enrollment should be made between September 1 and March 15 for enrollment during the following and subsequent school years. Upon agreement of the school boards of the resident district and the option (receiving) district, deadlines for application and approval of the option may be waived. Following the March 15 deadline, applications requesting admittance must contain a release approval from the resident district prior to the option district's consideration for acceptance.

The application for option enrollment does not require a release from the resident district and the receiving district has forty-five days to issue acceptance or rejection if:

1. after February 1 the student relocated to a different resident district, or
2. the student's option district merged with another district effective after February 1, and
3. the student's attendance would occur during the next immediate and subsequent school years.

For applications submitted by the March 15 deadline, written notification of approval or rejection of the application will be made before April 1 to the student's parent/guardian and the resident district. If the district rejects an application for a student to option in or out, the district will provide notification by certified mail to the parent/guardian of the reasons for rejection and the process for appealing the decision to the State Board of Education.

The board shall adopt standards and conditions for acceptance or rejection of a request for release of a resident student submitting an option application after March 15. Such standards shall not include the failure to meet the March 15 deadline. For those applications, the option district shall notify the parent/guardian and the resident district whether the application is accepted or rejected within sixty days after submission. False or substantively misleading information submitted by a parent/guardian on an application to an option district may be cause for the option district to reject a previously accepted application prior to the student's attendance.

The board shall adopt a resolution setting forth its specific standards for acceptance and rejection of applications as an option school. Standards will conform to those set forth by

Approved 7/13/2020 Reviewed Mr. H June 2020 Revised \_\_\_\_\_



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Approved August 10<sup>th</sup> 2020 Reviewed Mr. L July 2020 Revised \_\_\_\_\_



**RESOLUTION REGARDING  
INCOMING ENROLLMENT OPTION STUDENTS**

The district hereby sets the following guidelines for the transfer of students under the Nebraska Enrollment Option Program for the 2014-15 school year.

- The deadline date will be waived for both incoming and outgoing enrollment option students
- The superintendent of schools shall have the authority to accept or deny applications in accordance with this resolution
- Other than under extenuating circumstances, to be determined by the building principal, incoming enrollment options students in grades 9-12 may enter only at the beginning of a semester
- A student who is currently serving a suspension or an expulsion in the resident district will not be accepted as an enrollment option student
- Capacity for classes and programs is hereby set at the following levels

**Elementary (grades K-6):**

Incoming option students will not be accepted if the addition of the student would create a class size of larger than 22 (twenty-two) students

**Secondary (grades 7-12):**

Incoming option students will not be accepted if the addition of the student would create any class size of larger than 22 (twenty-two) students

**Choice Program:**

The CHOICE Program (alternative education) is at capacity, and no enrollment option students will be accepted.

**Special Education:**

Life Skills Program is at capacity and no enrollment option students will be accepted.

Behavior Disorder Program is at capacity and no enrollment option students will be accepted.

An enrollment option student whose Individualized Education Plan (IEP) prescribes a program not currently offered by Broken Bow will not be accepted.

An enrollment option student whose enrollment would necessitate the hiring of additional staff will not be accepted.

Approved; **August 10<sup>th</sup> 2020**



## ENTRANCE - ADMISSIONS

Children in the school district community will be allowed to enroll in the school district's regular education program beginning at age five. The child must be age five on or prior to July 31 to participate in the school district's kindergarten program or beginner grade, or be admitted under exceptions provided by state statute.

The board shall require evidence of age and residency in the form of a birth certificate or other evidence before the student may enroll in the school district's education program. It shall be within the discretion of the superintendent to determine what is satisfactory evidence for proof of age.

Prior to enrollment, the child must provide the administration with proof of a physical examination and immunizations as required by law and the respective policies of this district. Failure to provide this information shall be reason for denying admission to the student under statute 79-217.

Legal Reference:                   Neb. Statute 79-214 et seq.

Cross Reference:                503.01 Compulsory Attendance  
  508.01 Student Health and Immunization Checkups

## ATTENDANCE CENTER ASSIGNMENT

The board shall have complete discretion to determine the boundaries for each attendance center, to assign students to the attendance centers, and to assign students to the classrooms within the attendance center.

It shall be the responsibility of the superintendent to make recommendations to the board regarding the division of students among attendance centers. In making the recommendations, the superintendent shall consider the geographical layout of the school district, the condition and location of the school district facilities, the location of student population, possible transportation difficulties, financial condition of the school district and other factors deemed relevant by the superintendent or the board.

Cross Reference:                    503.01 Compulsory Attendance

Approved 7/13/2020    Reviewed Mr. H June 2020    Revised \_\_\_\_\_



## STUDENT TRANSFERS OUT

If the student's parents wish to transfer the student from school prior to completing and graduating from the education program, they shall notify the superintendent as soon as possible of the decision. The student or parent should present this written notice at the office and receive instructions regarding the return of textbooks, library books, locker equipment, hot lunch tickets and completion of grade records. The notice shall state the student's final day of attendance.

If the parents wish to have the student's cumulative record sent to the new school district, the parents shall notify the superintendent in writing. This notice shall include the name of the school district and the person at the new school district to whom the student's cumulative records should be sent. If the new school district requests the student's cumulative records, the school district will forward the cumulative records and notify the parents the records have been sent.

### Withdrawal and Transfer Procedure

The procedure for withdrawal or transferring is as follows:

1. Secure authorization withdrawal or transfer note from the parent or guardian.
2. Obtain appropriate forms from the guidance office or principal's office.
3. Have the forms filled out by teacher, return all school books and property, and make sure all fees are paid.
4. Take completed forms to the guidance or principal's office for final clearance.

Cross Reference:	503.01	Compulsory Attendance
	507	Student Records

## STUDENT RE-ENTRY TO SCHOOL

A student who has transferred to another school under the open enrollment procedures may be readmitted to his or her district of residence at any time after one school year.

The student may not return prior to one year except at the mutual agreement of both the resident and option school districts.

Legal Reference:                      Neb. Statute 79-237

Approved 7/13/2020 Reviewed Mr. H June 2020 Revised \_\_\_\_\_

## EXCHANGE AND FOREIGN STUDENT ADMISSIONS

No foreign exchange student will be enrolled in the district until the foreign exchange student has provided the district with all records and information requested by the district. Foreign exchange students must also comply with any health requirements imposed by state or other governing laws and according to district policies.

Foreign exchange students must not have graduated from high school (or an equivalent educational institution) prior to enrollment in the district.

Foreign exchange students completing twelfth grade in the district will be provided with an honorary diploma. If a foreign exchange student wishes to receive a District High School Diploma, the student must make application to the school principal at the time of enrollment, and must successfully complete district graduation requirements.

Legal Reference:                      Neb. Statute 79-215

Cross Reference:                      508      Student Health and Well-Being

## MAGNET OR ALTERNATIVE SCHOOL ADMISSIONS

The Board of Education endorses the neighborhood school concept and makes many decisions based on student population within the attendance areas of residence. The Board recognizes, however, that resident students may wish to attend a school or participate in a program located in an area other than that of their assigned school. Therefore, students shall be allowed to attend any school or participate in any program of their choice on a space available, first-come, first-served basis.

In implementing the alternative enrollment program, the district is not required to:

1. Make alterations in the structure of a requested school or make alterations to the arrangement or function of rooms within a requested school;
2. Establish and offer any particular program in a school if such program is not offered currently in such school;
3. Alter or waive any established eligibility criteria for participation in a particular program including age requirements, course prerequisites and required levels of performance.

Notwithstanding the provisions of this policy, a student may be assigned outside the attendance area by mutual agreement of the principals in the special interest of the student and/or school.

### **Open enrollment and transfers**

Resident students and their parents/guardians shall be notified on an annual basis of the options available through alternative enrollment in sufficient time to apply.

Students within designated attendance areas shall have priority in registering in that school. This shall also apply to home-schooled students desiring to take classes on a part-time basis. Students may apply for alternative enrollment in a school outside their attendance area and such applications shall be approved if there is space available in the requested school and the application has been submitted on or before March 1st in accordance with the regulations accompanying this policy.

Parents and/or students who desire a change of school after March 1st must submit a letter together with the required form requesting a transfer. The request shall be reviewed and acted upon in accordance with the regulations accompanying this policy. Students granted permission to attend a school other than the school in their assigned attendance area shall have the same curricular and extracurricular status as all other students attending the school, limited only by rules of the Nebraska School Activities Association.

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_





## ASSIGNMENT OF NEW STUDENTS TO CLASSES AND GRADE LEVELS

New students entering from schools recognized and approved by the Nebraska Department of Education will initially be placed in grades and classes on the basis of their grade placement/credits in the school from which they are transferring. The district administration, through academic achievement tests and other evaluation measures as necessary, will determine the appropriate grade level/credit status of students transferring from schools that have not been approved by the state department of education.

Previous high school work will be validated for a high school student by successfully completing a higher level unit in this district's high school for every unit completed in a non-accredited high school; i.e., completion of a second unit mathematics would validate the mathematics credit transferred. If no successive course work is pursued to validate the credit, similar or equivalent work will be evaluated at the discretion of the principal.

Cross Reference:                    601    Goals and Objectives

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## ASSIGNMENT OF CONTINUING STUDENTS TO CLASS

Pupils will be enrolled in grades and classes in which they can be expected to master established district instructional/learning objectives. All pupils who are included under the compulsory school attendance law must be enrolled and required to attend all classes prescribed by the state and the district Board of Education unless exempt by the school authorities.

Pupils will be assigned to the grade level in elementary and middle schools, or be enrolled in classes recommended by the principal consistent with state guidelines, the recommendations of teachers, through academic achievement tests and other evaluation measures. Ability to meet district grade-subject and course instructional/learning objectives will be a major factor in grade level assignment.

High school students will be classified in certain grades according to the following criteria:

- Freshman (ninth grade student) - A student in his/her first year of a four-year senior high school or a student with sufficient credits to expect graduation\* in four years.
- Sophomore (tenth grade student )- A student in the second year of enrollment in a four-year senior high school who has earned sufficient credits to expect graduation\* in three years.
- Junior (eleventh grade student) - A student with two or more years of enrollment in a senior high school who has earned sufficient credit to expect graduation\* in two years.
- Senior (twelfth grade student) - A student with three or more years of enrollment in a senior high school who has earned sufficient credit to expect graduation\* in one year.

\* Students may reasonably expect to graduate if they earn the required credits by successfully completing a full schedule of classes. They may not expect graduation or a class promotion if they must gain extra credit from an overload schedule, summer school or correspondence work.

Legal Reference:                      Neb. Statute 79-526

Cross Reference:                    100    District Organization and Basic Commitments  
    503    Student Attendance

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## COMPULSORY ATTENDANCE

Any child who will reach six years of age prior to January 1 of the current year and who has not reached eighteen years of age shall meet the requirements of mandatory school attendance. Any such child shall attend the academic program on a regular basis, unless a written request to drop the child from the school rolls is made by the parent, guardian or other person having charge, control or custody of the child.

Any child of mandatory attendance age must by law regularly attend a public, private, denominational, parochial school or a combination of such schools not less than the entire school term of the school(s) which the child attends. This does not apply to a child who has obtained a high school diploma or received a General Equivalency Diploma, completed the program of instruction offered by a non-accredited or non-approved school, has reached the age of 18, or who is at least 16 years old and whose parent or guardian has withdrawn the child from school in the manner prescribed by state statute.

Excusal from the "full-time" requirement of the compulsory education law can be granted by the superintendent for a child between 14 and 16 years of age having completed the work of the eighth grade when legal employment due to necessity has been obtained by the student and such a request has been made by a parent/guardian.

### **Withdrawal To Age 6**

The parent/guardian of any child who will not reach six years of age prior to January 1 of the current school year and who is enrolled, may discontinue that enrollment according to procedures provided by the district.

### **Minimum Age**

The district will not admit any child into kindergarten unless the child will reach the age of five years on or before July 31, except as follows:

1. the board shall admit a child who will reach the age of five years by October 15 if;
  - a. the parent provides an affidavit stating that the child attended kindergarten in another district, or
  - b. the family will be relocating to another district that allows admission within the current year, or
  - c. the child is capable of carrying the work of kindergarten which can be demonstrated through recognized assessment procedures approved by the board. Each school board shall approve and make available a recognized assessment procedure for determining if a child is capable of carrying the work of kindergarten.

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The district will use the Developmental Indicators for the Assessment of Learning (DIAL-4) to meet the requirement for a recognized assessment procedure to determine if

a child not 5 years of age on or before October 15 of the current year is capable of carrying the work of kindergarten. The board shall update these procedures as the board deems appropriate.

### **Early Withdrawal at Age Sixteen**

A person who has legal or actual charge or control of a child who is at least sixteen years of age may withdraw the child from school if an exit interview is conducted as required below, or if a signed notarized release form is filed with the Commissioner of Education as required by law for a child enrolled in a school that elects not to meet accreditation or approval requirements.

The exit interview shall be conducted at the time and place selected by the superintendent or the superintendent's designee upon receiving the written request of any person who has legal or actual charge or control of a child who is at least sixteen years of age if the child is enrolled in a school operated by the school district or resides in the school district and is enrolled in a private, denominational, or parochial school.

The exit interview shall be personally attended by:

- The child, unless the withdrawal is being requested due to an illness of the child making attendance at the exit interview impossible or impracticable;
- the person who has legal or actual charge or control of the child who requested the exit interview;
- the superintendent or the superintendent's designee;
- the child's principal or the principal's designee if the child at the time of the exit interview is enrolled in a school operated by the school district; and
- any other person requested by any of the required parties who agrees to attend the exit interview and is available at the time designated for the exit interview which may include other school district personnel or the child's principal or such principal's designee if the child is enrolled in a private, denominational, or parochial school.

At the exit interview, the person making the written request shall present evidence that the person has legal or actual charge or control of the child and that the child would be withdrawing due to either:

- a) financial hardships requiring the child to be employed to support the child's family or one or more dependents of the child, or
- b) an illness of the child making attendance impossible or impracticable.

The superintendent or superintendent's designee shall identify all known alternative educational opportunities, including vocational courses of study, that are available to the child in the school district and how withdrawing from school is likely to reduce potential future earnings for the child and increase the likelihood of the child being unemployed in the future. Any other relevant information may be presented and discussed by any of the parties in attendance.

At the conclusion of the exit interview, the person making the written request may sign the withdrawal form provided by the school district agreeing to the withdrawal of the child or may rescind the written request for the withdrawal.

Any withdrawal form signed by the person making the written request shall be valid only if:

- a) the child signs the form unless the withdrawal is being requested due to an illness of the child making attendance at the exit interview impossible or impracticable, and
- b) the superintendent or superintendent's designee signs the form acknowledging that the interview was held, the required information was provided and discussed at the interview, and, in the opinion of the superintendent or the superintendent's designee, the person making the written request does in fact have legal or actual charge or control of the child and the child is experiencing either:
  - 1) financial hardships requiring the child to be employed to support the child's family or dependents of the child, or
  - 2) an illness making attendance impossible or impracticable.

Legal Reference:                      Neb. Statute 79-201 et seq.

Cross Reference:                      502      Student Admissions

## STUDENT ATTENDANCE RECORDS

As part of the school district's records, the daily attendance of each student shall be recorded and maintained on file with the permanent records of the district.

It shall be the responsibility of the principals to ensure that such reports contain all information required by law and are filed with the administrative office.

Legal Reference:               Neb. Statute 79-205 to 207

Cross Reference:             507    Student Records

Approved 7/13/220 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## STUDENT ABSENCES - EXCUSED

Regular attendance by students is essential for students to obtain the maximum opportunities from the education program. Parents and students alike are encouraged to ensure an absence from school is a necessary absence. Students shall attend school unless excused by the principal of their attendance center.

Student absences approved by the principal shall be excused absences. Excused absences including documented illness shall count as days in attendance for purposes of addressing excessive absenteeism.

Students whose absences are approved shall make up the work missed and receive full credit for the missed school work, within guidelines of the student handbook. It shall be the responsibility of the student to initiate a procedure with the student's teacher to complete the work missed.

Students who wish to participate in school-sponsored activities must attend school for the full day the day of the activity unless permission has been given by the principal for the student to be absent.

It shall be the responsibility of the parent to notify the student's attendance center as soon as the parent knows the student will not be attending school on that day. The principal may request evidence or written verification of the student's reason for absence.

It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

Legal Reference:               Neb. Statute 79-209  
  NDE Rule 10.012.01B

Cross Reference:             505    Student Discipline  
  506    Student Activities  
  507    Student Records

Approved 7/13/220 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## ADDRESSING BARRIERS TO ATTENDANCE

Regular attendance by the students at school is essential for students to obtain the maximum opportunities from the education program. Parents and students alike are encouraged to ensure an absence from school is a necessary absence. Students shall attend school unless excused by the principal of their attendance center. This policy, developed and annually reviewed in collaboration with the county attorney for the district's principal office location, is an attempt to address the barriers to student attendance. This policy shall include a provision indicating how the district and the county attorney will handle cases in which excessive absences are due to illness and shall state the circumstances and number of absences or hourly equivalent upon which the school shall render all services to address barriers to attendance.

Any superintendent, principal, teacher, or member of the school board who knows of any violation of the state school attendance laws (79-201) shall report that violation to the school attendance officer within 3 days. -

The superintendent shall designate an attendance officer. The attendance officer will immediately investigate the report of any child who may be in violation of the state's compulsory attendance statutes.

If any student has exceeded the number of unexcused absences as defined in the student handbook, the school shall render all services to address barriers to attendance. These services shall include the following:

1. Verbal or written communication by school officials with the person or persons who have legal or actual charge or control of any child; and
2. A meeting or meetings between the school attendance officer, school social worker, a school administrator or designee, the person who has legal or actual control of the child, and the student (when appropriate) to address the barriers to attendance. The result of the meeting or meetings shall be to develop a collaborative plan to reduce barriers identified to improve regular attendance. The plan shall consider, but not be limited to:
  - (i) Illness related to physical, mental, or behavioral health of the child;
  - (ii) Educational counseling;
  - (iii) Educational evaluation;
  - (iv) Referral to community agencies for economic services;
  - (v) Family or individual counseling; and
  - (vi) Assisting the family in working with other community services.

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The school may report to the county attorney of the county in which the person resides when the school has documented the efforts it has made as required by statutes, that the collaborative plan to reduce barriers identified to improve regular attendance has not been successful, and that the child has been absent more than twenty days per year. The school shall notify the child's family in writing prior to referring the child to the county attorney. Illness that makes attendance impossible or impracticable shall not be the basis for referral to the county attorney.

Students are subject to disciplinary action for excessive absenteeism including suspension and expulsion. It shall be within the discretion of the principal to determine, in light of the circumstances, whether a student may make up work missed because of excessive absenteeism. Disciplinary action for students receiving special education services will be assigned in accordance with the goals and objectives of the student's Individualized Education Program.

The superintendent shall report to the Commissioner of Education as directed by the commissioner regarding the number of and reason for any long-term suspension, expulsion, or excessive absenteeism of a student; referral of a student to the office of the county attorney for excessive absenteeism; or contacting of law enforcement officials other than school resource officers by the district relative to a student enrolled in the district. The superintendent shall report annually to the Commissioner the required data for the number of students who have dropped out of school.

It shall be the responsibility of the superintendent to implement this policy. The implementation may include regulations indicating the disciplinary action to be taken for excessive absenteeism.

Legal Reference:	Neb. Statute 79-208 and 209 NDE Rule 10.012.01B
Cross Reference:	411.03 Attendance Officer 505 Student Discipline 506 Student Activities 507 Student Records

## STUDENT RELEASE DURING SCHOOL HOURS

Students will be allowed to leave the school district facilities during school hours only with prior authorization from their parents, unless the parent appears personally at the student's attendance center to arrange for the release of the student during school hours, or with the permission of the principal.

Approved reasons for release of a student during the school day shall include those listed in the student handbook and other reasons specifically approved as appropriate by the principal.

It shall be the responsibility of the superintendent, in conjunction with the principal, to implement this policy.

Legal Reference:                   Neb. Statute 79-201 et seq.

Cross Reference:                505    Student Discipline  
  506    Student Activities  
  507    Student Records

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## PREGNANT OR PARENTING STUDENTS

The district recognizes that pregnant or parenting students have the right and responsibility to attend school. This attendance right and responsibility applies to students regardless of their marital or parental status. The district will educate pregnant or parenting students and will provide reasonable accommodations to support and encourage all pregnant or parenting students to obtain their high school diploma. No student will be excluded from, denied the benefit of, or discriminated against under any educational program or activity because of pregnancy or parenting responsibilities.

### Attendance and Leave of Absences:

Pregnant or parenting students will be permitted to attend to their own health care, their child's medical care, or other appointments related to pregnancy or parenting with the benefit of having any such absences or tardiness excused. A student will be permitted to take a leave of absence for pregnancy, childbirth, and any other prenatal and postnatal related medical needs, along with related recovery for the duration that is considered medically necessary by the student's licensed health care provider. At the conclusion of the leave of absence, a student will be immediately enrolled in the district at the same grade and status as when the leave began. Pregnant or parenting students shall be allowed to participate in all activities including extracurricular activities throughout the student's pregnancy and following unless administrators determine such participation poses a significant risk of injury to the student or to others. A pregnant or parenting student may be asked to obtain certification from the student's licensed health care provider regarding the student's safe participation in an extracurricular activity when such certification may be required of students for other conditions which require the attention of a licensed health care provider.

Any absences accumulated due to pregnancy or pregnancy-related conditions, or care for an ill child, should not count towards any district policies in effect under compulsory attendance requirements. Pregnant or parenting students with excused absences or tardiness shall be treated like all other students with excused absences or tardiness for any other medical reasons.

Pregnant or parenting students will be provided with assignments, classwork and any additional support needed to help the student keep up with class requirements due to absences related to pregnancy or parenting.

### Alternative means to complete course work:

The district will provide at least one alternate method, in addition to traditional classroom instruction to keep pregnant or parenting students in school. Such accommodation(s) may include accessing coursework online, home-based independent study, or at-home

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tutoring. Alternative methods of instruction or other alternative programs for pregnant or parenting students are voluntary for the student who may elect whether to engage in an alternative method of instruction or the traditional methods of instruction available to their peers. Pregnant or parenting students shall be allowed to attend their regular classrooms and complete regular coursework.

Lactation:

The district will provide reasonable time and space to accommodate lactating students to express breast milk or breastfeed during the school day. Such accommodations will be in a location, other than a bathroom or closet, that is private, clean, has an electrical outlet, a chair and is reasonably accessible. Students shall also be provided a food-safe refrigerator to store breast milk.

Child Care:

If in-school child care is not provided, a list of qualified licensed child care providers will be provided when requested by pregnant or parenting students. The list will be updated annually and include providers that participate in the quality rating and improvement system and meet all of the quality rating criteria for at least a stepthree rating in keeping with the Step Up to Quality Child Care Act. Nothing in this policy is intended to prohibit or limit any referral for a student or a student's child to an early Head Start program or any other available community resources.

Privacy and Confidentiality:

Pregnant or parenting students have the right to have their health and personal information kept confidential in accordance with law. School staff will make every effort to keep personal information and health records confidential and in compliance with Nebraska and federal law.

Information about students' pregnancies and related conditions will not appear in their cumulative record and will not be used when they are being considered for educational or job opportunities, awards or scholarships.

Other Accommodations:

Pregnant or parenting students are here notified that they may request additional reasonable accommodations to ensure continued participation and enrollment in school. Accommodation requests will be evaluated on a case-by-case basis by the building principal. Such accommodations may include but are not limited to: additional frequency allowed for bathroom breaks, additional time allowed in between class periods, a larger desk or additional work space, and adjustments to requirements for physical education as needed.



## MARRIED STUDENTS OR STUDENTS WITH CHILDREN

Married students residing in the district are considered to be of legal age and shall have the same educational opportunities as unmarried students.

The district encourages married students and students with children to complete requirements for graduation and to participate in school activities. The district prohibits any discrimination on the basis of sex, marital status or the condition of being a parent and provides relief for those who are aggrieved under its non-discrimination policies.

Legal Reference:               Neb. Statute 43-2101  
                                      79-2,149 to 79-2,152  
                                      79-2,114 to 79-2,124  
                                      20 U.S.C. §1681 et seq.  
                                      34 C.F.R. §106.40

Cross Reference               102    Educational Philosophy of the District  
                                      404.06 Harassment by Employees  
                                      501.00 Objectives for Equal Educational Opportunities for  
  Students  
                                      504.18 Harassment by Students

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## HOMELESS CHILDREN AND YOUTH

A homeless child or youth is defined as one who lacks a fixed, regular, and adequate nighttime residence. The term includes—

- (1) Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals.
- (2) Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
- (3) Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (4) Migratory children (as defined in section 1309 of the ESSA of 1965, as amended), who qualify as homeless because they are living in circumstances described in this definition.

This definition includes both youth who are unaccompanied by families and those who are homeless with their families. The district will comply with state and federal law as it relates to homeless children or youth.

### Assurances

1. The district adopts these policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless.
2. The district will designate an appropriate staff person as the Local Educational Liaison (LEL) for homeless children and youths, to carry out the duties in compliance with state and federal law.
3. The district adopts these policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin. The “school of origin” means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled. This will be done in accordance with the following, as applicable:
  - A. If the homeless child or youth continues to live in the district in which the school of origin is located, the child’s or youth’s transportation to and from the school of origin shall be provided or arranged by that district.
  - B. If the homeless child’s or youth’s living arrangements in the district served by the school of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another district, the school of origin and the local district in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs

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for providing the child with transportation to and from the school of origin. If the two districts are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

### Comparable Services

Each homeless child or youth shall be provided services comparable to those offered to other students in the school in which the child is placed including transportation services, educational programs for children with disabilities and students with limited English proficiency, educational services for which the child or youth meets the eligibility criteria, such as Title I, school nutrition programs, programs in vocational and technical education, and programs for gifted and talented students.

### Local Educational Liaison

The Superintendent shall serve as the district's Local Educational Liaison who will serve in tracking, monitoring and coordinating programs and activities for these children. The identity and duties of the LEL shall annually be provided to the NDE, school staff, providers and advocates of services to homeless persons, and to homeless students.

1. In general, the LEL shall coordinate:
  - A. the provision of services with local social services agencies, the NDE Homeless Education Liaison, community and school personnel, and other agencies or programs providing education, social and related services to homeless children and youths and their families; and
  - B. with other local educational agencies on interdistrict issues, such as transportation or transfer of school records.
2. Coordination purpose - The coordination shall be designed to:
  - A. ensure that homeless children and youths have access and reasonable proximity, to available education and related support services; and
  - B. raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.
3. The LEL shall receive appropriate time and training to carry out the duties required by law and this policy, and ensure that:
  - A. homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;
  - B. homeless children and youths enroll in schools of the district, which includes attending classes and participating fully in school activities, and have a full and equal opportunity to meet the same challenging State academic standards as other children and youths;
  - C. homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, and referrals to health care services, dental services, mental health services, and other appropriate services;
  - D. the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;



- E. receive individualized counseling from counselors to prepare and improve their readiness for college, including college selection, application, financial aid, and on-campus supports;
- F. unaccompanied youths are informed of their status as independent students under the Higher Education Act of 1965 and may obtain assistance from the LEL to receive verification of such status for purposes of the Free Application for Federal Student Aid;
- G. public notice of the educational rights of homeless children and youths is communicated where such children and youths receive services under the federal laws for homeless children, such as schools, family shelters, and soup kitchens;
- H. enrollment disputes are mediated in accordance state and federal law; and
- I. the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin and is assisted in accessing transportation to the school that is selected for the youth.

#### Enrollment and Placement

The district will handle enrollment and placement of homeless children in compliance with state and federal law according to the child's or youth's best interest such that it shall:

1. continue the child's or youth's education in the school of origin for the duration of homelessness—
  - A. in any case in which a family becomes homeless between academic years or during an academic year; or
  - B. for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
2. enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.
3. The choice regarding enrollment shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.
4. Issues of guardianship, proof of residency, and dress code requirements shall not be cause for delay or denial of enrollment. The district is not prohibited from requiring a parent or guardian of a homeless child to submit contact information.
5. If the school district is unable to determine the grade level of the student because of missing or incomplete records, the child will be placed in the appropriate grade level by the same procedures used for non-homeless children.

#### School Stability

In determining the best interest of the child or youth the district shall:

1. presume that keeping a homeless child or youth in the school of origin is in the child's or youth's best interest unless doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth.
2. The district must consider student-centered factors related to a child's or youth's best interest including the impact of mobility on achievement, education, health, and



safety, giving priority to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth.

3. If the district determines that it is not in a child's or youth's best interest to attend the school of origin, or the school requested by the parent, guardian, or unaccompanied youth, it must provide a written explanation of the reasons for its determination, in a manner and form that is understandable.

### Enrollment Disputes

The dispute procedure must be made available for resolving disputes over eligibility, as well as school selection or enrollment. If a dispute arises over school selection or enrollment in a school:

1. the district shall immediately provide the child's parent or guardian or, in the case of an unaccompanied youth, the youth a written explanation of the decision made regarding the school selection including the right to appeal the decision. It shall be provided in a manner and form understandable to such parent, guardian, or unaccompanied youth and include the LEL contact information. The child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. Unaccompanied youths shall be assisted by the LEL in enrolling immediately.
2. Within thirty (30) days of receipt of the initial complaint, the LEL shall carry out the dispute resolution process in accordance with 92 NEC 19-005.002
3. The parent/guardian (or student, if applicable) may file a written appeal of the decision to the Nebraska Commissioner of Education. The Commissioner or designee may file a written response to the appeal within fifteen (15) calendar days of receipt of the appeal.
4. Within thirty (30) days of receipt of the Commissioner's decision, the parent/guardian (or student, if applicable) may file a written appeal of the decision with the State Board of Education and shall be governed by 92 NAC Rule 61.

### Records

Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained:

1. so that the records are available, in a timely fashion, when a child or youth enters a new school or school district;
2. the district will treat the student's homeless status as a Student Education Record, not deemed to be directory information; and
3. in a manner consistent with the Federal Education Rights and Privacy Act.

The LEL shall document the number of homeless children and youths receiving services, and maintain financial records regarding any federal funds used for providing such services.

### Immunization Requirements



Homeless students will not be denied enrollment for lack of immunization records. The school district will make a reasonable effort to locate immunization records from the information provided or will assist the student in obtaining the necessary immunizations. Permanent exemptions for homeless students from the immunization requirement in this policy will be allowed only for reasons in accordance with the law.

Review and Revision

The district shall review and revise any policies that may act as barriers to the enrollment of homeless children and youths in the district. In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.

Legal Reference:                   Neb. Statute 79-215  
  NDE Rule 19 and Rule 61  
  42 U.S.C. §11431 and §11432 (McKinney-Vento Homeless  
  Assistance Act) with amendments  
  20 U.S.C. §1232g Federal Education Rights and Privacy  
  Act



## STUDENT COMPLAINTS

Student complaints and grievances regarding board policy or administrative regulations and other matters should be addressed to the student's specific teacher, activity sponsor or other certified employee, other than the administration, for resolution of the complaint. It is the goal of the board to resolve student complaints at the lowest organizational level.

Complaints involving student suspension, expulsion or mandatory reassignment will follow provisions of the Student Discipline Act. All other student complaints are to follow the chain of command as outlined in district policies. Rules for student conduct and appeal procedures will also be published in the student handbook.

If the complaint cannot be resolved by a certified employee, the student may discuss the matter with the principal within 5 days of the employee's decision. If the matter cannot be resolved by the principal, the student may discuss it with the superintendent within 5 days after speaking with the principal.

If the matter is not satisfactorily resolved by the superintendent, the student may appeal to the board in writing. However, the board will only directly consider appeals dealing with policies, procedures and programs. Any appeals involving employee or disciplinary issues will be passed on to the board's legal counsel to determine whether district policies and procedures were followed by the administrator in attempting to resolve the conflict.

Legal Reference:                   Neb. Statute 79-254 et seq.

Cross Reference:                204.10 Board Meeting Agenda  
  204.12 Public Participation in Board Meetings  
  301.04 Communication Channels  
  506.06 Student Publications  
  1005.01 Public Complaints

Approved 7/13/220 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## STUDENT INVOLVEMENT IN DECISION MAKING

Students are in a unique position to make positive contributions to the improvement of the educational program and to the operation of a more effective school system.

It is the Board's belief that students, in keeping with their level of maturity, should be encouraged to participate in the development of policies, regulations, and procedures which affect them. Their participation in decision making will be considered part of the educational process.

As appropriate to the age of students, class or school organizations such as student councils may be formed to offer practice in self government and to serve as channels for the expression of student ideas and opinions.

The Board, through the staff, will take into consideration student opinions in establishing policies which directly affect student programs, activities, privileges, and other areas of student sensitivity.

Students will be welcomed at Board meetings and granted privileges of speaking in line with such privileges extended the general public.

Cross Reference:                   204.12 Public Participation at Board Meetings  
  506     Student Activities

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## STUDENT CONDUCT

The board believes inappropriate student conduct causes serious disruption to the learning environment, interferes with the rights of others, and threatens the health and safety of students, employees and the public. The Superintendent and staff will develop and implement age-appropriate student codes of conduct to facilitate the educational process.

Students shall conduct themselves in a manner fitting to their age level and maturity and with respect and consideration for the rights of others while on school district property or on property within the jurisdiction of the school district. This policy will also apply while on school owned, operated or chartered transportation; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and educational processes of the school district.

Students who violate this policy and the administrative regulations supporting it will be subject to disciplinary measures including, but not limited to, removal from the classroom, detention, suspension, probation and expulsion. The codes of conduct will include measures to prevent or discourage behavior which interferes with the educational program, behavior which disrupts the orderly and efficient operation of the school or the functioning of school activities, behavior which interferes with the maintenance of a learning environment, behavior that is violent or destructive, or behavior which interferes with the rights of other students to pursue their education. Procedures will be available to allow rights of due process for all students.

Every report of alleged violations of student conduct policies that can be interpreted at the outset to fall within the protections of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of an ongoing student conduct investigation, potential issues of discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged violations of student conduct policies.

This disciplinary process is designed to create the expectation that the degree of discipline imposed by the school will be proportionate to the severity of the behavior of the particular student, the previous discipline history of the student and other relevant factors. It will also include parental involvement processes designed to enable parents, guardians, teachers and school administrators to work together to improve and enhance appropriate student behavior and academic performance. All student codes of conduct shall be submitted to the board for approval or review.

Approved **October 12<sup>th</sup> 2020** \_ Reviewed **MR. L 10/6/20** Revised \_\_\_\_\_





PROCEDURES FOR EXCLUSION, SUSPENSION,  
EXPULSION OR REASSIGNMENT

These procedures are adopted to comply with the terms of Nebraska State Statute 79-268 et seq. Much of the language is abbreviated from the Law. Wherein this policy does not comply with or is in conflict with said statutes, the provision of said statutes shall nevertheless govern.

The School Board hereby authorizes:

1. Emergency exclusion;
2. Short-term suspension;
3. Long-term suspension;
4. Expulsion; or
5. Mandatory reassignment

of any pupil from school for conduct prohibited by law or by the School Board's rules or standards.

Rules and standards which form the basis for the above matters are set forth in the School District student handbook which shall be distributed at least annually at the beginning of each year, and shall be given to new students as they enter school during the term. Handbooks shall be approved by the School Board. A copy of this policy shall be in the handbook.

1. Definitions: Board policy hereby provides for five types of exclusions:
  - a. Emergency Exclusion: Exclusion for an initial period of up to five days for reasons of health, danger to the person, or disruptive conduct.
  - b. Short-Term Suspension: Suspension to last from one to five school days.
  - c. Long-Term Suspension: Suspension to last from six to twenty school days.
  - d. Expulsion: Exclusion from attendance in all schools in the system in accordance with §79-283, R.R.S. 1943.
  - e. Mandatory Reassignment: Involuntary transfer of a student to another school within the system in connection with any disciplinary action.
2. Emergency Exclusion:
  - a. Any student may be excluded from school for the following circumstances, subject to the procedural provisions of § 79-268 et seq., and if longer than five school days, subject to the provision of subsection (3) of §79-264.
    - i. If the student has a dangerous communicable disease transmissible through normal school contacts and poses an imminent threat to the health and safety of the school community; or
    - ii. If the student's conduct presents a clear threat to the physical safety of himself, herself, or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education.

Approved: **August 10<sup>th</sup> 2020**

- b. An emergency exclusion shall be based upon a clear factual situation warranting it and shall last no longer than is necessary to avoid the dangers described in subsection (1) of this section.
  - c. If the Superintendent or his designee determines that such emergency exclusion shall extend beyond five days, the school board shall adopt a procedure for a hearing to be held and a final determination made within ten school days after the initial date of exclusion. Such procedure shall substantially comply with the provisions of §79-266 to 79-287 and such provisions shall be modified only to the extent necessary to accomplish the hearing and determination within this shorter time period.
  - d. The exclusion may last only as long as a clear factual situation warrants it. It may initially last for up to five school days and the following procedure should be followed:
    - i. The principal should investigate.
    - ii. The student should receive oral or written notice of the charges and the reasons for the exclusion.
    - iii. The student should be told the basis of the evidence used to make the decision.
    - iv. The student should be given an opportunity to present his/her version of the story.
    - v. Parent should be notified within 24 hours.
    - vi. The principal should try to hold a conference with the parents before or at the time the student returns to school.
3. Short-Term Suspension: The principal may suspend a student for as many as five school days for conduct which:
- a. Constitutes grounds for expulsion under the law.
  - b. Violates the rules of the School Board as outlined in the student handbook.
    - i. The following procedure should be followed:
    - ii. The principal should investigate.
    - iii. The student should receive oral or written notice of the charges and the reasons for the exclusion.
    - iv. The student should be told the basis of the evidence used to make the decision.
    - v. The student should be given an opportunity to present his/her version of the story.
    - vi. Within 24 hours of such additional time as is reasonable necessary following suspension, a written statement shall be sent to the student and his or her parents or guardians describing the student's conduct, misconduct, or violation of rule and reason for action taken.
    - vii. The principal should try to hold a conference with the parents before or at the time the student returns to school.
    - viii. Any student who is suspended pursuant to this section may be given an opportunity to complete any class work, including but not limited to, examinations missed during the period of suspension pursuant to guidelines established for granting such opportunity to suspended students. These guidelines shall be provided to the student and parent or guardian at the time of suspension.

4. Grounds for Long-Term Suspension, Expulsion, or Mandatory Reassignment: The following conduct constitutes grounds for long-term suspension, expulsion or mandatory reassignment when it occurs on school grounds or during an educational function or event off school grounds.
  - a. Use of violence, force, coercion, threat, intimidation, or similar conduct in a manner that constitutes a substantial interference with school purposes.
  - b. Willfully causing or attempting to cause substantial damage to property, stealing, or attempting to steal property of substantial value, or repeated damage or theft involving property.
  - c. Causing or attempting to cause injury to a school employee, any student, or to a school volunteer. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this subdivision.
  - d. Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student.
  - e. Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon.
  - f. Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance as defined in §28-401, a substance represented to be a controlled substance or alcoholic liquor as defined in §53-103 or being under the influence of a controlled substance or alcoholic liquor.
  - g. Public indecency, as defined in §28-806, except that this subdivision shall apply only to students at least twelve years of age.
  - h. Sexually assaulting or attempting to sexually assault any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person, including sexual assaults or attempted sexual assaults which occur on school grounds not at an educational function or event. For purposes of this subsection, sexual assault shall mean sexual assault in the first degree and sexual assault in the second degree as defined in §28-319 and §28-320.
  - i. Engaging in any other activity forbidden by the laws of the State of Nebraska, which activity constitutes danger to other students or interferes with school purposes.
  - j. Repeated violation of any rules and standards validly established pursuant to §79-262, if such violations constitute a substantial interference with school purposes.
5. Notice of Disciplinary Action: (In cases of long-term suspension, expulsion, or mandatory reassignment): The principal or other person who decides to discipline a student must file a written charge and summary of the evidence with the Superintendent on the date of the decision.

The following procedure shall be followed:

  - a. On the date of the decision, a written charge and a summary of the evidence supporting such charge shall be filed with the superintendent. The school shall, within two school days of the decision, send written notice by registered or certified mail to the student and his or her parent or guardian informing them of the rights established under the Student Discipline Act;

- b. Such written notice shall include the following:
    - i. The rule or standard of conduct allegedly violated and the acts of the student alleged to constitute a cause for long-term suspension, expulsion, or mandatory reassignment, including a summary of the evidence to be presented against the student;
    - ii. The penalty, if any, which the principal has recommended in the charge, and any other penalty to which the student may be subject;
    - iii. A statement that, before long-term suspension, expulsion, or mandatory reassignment for disciplinary purposes can be invoked, the student shall have a right to a hearing, upon request, on the specified charges;
    - iv. A description of the hearing procedures provided by the act, along with procedures for appealing any decision rendered at the hearing;
    - v. A statement that the principal, legal counsel for the school, the student, the student's parent, or the student's representative or guardian shall have the right to examine the student's academic and disciplinary records and any affidavits to be used at the hearing concerning the alleged misconduct and to know the identity of the witnesses to appear at the hearing and the substances of their testimony; and
    - vi. A form (504.01 Form 1) on which the student, the student's parent, or the student's guardian may request a hearing to be signed by such parties and delivered to the principal or Superintendent in person or by registered or certified mail as prescribed in §79-271 and 79-272; and
  - c. When a notice of intent to discipline a student by long-term suspension, expulsion, or mandatory reassignment is filed with the Superintendent, the student may be suspended by the principal until the date the long-term suspension, expulsion, or mandatory reassignment takes effect if no hearing is requested or, if a hearing is requested, the date the hearing action to be taken to the Superintendent, if the principal determines that the student must be suspended immediately to prevent or substantially reduce the risk of (a) interference with an educationally function or school purpose, or (b) a personal injury to the student himself or herself, other students, school employees, or school volunteers.
6. Settlement Not Precluded: The student, student's parents or guardian may settle the matter with School District officials without a hearing prior to having a hearing, and the matter will then be concluded.
  7. The Penalty: If a hearing is requested within five days, as provided by the law, the matter shall be handled by a hearing examiner. The hearing examiner's report and recommendations shall be reviewed by the Superintendent and by the School Board, if appealed. The Superintendent and School Board may change or reduce the penalty, but may not increase it.
  8. The Hearing Examiner: The hearing examiner shall:
    - a. Be any person (including any School employee) who:
      - i. Has not brought the charges
      - ii. Will not be a witness
      - iii. Has no involvement in the charge.
    - b. Be appointed by the Superintendent upon receipt of a written request for a hearing.

- c. Give written notice, within two days of being appointed, of the time and place of the hearing.
  - d. Set the hearing within five days of the request, but may extend this time period for good cause.
  - e. Not set the hearing on less than two days' actual notice to the parties (without their consent).
  - f. Remain impartial.
  - g. Be available before the hearing to answer questions on the nature and conduct of the hearing.
  - h. Request legal counsel to be present at the hearing if he/she deems it advisable. The hearing examiner may be advised by legal counsel in the conduct of the hearing.
  - i. Exclude the student, if he/she deems it advisable, at times when the student's psychological evaluation or emotional problems are being discussed.
  - j. Be in charge of the hearing and exclude disorderly persons.
  - k. Not be bound by rules of evidence.
  - l. Ask witnesses to testify at the hearing, in his/her discretion.
  - m. Administer an oath to the witnesses.
  - n. Make reasonable efforts to assist in obtaining the presence of witnesses.
  - o. Question any witness, in his/her discretion.
  - p. Conduct one hearing for a group of students, when the facts and charges are substantially the same.
  - q. Provide separate hearings when a student's rights are substantially prejudiced by a group hearing.
  - r. File a report of findings and recommendations.
  - s. Limit the findings and recommendations solely to the evidence presented at the hearing.
  - t. Explain the recommendations in terms of the needs of the student and the School Board.
9. The Hearing: If such a hearing is requested within said five school days of the student's receipt of written notice:
- a. The Superintendent shall appoint a hearing examiner.
  - b. Within two school days of being appointed, the hearing examiner shall issues written notice of hearing to be held within five school days of the school's receipt of the request.
  - c. The recommended punishment shall not go into effect. However, a school could exclude a student on an emergency basis or suspend a student for as many as five school days and concurrently initiate procedures for long-term suspension, expulsion or mandatory reassignment.

If a hearing is not requested by the student or the student's parent or guardian within five days following the receipt of written notice, the punishment recommended in the charge by the principal or his or her designee shall automatically go into effect upon the fifth school day following receipt of the written notice by the student or his or her parent or guardian.

If a hearing is requested after five school days of receipt of written notice, but before thirty calendar days, a hearing shall be held and the punishment shall continue in effect pending a final determination.

Before the Hearing:

- a. Records and statements of witnesses must be made available for examination.
- b. The principal shall give the hearing examiner statements, in affidavit form, of persons with information about the student's conduct, but not unless these statements have been made available to the student, the student's parents, guardian or representative prior to the hearing.
- c. Witnesses may be asked to attend the hearing by the student, the student's parents, guardian or representative, the principal, or the hearing examiner.

At the Hearing:

- a. The proceedings need not be conducted by the rules of evidence.
- b. The hearing examiner will be in charge and may exclude disorderly persons.
- c. The hearing examiner, the student, the student's parents or guardian, the student's representative, if any, and counsel for the School Board, if the School Board chooses to have counsel present (and the hearing examiner may request the advice of legal counsel) shall attend the hearing.
- d. Legal counsel for the School Board may advise the hearing examiner in the conduct of the hearing or act as the principal's designee, but the same person may not serve both functions.
- e. The student may bring a representative and that person may be an attorney.
- f. Witnesses may be questioned by the student, parents, guardian or representative, the principal, the school's legal counsel, or the hearing examiner.
- g. Witnesses shall give testimony under an oath administered by the hearing examiner.
- h. Witnesses shall be present only when giving information.
- i. All persons giving evidence shall have the same immunity as a person testifying in a court case.
- j. The student may be excluded from the hearing, at the discretion of the hearing examiner, when the student's psychological evaluation or emotional problems are being discussed.
- k. Students may be given a group hearing when the facts and charges in each of their situations are substantially the same.
- l. The School District shall record the hearing at its own expense. (A tape recording will suffice).

10. The Decision: The hearing examiner's report:

- a. Will include his/her findings and recommendations for action.
- b. Will explain the recommended action in light of the needs of the student and the School District.
- c. Shall be reviewed by the Superintendent who may change or reduce the penalty, but may not increase it.

The decision of the Superintendent and the findings of the hearing examiner shall be communicated to the student, student's parents or guardian, by mail or personal delivery and will take effect upon delivery.

- a. Except as herein provided, the expulsion of a student shall be for a period not to exceed the remainder of the semester in which it took effect unless the misconduct occurred (1)

within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or (2) within ten school days prior to the end of the second semester, in which case the expulsion shall remain in effect for summer school and the first semester of the following school year subject to the provisions of subsection (c) of this section. Such action may be modified or terminated by the School District at any time during the expulsion period.

- b. The expulsion of a student for (1) the knowing and intentional use of force in causing or attempting to cause personal injury to a school employee, school volunteer, or student except as provided in subdivision three of section §79-4180 or (2) the knowing and intentional possession, use, or transmission of a firearm or other dangerous weapon shall be for a period not to exceed the remainder of the school year in which it took effect if the misconduct occurs during the first semester. If the expulsion takes place during the second semester, the expulsion shall remain in effect for summer school and may remain in effect for the first semester of the following school year. Such action may be modified or terminated by the school district at any time during the expulsion period.
- c. Any expulsion that will remain in effect during the first semester of the following school year shall be automatically scheduled for review before the beginning of the school year. The review shall be conducted by the hearing examiner after the hearing examiner has given notice of the review to the student and the student's parent or guardian. This review shall be limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original hearing. This review may lead to a recommendation by the hearing examiner that the student be readmitted for the upcoming school year. If the School Board or a committee of the School Board took the final action to expel the student, the student may be readmitted only by the action of the School Board. Otherwise, the student may be readmitted by action of the Superintendent.
- d. A school district that has expelled a student may suspend the enforcement of such expulsion for a period of not more than one full semester in addition to the balance of the semester in which the expulsion takes effect and may, as a condition of such suspended action, assign the student to a school, class, or program which the school district deems appropriate for rehabilitation of the student. Any two or more school boards may join together in providing such schools, classes, or program, and any district may be in agreement with another district to send its suspended or expelled students to any school, class, or program already in operation by such other school. In lieu of other authorized educational programs to which the student may be assigned, such school, class, or program may be offered as a community-centered classroom and may include experiences for the student as an observer or aide in governmental functions, as an on-the-job trainee, and as a participant in specialized tutorial experiences or individually prescribed educational and counseling programs. Such programs shall include an individualized learning program to enable the student to continue academic work for credit toward graduation.
- e. At the conclusion of the designated period, the school district shall (1) reinstate any student who has satisfactorily participated in the school, class, or program to which such student has been assigned and permit the student to return to the school of former attendance or to attend other programs offered by the district or (2) if the student's conduct has been unsatisfactory, enforce the expulsion action.

11. Appeal to the Board of Education: The student, student's parents or guardian may appeal the Superintendent's determination by written request, filed with the Secretary of the Board or the Superintendent, within 7 school days following the receipt of the Superintendent's determination.

The appeal shall be made solely on the record of the hearing, except that new evidence may be admitted to avoid substantial threat of unfairness.

The hearing board shall:

- a. Meet on or before the next regularly scheduled meeting of the Board of Education.
- b. Be composed of the Board of Education or a designated committee of the School Board, consisting of not less than three members.
- c. Record any new evidence.
- d. Take new evidence, if necessary, to avoid the threat of substantial unfairness.
- e. Withdraw to deliberate privately on the record and any new evidence.
- f. Reopen the hearing to receive new evidence if the Board deems it necessary.
- g. Approve or change the Superintendent's decision, but is shall not approve a more severe sanction.
- h. Notify the student and the student's parents or guardian of the Board's final action by personal delivery or certified mail.

12. Appeal to the District Court: Any aggrieved party may appeal a final decision in a contested case to the district court of the county where the action was taken. The appeal must be filed within 30 days after service of the final decision by the School Board.

The record of the case shall consist of:

- a. The charge.
- b. The notice.
- c. The evidence presented.
- d. The hearing examiner's findings and recommendations.
- e. The action of the Superintendent.
- f. Any additional evidence.
- g. Any additional action taken in the case.



## STUDENT CONDUCT ON BUSES

The privilege of riding a school bus is contingent upon a student's good behavior and observance of established regulations for student conduct both at bus stops and onboard buses. Since bus transportation is provided to assist the education program, the board shall require students to conduct themselves on the bus in a manner consistent with established standards for classroom behavior.

The driver of a school bus shall be responsible for safety of the students on the bus, both during the ride and while students are entering or leaving the vehicle. Therefore, it is the bus driver's duty to notify the supervisor of transportation or the principal of the school involved if any student persists in violating the established rules of conduct.

After due warning has been given to the student and to parents/guardians, the principal may withhold from the student the privilege of riding the school bus. In such cases, the parents of the children involved will be responsible for seeing that their children get to and from school safely.

The student may also face detention, suspension or expulsion, in accordance with established policies, for flagrant violation of school bus rider conduct regulations or conduct detrimental to the safe operation of the bus.

Cross Reference:           504.03 Student Conduct  
                                  505     Student Discipline

Approved 7/13/220 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## STUDENT VEHICLES

Students who drive to school are required to drive directly to school, park their vehicle in the designated area, leave it parked and unoccupied until it is time to drive home. Students are not to drive during the school day without specific permission from the school principal.

Student cars are not to be driven or parked in the school bus loading area. Student cars are not to be driven or parked on sidewalks. Careless driving on school property is not to be tolerated. All vehicles are to observe a ten mile per hour speed limit on school property. All student cars may be required to be registered at the school principal's office.

Approved 7/13/220 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## STUDENT APPEARANCE

The board believes inappropriate student appearance causes material and substantial disruption to the school environment or presents a threat to the health and safety of students, employees and visitors.

Students are expected to adhere to standards of cleanliness, grooming and dress that are compatible with the requirements of a good learning environment. The standards will be those generally acceptable to the community as appropriate in a school setting.

The board expects students to be clean and well-groomed and wear clothes in good repair and appropriate for the time, place and occasion. Clothing or other apparel promoting products illegal for use by minors and clothing displaying obscene material, profanity, or reference to prohibited conduct are disallowed. While the primary responsibility for appearance lies with the students and their parents, appearance disruptive to the education program will not be tolerated. When, in the judgment of a principal, a student's appearance or mode of dress disrupts the educational process or constitutes a threat to health or safety, the student may be required to make modifications.

It shall be the responsibility of the superintendent, in conjunction with the principals, to develop administrative regulations regarding this policy.

Legal Reference: Hines v. Caston Sch. Corp. 651 N.E.2D 330 (1995)  
Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).  
Bethal School District v. Fraser, 478 U.S. 675 (1986).  
Tinker v. Des Moines Ind. Comm. Sch. Dist., 393 U.S. 503 (1969).  
Neb. Statute 79-526

Cross Reference: 501 Objectives for Equal Educational Opportunities for  
Students

Approved 7/13/220 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## CARE OF SCHOOL PROPERTY AND VANDALISM

Students shall treat school district property with care and respect. Students found to have destroyed or otherwise harmed school district property may be required to reimburse the school district. They may be subject to discipline under board policy and the school district rules and regulations. They may also be referred to local law enforcement authorities.

It shall be the responsibility of the superintendent to implement this policy.

Cross Reference:                    504    Student Rights and Responsibilities

Approved 7/13/220 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_



## STUDENT LOCKERS

Student lockers are the property of the school district. Students shall use the lockers assigned to them by the school district for storing their school materials and personal belongings necessary for attendance at school. It shall be the responsibility of students to keep their assigned lockers clean and undamaged.

To ensure students are properly maintaining their assigned lockers, the building principal may periodically inspect all or a random selection of lockers. Students may be asked to be present during the inspection of their lockers. Student lockers may also be searched in compliance with board policy regulating search and seizure.

Approved 7/13/220 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_



## WEAPONS

The board believes weapons and other dangerous objects and look-a-likes in school district facilities cause material and substantial disruption to the school environment or present a threat to the health and safety of students, employees and visitors on the school district premises or property within the jurisdiction of the school district.

Weapons and other dangerous objects and look-a-likes shall be taken from students and others who bring them onto the school district property or onto property within the jurisdiction of the school district or from students who are within the control of the school district.

The term “dangerous object” shall include noxious or flammable material, fireworks, devices intended to administer an electric shock (tasers, electric batons, prods, or stun guns) chemical weapons (i.e. mace, pepper spray), martial arts weapons or other instruments including those which eject a projectile or substance of any kind, or any replica or facsimile of any of the above, whether functional or nonfunctional, whether designed for use as a weapon or for some other use.

Parents of students found to possess weapons or dangerous objects or look-a-likes on school property shall be notified of the incident. Confiscation of weapons or dangerous objects shall be reported to the law enforcement officials, and students will be subject to disciplinary action including suspension or expulsion.

Students bringing firearms as defined in 18 U.S.C. 921 to school or knowingly possessing firearms at school may be expelled for a period of not less than one year. Students bringing to school or possessing dangerous weapons, including firearms, will be referred to law enforcement authorities. The superintendent shall have the authority to recommend this expulsion requirement be modified for students on a case-by-case basis. For purposes of this portion of this policy, the term "firearm" includes, but is not limited to, any weapon which is designed to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such a weapon, or any explosive, incendiary or poison gas.

Weapons or dangerous objects under the control of law enforcement officials shall be exempt from this policy. Firearms kept in a locked firearm rack that is on a motor vehicle or that are contained within a private vehicle operated by a nonstudent adult that are not loaded are also exempt. Firearms also may be possessed by a person for the purpose of using them, with the approval of the school, in a historical reenactment, in a hunter education program, or as part of an honor guard. The principal may allow authorized persons to display weapons or other dangerous objects or look-a-likes for educational purposes and must be kept in a designated location during the school day. Such a display shall also be exempt from this policy. It shall be the responsibility of the superintendent, in conjunction with the principal, to implement this policy.

Approved August 10<sup>th</sup> 2020 Reviewed Mr. L July 2020 Revised \_\_\_\_\_





## REGULATED ELECTRONIC DEVICES

Any prohibited items or devices brought to school or school events may be confiscated by district staff. Prohibited items will be turned over to the student's parents or guardian on request unless the object seized is dangerous, contrary to law, or has been turned over to legal authorities.

Prohibited devices shall include any item which is sufficiently annoying, offensive, unpleasant, or obnoxious that it substantially interferes with or materially disrupts the educational process. Students shall be advised annually through the Student Handbook of items that are prohibited on school grounds or at school activities.

In addition to any prohibitions on electronic devices defined in the student handbook, students shall not use electronic devices for recording or transmitting photographs, images or sounds of other persons without direct administrative approval and consent of all person(s) being recorded, other than the recording of persons participating in school activities that are open to the public. Students shall not use electronic devices at any time where there is an expectation of privacy. Violations of this policy may result in disciplinary action, including, but not limited to, suspension and expulsion from school.

Cross Reference:                    505    Student Discipline

## USE OF METAL DETECTORS

When the administration has reasonable cause to believe that weapons are in the possession of unidentified students, when there has been a pattern of weapons found at school or when violence involving weapons has occurred at the school or at school sponsored events, the administration shall be authorized to use stationary or mobile metal detectors in accordance with procedures approved by the Board.

Any search of a student's person as a result of the activation of the detector shall be conducted in private in accordance with the policy on Searches, Seizures and Arrests.

Cross Reference:                    505    Student Discipline

Approved 7/13/220 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## HAZING, INITIATION, SECRET SOCIETIES OR GANG ACTIVITIES

Hazing or initiation by any school organizations, groups, clubs, teams or individuals are prohibited unless specifically approved by the administration. Anyone engaging in hazing or initiation behavior will be subject to disciplinary action up to and including expulsion.

Hazing is any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with any school organization. Such hazing activity includes whipping, beating, branding, an act of sexual penetration, an exposure of the genitals of the body done with intent to affront or alarm any person, a lewd fondling or caressing of the body of another person, forced and prolonged calisthenics, prolonged exposure to the elements, forced consumption of any food, liquor, beverage, drug, or harmful substance not generally intended for human consumption, prolonged sleep deprivation, or any brutal treatment or the performance of any unlawful act which endangers the physical or mental health or safety of any person or the coercing of any such activity.

Every report of alleged hazing or initiation that can be interpreted at the outset to fall within the protections of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of an ongoing hazing or initiation investigation, potential issues of discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged hazing or initiation.

The Board of Education prohibits the organization of school-sponsored fraternities, sororities or secret organizations wherein membership is determined by members themselves rather than on the basis of free choice. The Board considers those organizations or memberships in those organizations detrimental to the good conduct and discipline of the school. Interference with the instructional program of the district by those groups will not be condoned, and no organizational activities are permitted under the sponsorship of the school district or its personnel.

In addition, the use of hand signals, graffiti, or the presence of any apparel, jewelry, accessory, or manner of grooming which, by virtue of its color, arrangement, trademark, symbol, or any other attribute which indicates or implies membership or affiliation with such a group, is disruptive of a positive learning environment and will not be tolerated.

Legal Reference:	Neb. Statute 79-2,101 to 2,102
Cross Reference:	505 Student Discipline
	506 Student Activities

Approved October 12<sup>th</sup> 2020 Reviewed Mr. L 10.6.20 Revised \_\_\_\_\_

## SMOKING - DRINKING - DRUGS

The board prohibits the distribution, dispensing, manufacture, possession, use, or being under the influence of beer, wine, alcohol, tobacco, other controlled substances, or "look alike" substances that appear to be tobacco (including nicotine products, vapor products, and e-cigarettes), beer, wine, alcohol or controlled substances by students while on school district property or on property within the jurisdiction of the school district; while on school owned and/or operated transportation; while attending or engaged in school activities; and while away from school grounds if the misconduct will directly affect the good order, efficient management and welfare of the school district.

The board believes such illegal, unauthorized or contraband materials generally cause material and substantial disruption to the school environment or present a threat to the health and safety of students, employees, or visitors.

Violation of this policy by students will result in disciplinary action including suspension or expulsion. Use, purchase or being in possession of cigarettes, tobacco or tobacco products for those under the age of eighteen, may be reported to the local law enforcement authorities. Possession, use or being under the influence of beer, wine, alcohol and/or of a controlled substance may also be reported to the local law enforcement authorities.

Students who violate the terms of this policy may be required to satisfactorily complete a substance abuse assistance or rehabilitation program approved by the school board. If such student fails to satisfactorily complete such a program, the student may be subject to discipline including suspension or expulsion.

The board believes the substance abuse prevention program shall include:

- Age-appropriate, developmentally-based drug and alcohol curriculum for students in grades kindergarten through twelve, which address the legal, social, and health consequences of tobacco, drug and alcohol use and which provide information about effective techniques for resisting peer pressure to use tobacco, drugs or alcohol;
- A statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;
- Standards of conduct for students that clearly prohibit, at a minimum, the unlawful possession, use, being under the influence of or distribution of illicit drugs and alcohol by students on school premises or as part of any of its activities;
- A clear statement that disciplinary sanctions, up to and including suspension or expulsion and referral for prosecution, will be imposed on students who violate the policy and a description of those sanctions;

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_



## SEARCHES, SEIZURES AND ARRESTS

School district property is held in public trust by the board. School district authorities may, without a search warrant, search students or protected student areas based on a reasonable and definable suspicion that a school district policy, rule, regulation or law has been violated.

The search shall be in a manner reasonable in scope to maintain order and discipline in the schools, promote the educational environment, and protect the safety and welfare of students, employees and visitors to the school district facilities. The furnishing of a locker, desk or other facility or space owned by the school and provided as a courtesy to a student, even if the student provides the lock for it, shall not create a protected student area and shall not give rise to an expectation of privacy with respect to the locker, desk, or other facility.

School authorities may seize any illegal, unauthorized or contraband materials discovered in the search. Items of contraband may include, but are not limited to, nonprescription controlled substances, marijuana, cocaine, amphetamines, barbiturates, apparatus used for controlled substances, alcoholic beverages, tobacco, weapons, explosives, poisons, stolen property and dangerous objects as defined in Policy 504.11. Such items are not to be possessed by a student without specific permission of the building principal while they are on school district property or on property within the jurisdiction of the school district; while on school owned and/or operated transportation; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and welfare of the school district.

Possession of such items will be grounds for disciplinary action including suspension or expulsion and may be reported to local law enforcement officials. The board believes that illegal, unauthorized or contraband materials may cause material and substantial disruption to the school environment or presents a threat to the health and safety of students, employees, or visitors on the school district premises or property within the jurisdiction of the school district.

The superintendent or building principal shall only release minor students into the custody of a law enforcement officer upon presentation of a court order or warrant for the student's arrest, or under conditions for temporary custody of a juvenile without a warrant as provided by state statutes.

The principal or designee will attempt to notify the parent/guardian or responsible relative prior to the student's release and the place to which the student is reportedly to be taken, except in cases of child abuse.

It shall be the responsibility of the superintendent, in conjunction with the administrative team, to implement this policy.

Approved **August 10<sup>th</sup> 2020** Reviewed **Mr. L July 2020** Revised \_\_\_\_\_





## QUESTIONING OF STUDENTS BY OUTSIDE AGENCIES

Generally, students may not be interviewed during the school day by persons other than parents and school district officials and employees.

Requests from law enforcement officers and from persons other than parents, school district officials, and employees to interview students shall be made through the principal's office. Upon receiving a request, it shall be the responsibility of the principal to determine whether the request will be granted. Generally, prior to granting a request, the principal shall attempt to contact the parents to inform them of the request and to ask them to be present.

If a child abuse investigator wishes to interview a student, the principal will defer to the investigator's judgment as to whether the student should be interviewed independently from the student's parents, whether the school is the most appropriate setting for the interview, and who will be present during the interview. An administrator or designee will be present during the interview.

The superintendent or building principal shall only release minor students into the custody of a law enforcement officer upon presentation of a court order or warrant for the student's arrest, or under conditions for temporary custody of a juvenile without a warrant as provided by state statutes.

Legal Reference:                   Neb. Statute 43-248 and 79-294

Cross Reference:                403.02 Child Abuse Reporting  
  505     Student Discipline

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## HARASSMENT

Harassment of employees, students, volunteers or visitors will not be tolerated in the school district. This policy is in effect while students are on school grounds, school district property, or on property within the jurisdiction of the school district; while on school-owned and/or school-operated transportation; while attending or engaged in school activities; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the school district.

Harassment includes, but is not limited to, race (including skin color, hair texture, and protective hairstyles), religion, national or ethnic origin, color, marital status, disability, sex, veteran status, age, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other prohibited status. Harassment by board members, administrators, employees, parents, vendors, and others doing business with the school district is prohibited. Students whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, suspension and expulsion.

Harassment on the basis of race, religion, national or ethnic origin, color, marital status, disability, sex, veteran status, age, pregnancy, childbirth or related medical condition, or other prohibited status means conduct of a verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble individuals when:

- submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of an individual's participation in school programs or activities;
- submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's performance or
- creating an intimidating, offensive or hostile learning or work environment.

Harassment as set forth above may include, but is not limited to the following:

- verbal, physical or written harassment or abuse or unwelcome communication implying sexual motives or intentions;;
- repeated remarks of a demeaning nature;
- implied or explicit threats concerning one's grades, achievements, etc.;
- demeaning jokes, stories, or activities directed at an individual;
- pressure for sexual activity; repeated remarks to a person with sexual or demeaning implications;
- unwelcome touching;
- unwelcome and offensive public sexual display of affection;
- suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's job, promotions, recommendations, etc.



HARASSMENT COMPLAINT FORM

Name of complainant: \_\_\_\_\_

Position of complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of alleged harasser: \_\_\_\_\_

Date and place of incident or incidents: \_\_\_\_\_

\_\_\_\_\_

Description of misconduct: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Evidence of harassment, i.e., letters, photos, etc. (attach evidence if possible): \_\_\_\_\_

\_\_\_\_\_

Any other information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Approved 7/13/2020

WITNESS DISCLOSURE FORM

Name of witness: \_\_\_\_\_

Position of witness: \_\_\_\_\_

Date of testimony, interview: \_\_\_\_\_

Description of instance witnessed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Any other information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I agree that all of the information of this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Approved 7/13/2020

## HARASSMENT BY STUDENTS INVESTIGATION PROCEDURES

Harassment of students by other students will not be tolerated in the school district.

Harassment is a violation of school district policies, rules and regulations and, in some cases, may also be a violation of criminal or other laws. The school district has the authority to report students violating this rule to law enforcement officials.

Students or individuals who feel that they have been harassed by other students should:

- Communicate to the harasser that the individual expects the behavior to stop, if the individual is comfortable doing so. If the individual needs assistance communicating with the harasser, he/she should ask a teacher, counselor or principal to help.
- If the harassment does not stop, or the individual does not feel comfortable confronting the harasser, he/she should:
  - tell a teacher, counselor or principal; and
  - write down exactly what happened, keep a copy and give another copy to the teacher, counselor or principal including:
    - ✓ what, when and where it happened;
    - ✓ who was involved;
    - ✓ exactly what was said or what the harasser did;
    - ✓ witnesses to the harassment;
    - ✓ what the individual said or did, either at the time or later;
    - ✓ how the individual felt; and
    - ✓ how the harasser responded.

### **Complaint Procedure**

An individual who believes he/she has been harassed shall notify the school principal the designated investigator. The alternate investigator is school superintendent. The investigator may request that the individual complete the Harassment Complaint form and turn over evidence of the harassment, including, but not limited to, letters, tapes, or pictures. Information received during the investigation shall be kept confidential to the extent possible.

The investigator, with the approval of the superintendent, or the superintendent has the authority to initiate a harassment investigation in the absence of a written complaint.

### **Investigation Procedure**

The investigator shall reasonably and promptly commence the investigation upon receipt of the complaint. The investigator shall interview the complainant and the alleged harasser. The alleged harasser may file a written statement refuting or explaining the behavior outlined in the complaint. The investigator may also interview witnesses as deemed appropriate.

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

Upon completion of the investigation, the investigator shall make written findings and conclusions as to each allegation of harassment and report the findings and conclusions to the principal. The investigator will outline the findings of the investigation to the principal.

### **Resolution of the Complaint**

Following receipt of the investigator's report, the principal may investigate further, if deemed necessary, and make a determination of the appropriate next step which may include discipline, up to and including, suspension and expulsion.

Prior to the determination of the appropriate remedial action, the principal may, at the principal's discretion, interview the complainant and the alleged harasser. The principal shall file a written report closing the case and documenting any disciplinary action taken or any other action taken in response to the complaint. The complainant, the alleged harasser and the investigator shall receive notice as to the conclusion of the investigation.

### **Points to Remember in the Investigation**

- Evidence uncovered in the investigation is confidential.
- Complaints must be taken seriously and investigated.
- No retaliation will be taken against individuals involved in the investigation process.
- Retaliators will be disciplined up to and including suspension and expulsion.

### **Conflicts**

If the investigator is a witness to the incident, the alternate investigator shall be the investigator.

## STUDENT FEES

The board realizes some activities may require additional expenditures which are properly to be borne by students as a separate charge. Such charges may be waived as specified below depending upon the student's eligibility for the free and reduced-price lunch program. No fees, specialized or nonspecialized attire or equipment shall be required of students outside this policy. This policy does not apply to tuition payments by nonresident students.

For the purposes of this policy, the following definitions shall apply:

1. Extracurricular activities means student activities or organizations which are supervised or administered by the school district, which do not count toward graduation or advancement between grades, and in which participation is not otherwise required by the school district;
2. Postsecondary education costs means tuition and other fees associated with obtaining credit from a postsecondary educational institution.

The district may charge student fees or require students to provide specialized equipment or attire in the following areas:

1. Participation in extracurricular activities, including extracurricular music courses;
2. Admission fees and transportation charges for spectators attending extracurricular activities;
3. Postsecondary education costs, limited to tuition and fees associated with obtaining credits from the postsecondary institution;
4. Transportation fees for option students not qualifying for free lunches and nonresident students as allowed by state statute;
5. Copies of student files or records as allowed by state statute;
6. Reimbursement to the district for property lost or damaged by the student;
7. Before-and-after-school or prekindergarten services in accordance with state statute;
8. Summer school or night school; and
9. Breakfast and lunch programs.

The district may also require students to furnish musical instruments for participation in optional music courses that are not extracurricular activities. Students qualifying for free or reduced-price lunches shall be provided with a musical instrument of the school's choice.

Waivers shall be provided to students who qualify for free or reduced-price lunches for fees, specialized equipment and specialized attire required for participation in extracurricular activities.

The superintendent shall establish a Student Fee Fund and ensure that funds collected as



fees for the following purposes are properly recorded and deposited to it:

- Participation in extracurricular activities;
- Postsecondary education costs; and
- Summer school or night school.

The superintendent shall distribute regulations outlining the purposes for which fees in these three areas are collected and shall ensure such fees are spent for those purposes.

The superintendent shall distribute regulations to be published annually in the student handbook authorizing and governing:

1. Any nonspecialized clothing required for specified courses and activities;
2. Any personal or consumable items a student will be required to furnish for specified activities; and
3. Any specialized equipment or specialized attire which a student will be required to provide for any extracurricular activity, including extracurricular music courses.

The superintendent shall also distribute any regulations authorizing and governing the following areas:

1. All fees to be collected within the nine numbered areas of the third paragraph of this policy;
2. Any other types of specialized equipment or attire to be provided by all student's in the nine numbered areas of the third paragraph of this policy;
3. Procedures and forms for students or parent/guardians to apply for waivers under this policy;
4. Deadlines for waivers for all types of fees;
5. Procedures for the handling of fees for students receiving postsecondary education credits;
6. Procedures for handling of fees related to summer school or night school; and
7. Attendance requirements and procedures in connection with evening, weekend or summer use of facilities related to all extracurricular activities to avoid conflict with this policy.

The maximum dollar amount of each fee must be specified as part of this policy.

Public concerns or complaints regarding required fees, attire or equipment shall be addressed under Policy 1005.01, Public Complaints.

This policy will be reviewed and re-adopted annually by August 1 at a regular or special meeting of the board. This shall include a review of the amount of money collected under this policy and the use of waivers as provided by this policy. The policy shall be published in the student handbook provided at no cost to each household.

**Legal Reference:**      **Neb. Constitution, Art VII, Sect. 1**  
Neb. Statute 79-215 (tuition)  
79-241 (option student busing)  
79-605 (nonresident busing)  
79-611 (transportation fees)  
79-734 (books, equipment and supplies)  
79-2,104 (student files)  
79-2,125 to 2,134 (student fees law)  
79-1104 (before-and-after-school services)  
79-1106 to 1108 (learners with high ability)

**Cross Reference:**      505.05 Fines for Lost or Damaged Items  
506 Student Activities  
507.01 Student Records Access  
801 Transportation  
802.05 Free or Reduced Cost Meals Eligibility  
1005.01 Public Complaints

HAY SPRINGS PUBLIC SCHOOLS  
FEE WAIVER REQUEST FORM

Student's Name \_\_\_\_\_ School/Grade \_\_\_\_\_

Parent/Guardian \_\_\_\_\_ Date \_\_\_\_\_

Explanation for Waiver Request \_\_\_\_\_

\_\_\_\_\_

**I hereby agree to waive all confidentiality rights associated with the free/reduced meal program thereby allowing this waiver request information to be shared with appropriate school district personnel.**

Parent/Guardian signature \_\_\_\_\_ Date \_\_\_\_\_

**All applicants for the fees waiver must have a free/reduced meal application form completed and on file with the school office. If that has not been done, please complete the form and attach it to this waiver form when returning it to the office personnel.**

Waiver of Fees is Approved \_\_\_\_\_ Yes \_\_\_\_\_ No

Fees to be Waived \_\_\_\_\_

Reasons for denial of request:

- \_\_\_\_\_ All requested documents not completed/submitted.
- \_\_\_\_\_ Student does not qualify for free/reduced lunches
- \_\_\_\_\_ Student did not meet deadlines for request of fee waiver
- \_\_\_\_\_ The fees/costs requested to be waived do not meet state guidelines for allowable fee waivers
- \_\_\_\_\_ Student currently owes for damages to specialized equipment previously provided to the student, specifically: \_\_\_\_\_
- \_\_\_\_\_ Other reasons: \_\_\_\_\_

Administrator \_\_\_\_\_ Date \_\_\_\_\_

Approved 7/13/2020

## BULLYING PREVENTION

The board recognizes the negative impact that bullying has on student health, welfare, safety, and the school's learning environment and prohibits such behavior. Bullying is defined as any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, at a designated school bus stop, or at school-sponsored activities or school-sponsored athletic events.

Bullying may constitute grounds for detention, suspension, expulsion or mandatory reassignment, subject to state and federal statutes and the district's student discipline and due process procedures.

Every report of alleged bullying that can be interpreted at the outset to fall within the protections of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of an ongoing bullying investigation, potential issues of discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged bullying.

It shall be the responsibility of the superintendent to implement appropriate programs or procedures for the purpose of educating students regarding bullying prevention.

This policy shall be reviewed annually.

Legal Reference:                   Neb. Statute 79-2,137

Cross Reference:                505     Student Discipline

Approved **June 13<sup>th</sup> 2022** Reviewed **Mr. L 6/13/2022** Revised \_\_\_\_\_

## DATING VIOLENCE PREVENTION

The board prohibits behavior that has a negative impact on student health, welfare, safety, and the school's learning environment. Incidents of dating violence will not be tolerated on school grounds, in district vehicles, or at school sponsored activities or school-sponsored athletic events.

Dating violence is defined as a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner. Dating partner means any person, regardless of gender, involved in an intimate relationship with another person primarily characterized by the expectation of affectionate involvement whether casual, serious or long-term.

The district will provide appropriate training to staff and incorporate within its educational program age-appropriate dating violence education that shall include, but not be limited to, defining dating violence, recognizing dating violence warning signs, and identifying characteristics of healthy dating relationships.

Every report of alleged dating violence that can be interpreted at the outset to fall within the protections of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of an ongoing dating violence investigation, potential issues of discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged dating violence.

This policy shall be published in the student handbook.

Legal Reference: Neb. Statute 79-2,141

## STUDENT USE OF SOCIAL NETWORKS

Social networks refer to a group of websites and tools on the Internet which support collaboration and sharing of opinions, insights, experiences and perspectives. The content within them, and the functionality of that content, is managed and regulated by the user community itself and not the provider of the network or a third party institution. Typical examples of social networks are blogs, wikis, podcasts, message boards, and social networking sites themselves such as Facebook, MySpace, Twitter, LinkedIn and many others.

The district provides access to social networks strictly for educational purposes toward the support of the district's educational goals and allows their use only for the value they may provide in the context of assigned educational exercises. Students must follow these guidelines when using social networks:

- Any students using social networks must be directly supervised by a teacher or other staff member who is aware of and approves of their attempt to access such a site. Only sites not blocked by the district technology department may be used.
- Students shall not reveal their name or personally identifiable information to, or establish relationships on the Internet unless a parent or teacher has coordinated the communication.
- Students who utilize social networking for educational purposes shall be aware of and familiar with privacy options on the social networking site, and shall set those options to limit access to personal information to "friends" only.
- Students and parents shall be aware, however, that privacy options alone can never fully protect personal information. If a student shares personal information with "friends," those friends may share that information with others. With this in mind, students shall carefully consider what information is posted online.
- Photos posted on social networking sites as a part of educational exercises shall NOT contain other students. Permission, either spoken or in writing, should be granted from any adults before posting their pictures.
- Teachers and other adult staff have been advised NOT to "friend" students on social networking sites. Students are given the same advice toward teachers. Remember that teachers are ethically and legally bound to report any activity in which a student may be breaking the law or may be in danger of hurting him/herself or others.
- All policies and guidelines regarding student behavior in general apply when using social networks, including all guidelines under the district's Acceptable Use of Computers policy and all district rules relating to harassment, bullying and behavior disruptive to the educational environment.

## SUICIDE AWARENESS

The board wishes to ensure that appropriate staff training for suicide awareness and prevention as required by state statutes is conducted on an annual basis. All district nurses, teachers, counselors, school psychologists, administrators, school social workers, and any other appropriate personnel shall receive at least one hour of such training each year.

The training should include such topics as how to identify appropriate mental health services both within the school and also within the larger community, and when and how to refer youth and their families to those services.

It shall be the responsibility of the superintendent to implement and monitor this training.

Legal Reference:                    2014 LB 923

Approved 7/13/2020 Reviewed Mr. H June 2020 Revised \_\_\_\_\_

## TITLE IX SEXUAL HARASSMENT

It is the the policy of this district to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. The District does not discriminate on the basis of sex in any education program or activity that it operates, including admission and employment. Inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator, to the Regional Office of Civil Rights of the Department of Education, or both.

The Board encourages students, employees and third parties who believe they or others have been subject to Title IX sexual harassment, other discrimination or retaliation to promptly report such incidents to the Title IX Coordinator or building principal, even if some elements of the related incident took place or originated away from school grounds, school activities or school conveyances. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination with the Title IX Coordinator.

The Board designates the following individual to serve as the District's Title IX Coordinator and may or may not have the same person serve as Compliance Coordinator:

Title: **School Principal**

Office address: **Hay springs School, PO Box 228, 407 N Baker St, Hay Springs Ne 69347**

Email: \_\_\_\_\_

Phone number: **308-638-4434**

Other district employees filling key roles for implementing Title IX sexual harassment procedures include investigator(s), decision-maker(s), individuals to handle appeals, and individuals to facilitate an informal resolution process. Specific individuals filling these roles may vary from complaint to complaint as appropriate.

The Director of the Regional Office of Civil Rights can be contacted at the Kansas Office of Civil Rights, U.S. Department of Education, One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, MO 64106, (816) 268-0550, by email to [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov).

The district is committed to providing a nondiscriminatory workplace for employees. It is committed to the maintenance of a safe, positive learning environment for all students by providing student course offerings, counseling, assistance, services, employment, athletics, and extracurricular activities without any form of discrimination, including Title IX sexual harassment. Discrimination is inconsistent with the rights of employees and students and the educational and programmatic goals of the district and is prohibited at or, in the course of, district-sponsored programs or activities, including transportation to or from school or school-sponsored activities.



Approved **October 12<sup>th</sup> 2020** Reviewed **Mr. L 10.6.20** Revised \_\_\_\_\_

The student's parents/guardian or any other person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the building principal. A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal, as well as properly making any mandatory police or child protective services reports required by law.

Violations of this policy, including acts of retaliation as described in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures.

Any person may report sex discrimination, including sexual harassment, at any time, including during non-business hours. Such a report may be made in person, by mail, by telephone or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

For purposes of this policy and the grievance process, "Title IX sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. A District employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
3. "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8) or "stalking" as defined in 34 USC 12291(a)(30). These definitions are included in the procedures to this policy.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An education program or activity includes the locations, events, or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.

When the alleged harassment or discrimination does not meet the Title IX definition of sexual harassment, the Title IX Coordinator directs the individual to the applicable process for investigation.

### Retaliation Prohibited

The District prohibits intimidation, threats, coercion or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation proceeding or hearing, or acted in opposition to practices the person reasonably believes to be discriminatory, if applicable. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

### Confidentiality

The District must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any individual who has been alleged to be the victim or perpetrator of conduct that could constitute sexual harassment, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing or judicial proceeding arising under the regulations.

### Notice Requirements

The District provides notice to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees and the union(s) holding collective bargaining agreements with the district with the name or title, office address, email address and telephone number of the Title IX Coordinator and notice of the District grievance procedures and process, including how to report or file a complaint of sex discrimination, how to file a formal complaint of sexual harassment and how the District will respond. The District also posts the Title IX Coordinator's contact information and Title IX policies and procedures in a prominent location on the District website and in all handbooks made available by the District.

### Training Requirements

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receives training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including examination of evidence, handling hearings, appeals and informal resolution processes, when applicable, how to

address complaints that do not qualify as Title IX sexual harassment, and how to serve impartially including by avoiding prejudice of the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers and investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as set forth in the formal procedures that follow, and training on any technology to be used at a live hearing, if applicable. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and judgments of formal complaints of sexual harassment and are made publicly available on the District's website.

#### Conflict of Interest and Bias

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process do not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

#### Determination of Responsibility

The individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment is presumed not responsible for alleged conduct. A determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation in accordance with the process outlined in the accompanying regulation. No disciplinary sanctions will be imposed unless and until a final determination of responsibility is reached.

#### Other Title IX Coordinator Duties

The Title IX Coordinator, along with the Compliance Coordinator, shall fulfill designated responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures and to monitor the implementation of the district's nondiscrimination procedures in the following areas, as appropriate:

1. Curriculum and Materials - Review of curriculum guides, textbooks, and supplemental materials for discriminatory bias.
2. Training - Provide training for students and staff to prevent, identify and alleviate problems of discrimination.
3. Resources - Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure or Title IX procedures, such as making reports to the police, available supportive measures such as assistance

from domestic violence or rape crisis programs and community health resources including counseling resources.

4. Review - Review of personnel practices and actions for discriminatory bias and compliance with laws against discrimination to include monitoring and recommending corrective measures when appropriate to written position qualifications, job descriptions and essential job functions; recruitment materials and practices; procedures for screening applicants; application and interviewing practices for hiring and promotions; district designed performance evaluations; review of planned employee demotions, non-renewal of contracts, and proposed employee disciplinary actions up to and including termination.
5. Student Access - Review of programs, activities, and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
6. District Support - Assure that like aspects of the school programs and activities receive like support as to staffing and compensation, facilities, equipment, and related areas.
7. Student Evaluation - Review of assessments, procedures, and guidance and counseling materials for stereotyping and discrimination.
8. Reports/Formal Complaints - Monitor and provide technical assistance to individuals involved in managing informal reports and formal complaints.

Legal Reference: Civil Rights Act, Title VI; 42 USC 2000d et seq.  
Civil Rights Act, Title VII; 42 USC 2000e et seq.  
Education Amend. of 1972, Title IX; 20 USC 1681 et seq.  
Exec. Order 11246, as amended by Executive Order 11375  
Equal Pay Act; 29 USC 206  
34 CFR part 106

Cross Reference: 103.00 Equal Educational Opportunity  
402.01 Equal Opportunity Employment  
402.15 Staff Conduct with Students  
403.02 Child Abuse Reporting  
403.03 Abuse of Students by School District Employees  
404.06 Harassment by Employees  
405.00 Employee Conduct and Appearance  
501.00 Objectives for Equal Educ. Opportunities for Students  
504.03 Student Conduct  
504.14 Hazing, Initiation, Secret Societies or Gang Activity  
504.18 Harassment by Students  
504.20 Bullying Prevention  
504.21 Dating Violence Prevention  
505.03 Suspension and Expulsion of Students

612.05 Individualized Education Program  
612.10 Procedural Safeguards

## TITLE IX REPORTING FORM

The Board declares it to be the policy of this district to provide a safe, positive learning and working environment that is free from bullying, hazing, dating violence, sexual harassment and other discrimination, and retaliation. If you have experienced, or if you have knowledge of, any such actions, we encourage you to complete this form. The Title IX Coordinator will be happy to support you by answering any questions about the report form, reviewing the report form for completion and assisting as necessary with completion of the report. The Title IX Coordinator's contact information is:

Position: **School Principal**

Address:

**Hay Springs School,**

**PO Box 280,**

**407 N Baker**

**St, Hay Springs,**

**Ne, 69347**

Email: \_\_\_\_\_

Phone Number: **308-638-4434**

**Retaliation Prohibited**

The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against you for filing this report. Please contact the Title IX Coordinator immediately if you believe retaliation has occurred.

**Confidentiality**

Confidentiality of all parties, witnesses, the allegations and the filing of a report shall be handled in accordance with applicable law, regulations, Board policy, procedures, and the district's legal and investigative obligations. The school will take all reasonable steps to investigate and respond to the report, consistent with a request for confidentiality as long as doing so does not preclude the school from responding effectively to the report. If you have any questions regarding how the information contained in this report may be used, please discuss them with the Title IX Coordinator prior to filing the report. Once this report is filed, the district has an obligation to investigate the information provided.

***Note:** For purposes of Title IX sexual harassment, this Report Form serves initially as an informal report, not a formal complaint of Sexual Harassment under Title IX.*

Approved **October 12<sup>th</sup> 2020**

**I. Information About the Person Making This Report:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

School Building: \_\_\_\_\_

I am a:

Student     Parent/Guardian     Employee     Volunteer     Visitor

Other \_\_\_\_\_(please explain relationship to the district)

If you are not the victim of the reported conduct, please identify the alleged victim:

Name: \_\_\_\_\_

The alleged victim is:  Your Child     Another Student     A District Employee

Other: \_\_\_\_\_(please explain relationship to the alleged victim)

**II. Information About the Person(s) You Believe is/are Responsible for the Bullying, Hazing, Harassing or Other Discrimination You are Reporting**

Please record the name(s) of the individual(s) you believe to be responsible for the conduct you are reporting.

Name(s):

**The reported individual(s) is/are:**

Student(s)     Employee(s)

Other \_\_\_\_\_(please explain relationship to the district)

### **III. Description of the Conduct You are Reporting**

In your own words, please do your best to describe the conduct you are reporting as clearly as possible. Please attach additional pages if necessary:

When did the reported conduct occur? (Please provide the specific date(s) and time(s) if possible):

Where did the reported conduct take place?

Please provide the name(s) of any person(s) who was/were present, even if for only part of the time.

Please provide the name(s) of any other person(s) that may have knowledge or related information surrounding the reported conduct.

Have you reported this conduct to any other individual prior to giving this report?

Yes       No

If yes, who did you tell about it?

If you are the victim of the reported conduct, how has this affected you?



I affirm that the information reported above is true to the best of my knowledge, information and belief.

\_\_\_\_\_  
Signature of Person Making the Report

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received By

\_\_\_\_\_  
Date

**FOR OFFICIAL USE ONLY**

***This section is to be completed by the Title IX Coordinator based on reviewing the report with the complainant or other individual making the report.***

***The purpose of this form is to assist the Title IX Coordinator in gathering information necessary to properly assess the circumstances surrounding the reported conduct to determine if the allegations fall under the definition of Title IX sexual harassment or if the matter merits review and action under other Board policies. The Title IX Coordinator shall gather as much information as possible in cases of incomplete or anonymous reports to assess the report.***

***Upon receipt of the report, The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures as described in Policy 504.24. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.***

**I. Reporter Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

School Building: \_\_\_\_\_

Reporter is a:

Student     Parent/Guardian     Employee     Volunteer     Visitor

Other \_\_\_\_\_ (please explain relationship to the district)

If the reporter is not the victim of the reported conduct, please identify the alleged victim:

Name: \_\_\_\_\_

The alleged victim is:     Reporter's Child     Another Student     Another Employee

Other: \_\_\_\_\_ (please explain relationship to the alleged victim)

**II. Respondent Information**

Please state the name(s) of the individual(s) believed to have conducted the reported violation:

Name(s):

**The reported respondent(s) is/are:**

- Student(s)       Employee(s)
- Other \_\_\_\_\_(please explain relationship to the district)

**III. Level of Report:**

- Informal       Formal (see additional information below on Title IX formal complaints)

**IV. Type of Report:**

- Title IX Sexual Harassment     Discrimination     Retaliation     Bullying
- Hazing       Dating Violence       Other \_\_\_\_\_

**Nature of the Report (check all that apply):**

- |  |   |
|--|---|
| <input type="checkbox"/> Race                | <input type="checkbox"/> Age                          |
| <input type="checkbox"/> Color               | <input type="checkbox"/> Creed                        |
| <input type="checkbox"/> Religion            | <input type="checkbox"/> Sex                          |
| <input type="checkbox"/> Sexual Orientation  | <input type="checkbox"/> Sexual Harassment (Title IX) |
| <input type="checkbox"/> National Origin     | <input type="checkbox"/> Ancestry                     |
| <input type="checkbox"/> Marital Status      | <input type="checkbox"/> Pregnancy                    |
| <input type="checkbox"/> Handicap/Disability | <input type="checkbox"/> Bullying                     |
| <input type="checkbox"/> Hazing              | <input type="checkbox"/> Dating Violence              |

**V. Reported Conduct**

Describe the reported conduct below, including specific actions, dates, times, locations and any other details necessary to properly assess the reported incident(s).

How often did the conduct occur?

Is it being repeated?       Yes       No

Do the circumstances involve a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act?

No.

Yes, please identify the student with a disability and contact the Director of Special Education.

Special Education Director was contacted: \_\_\_\_\_

How has the conduct affected the alleged victim's ability to fully participate in the school's academic, programs, activities or school employment?

What is the alleged victim's relationship with the alleged respondent?

Insert names, descriptions, and/or contact information of individuals believed to have observed the conduct or who otherwise may have knowledge of the conduct and/or related circumstances.

Additional observations or evidence including pictures, texts, emails, video or other information submitted to the Title IX Coordinator.

## **VI. Safety Concerns**

Are there safety concerns that may require Emergency Removal of or Administrative Leave for a respondent? (This requires an individualized safety and risk analysis as to whether there is an immediate threat to the physical health or safety of a student or other individual.)

No.

Yes, please describe:

**VII. Other Reports**

Has the conduct been reported to the police or any other agency?

No

Yes      Date reported: \_\_\_\_\_ Agency: \_\_\_\_\_

**VIII. Identification of Policies Implicated by Reported Conduct**

Check all that apply:

- Policy 103.00 Equal Educational Opportunity
- Policy 501.00 Equal Opportunity
- Policy 504.14 Hazing and Initiation
- Policy 504.18 Harassment (Students)
- Policy 504.24 Title IX Sexual Harassment
- Policy 504.20 Bullying
- Policy 504.21 Dating Violence
- Other \_\_\_\_\_

To meet the definition of Title IX sexual harassment, the conduct must have taken place during a district education program or activity involving a person in the United States. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.

Did the incident occur during a during a school program or activity involving a person in the United States?

Yes

No

To meet the definition of Title IX sexual harassment, the conduct needs to satisfy one or more of the following (please check all that apply):

- A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as quid pro quo sexual harassment.
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
- Sexual assault, dating violence, domestic violence or stalking.

**Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:

- Length of relationship.
- Type of relationship.
- Frequency of interaction between the persons involved in the relationship.

**Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Sexual assault** means a sexual offense under a state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

**Stalking** means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:

1. Fear for their safety or the safety of others.
2. Suffer substantial emotional distress.

## **IX. Recommended Course of Action**

After consultation with the complainant and consideration of the reported information, the Title IX Coordinator directs the report to proceed under the provisions of (check all that apply):

- No further action at this time. Reason:
- Policy 103.00 Equal Educational Opportunity
- Policy 501.00 Equal Opportunity
- Policy 504.14 Hazing and Initiation
- Policy 504.18 Harassment (Students)
- Policy 504.24 Title IX Sexual Harassment
- Policy 504.20 Bullying
- Policy 504.21 Dating Violence
- Other \_\_\_\_\_

## **X. Title IX Information to Complainant**

What supportive measures were discussed with the complainant, and what were the complainant's wishes with respect to supportive measures?

Upon designating a course of action under Title IX sexual harassment, the Title IX Coordinator will promptly:

1. Explain to the complainant the process for filing a formal complaint.
2. Inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.
3. The Title IX Coordinator shall contact a student complainant's parents/guardians and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints.

If the complainant/reporter, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being of the complainant or other person(s), the Title IX Coordinator will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold or delay notification of the report from the complainant's parents/guardians.

4. Determine what supportive measures may be offered to the respondent.
5. Determine whether the complainant wishes this report to be treated as a formal complaint.

**XI. Title IX Coordinator Signature**

I recommend the above course of action based on my consultation with the complainant and the information available at this time.

Title IX Coordinator: \_\_\_\_\_

Date: \_\_\_\_\_

**XII. Title IX Formal Complaint Action**

The Title IX Coordinator shall have the complainant check the appropriate box and sign and date below to indicate whether or not the complainant wishes to have this form serve as a formal complaint pursuant to Title IX.

I would like my report to be treated as a formal complaint pursuant to Title IX.

Yes

No

Complainant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

If the complainant does not wish this report to be treated as a formal complaint pursuant to Title IX, the Title IX Coordinator must assess whether actions limited to supportive measures are a sufficient response to alleged behavior, or whether a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is an employee, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. The Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

As Title IX Coordinator, I have determined that, notwithstanding the complainant's preference, it is necessary to proceed with the Title IX Sexual Harassment Formal Complaint for the following reasons:

Therefore, I am signing this form for the purpose of serving as the formal complaint initiating that process:

Title IX Coordinator's Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## TITLE IX SEXUAL HARASSMENT PROCEDURES

The Board requires the following procedures to be followed for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited as sexual harassment by Title IX. The Board directs the process to be published in accordance with all statutory and regulatory requirements.

### Definitions

The following definitions apply for Title IX policies and procedures:

“Actual knowledge:” notice of sexual harassment or allegations of sexual harassment to the District’s Title IX Coordinator or any official of the District who has authority to institute corrective measures on behalf of the District, or to any employee of an elementary or secondary school.

“Education program or activity:” includes locations, events or circumstances over which the District exercised substantial control over both the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, and the context in which the sexual harassment occurs.

“Complainant:” an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Respondent:” an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Formal complaint:” a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation of sexual harassment.

“Supportive measures:” non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available and without fee or charge to the Complainant or Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

For purposes of this policy and the grievance process, “Title IX sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. A District employee conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct;

Approved **October 12<sup>th</sup> 2020** Reviewed **Mr. L 10.6.20** Revised \_\_\_\_\_

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
3. "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8) or "stalking" as defined in 34 USC 12291(a)(30). These definitions are included in the procedures to this policy.
  - A. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:
    - i. Length of relationship.
    - ii. Type of relationship.
    - iii. Frequency of interaction between the persons involved in the relationship.
  - B. "Domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
  - C. "Sexual assault" means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
  - D. "Stalking," under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:
    - i. Fear for their safety or the safety of others.
    - ii. Suffer substantial emotional distress.

### District Requirements

When the District has actual knowledge of sexual harassment in an education program or activity of the District, the District will respond promptly in a manner that is not deliberately indifferent. When the harassment or discrimination on the basis of sex does not meet the definition of sexual

harassment, the Title IX Coordinator will direct the individual to the applicable sex discrimination process for investigation.

The District treats individuals who are alleged to be the victim (Complainant) and perpetrator (Respondent) of conduct that could constitute sexual harassment equitably by offering supportive measures. Supportive measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling or employee assistance program, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of the District's property, campus escort services, assistance from domestic violence or rape crisis programs, assistance from community health resources, changes in work locations and other similar measures.

For students, supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations or Board policy.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Upon the receipt of a complaint, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. If the District does not provide the Complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

### Timelines

The District has established reasonably prompt time frames for the conclusion of the grievance process, including time frames for filing and resolving appeals and informal resolution processes. The grievance process may be temporarily delayed or extended for good cause. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. In the event the grievance process is temporarily delayed for good cause, the District will provide written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

### Response to a Formal Complaint

At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is

filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or other means designated by the District. The District must follow the formal complaint process before the imposition of any disciplinary sanctions or other actions that are not supportive measures.

Upon receipt of a formal complaint, the District must provide written notice to the known parties including:

1. Notice of the allegations of sexual harassment, including information about the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, the date and location of the alleged incident, and any sufficient details known at the time. Such notice must be provided with sufficient time to prepare a response before any initial interview;
2. An explanation of the District's investigation procedures, including any informal resolution process;
3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;
4. Notice to the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney, and may inspect and review any evidence and
5. Notice to the parties of any provision in the District's code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the notice initially provided, notice of the additional allegations must be provided to known parties.

The District may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

#### Emergency Response Measures

Nothing in this policy precludes the District from removing a Respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. Nor does it preclude the District from placing a non-student employee Respondent on administrative leave while awaiting the determination of

the complaint procedures. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

### Investigation of a Formal Complaint

When investigating a formal complaint and throughout the grievance process, the District must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not the parties;
2. Provide an equal opportunity for the parties to present witnesses and evidence;
3. Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence;
4. Allow the parties to be accompanied with an advisor of the party's choice who may be, but is not required to be, an attorney. The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
5. Provide written notice of the date, time, location, participants, and purpose of any interview or meeting at which a party is expected to participate, with sufficient time for the party to prepare to participate;
6. Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint and comply with the review periods outlined in this process;
7. Objectively evaluate all relevant evidence without relying on sex stereotypes;
8. Ensure that Title IX Coordinators, investigators, decision-makers, and individuals who facilitate an informal resolution process, do not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
9. Not make credibility determinations based on the individual's status as Complainant, Respondent or witness;
10. Not use questions or evidence that constitute or seek disclosure of privileged information unless waived.

### Dismissal of Formal Complaints

If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the District's education program or activity, or did not occur against a person in the United States, then the District must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under this policy.

The Title IX Coordinator also may dismiss the formal complaint or any allegations therein at any time during the investigation or hearing, if applicable, when any of the following apply:

1. A Complainant provides written notification to the Title IX Coordinator that the Complainant would like to withdraw the formal complaint or any allegations therein;
2. The Respondent is no longer enrolled or employed by the District; or
3. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal, the Title IX Coordinator promptly sends written notice of the dismissal and the reasons for dismissal simultaneously to both parties.

### Evidence Review

The District provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The evidence provided by the District must include evidence that is directly related to the allegations in the formal complaint, evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or other source. Prior to completion of the investigative report, the Title IX Coordinator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties have 10 calendar days to submit a written response to the Title IX Coordinator, which the investigator will consider prior to completion of the investigative report.

### Investigative Report

The investigator must prepare an investigative report that fairly summarizes relevant evidence and send the report to the Title IX Coordinator. The Title IX Coordinator must send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. The parties have 10 calendar days to submit a written response to the Title IX Coordinator.

### Decision-Maker's Determination

The investigative report is submitted to the decision-maker. The decision-maker cannot be the same person(s) as the Title IX Coordinator or the investigator. The decision-maker cannot hold a hearing or make a determination regarding responsibility until 10 calendar days from the date the Complainant and Respondent receive the investigator's report.

Prior to reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Questions must be submitted to the Title IX Coordinator within three calendar days from the date the Complainant and Respondent receive the investigator's report.

The decision-maker must issue a written determination regarding responsibility based on a preponderance of the evidence standard. The decision-maker's written determination must:

1. Identify the allegations potentially constituting sexual harassment;
2. Describe the procedural steps taken, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Include the findings of fact supporting the determination;
4. Draw conclusions regarding the application of any District policies and/or code of conduct rules to the facts;
5. Address each allegation and a resolution of the complaint including a determination regarding responsibility, the rationale therefor, any recommended disciplinary sanction(s) imposed on the Respondent, and whether remedies designed to restore or preserve access to the educational program or activity will be provided by the District to the Complainant and
6. The procedures and permissible bases for the Complainant and/or Respondent to appeal the determination.

A copy of the written determination must be provided to both parties simultaneously, and generally will be provided within 60 calendar days from the District's receipt of a formal complaint.

The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Where a determination of responsibility for sexual harassment has been made against the Respondent, the District will provide remedies to the Complainant that are designed to restore or preserve equal access to the District's education program or activity. Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective implementation of any remedies. Following any determination of responsibility, the District may implement disciplinary sanctions in accordance with State or Federal law and or/the negotiated agreement.

A student who is determined to be responsible for violation of this policy shall be subject to appropriate disciplinary action consistent with school policies and regulations, which may include but is not limited to loss of school privileges, permanent transfer to another school building, classroom or school bus, exclusion from school-sponsored activities, detention, suspension, expulsion, or referral to law enforcement officials.

An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.

### Appeals

Either the Complainant or Respondent may appeal the decision-maker's determination regarding responsibility or a dismissal of a formal complaint, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time that could affect the outcome;  
and
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent that affected the outcome.

The request to appeal must be made in writing to the Title IX Coordinator within seven calendar days after the date of the written determination. The appeal decision-maker must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent and cannot be the Title IX Coordinator, the investigator, or the decision-maker from the original determination.



The appeal decision-maker must notify the other party in writing when an appeal is filed and give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging, the outcome. After reviewing the evidence, the appeal decision-maker must issue a written decision describing the result of the appeal and the rationale for the result. The decision must be provided to both parties simultaneously, and generally will be provided within 10 calendar days from the date the appeal is filed.

#### Informal resolution process

Except when concerning allegations that an employee sexually harassed a student, at any time during the formal complaint process and prior to reaching a determination regarding responsibility, the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility, provided that the District:

1. Provides to the parties a written notice disclosing:
  - A. The allegations;
  - B. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint and
  - C. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process.

The informal resolution process generally will be completed within 30 calendar days unless the parties and the Title IX Coordinator mutually agree to temporarily delay or extend the process. The formal grievance process timelines are stayed during the parties' participation in the informal resolution process. If the parties do not reach resolution through the informal resolution process, the parties will resume the formal complaint grievance process, including timelines for resolution, at the point they left off.

#### Recordkeeping

The District must maintain for a period of seven years records of:

1. Each sexual harassment investigation, including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the District's education program or activity;

2. Any appeal and its result;
3. Any informal resolution and its result; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The District must make these training materials publicly available on its website.

The District must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity.

## DETENTION OF STUDENTS

The provisions of detention or an in-school suspension program for student violations of policies, rules and procedures shall provide principals with an additional alternative for dealing with disciplinary problems that occur in the schools. When this alternative is appropriate, students will be assigned to serve a specified time period in the in-school suspension program. These assignments, and the determination of the time period for them, shall be determined by the principal, or his or her designee.

Legal Reference: Neb. Statute 79-254 et seq. (Student Discipline Act)

Cross Reference: 504.01 Student Due Process Rights



## SUSPENSION AND EXPULSION OF STUDENTS

The authority to suspend for a "short term" and to propose an "extended term" suspension and/or expulsion is delegated to the principal or his or her designee. A short-term suspension shall mean the exclusion of a student from school attendance for a period not to exceed five school days. A long-term suspension means the exclusion of a student from school attendance for a period exceeding five school days but less than twenty school days.

The provisions of this section apply to all pupils enrolled in the school district. When considering possible courses of action for special education students in regard to alleged violations of school rules, policies, and regulations, procedural due process rights guaranteed under applicable Federal and State statutes are applicable. The school district is obligated to see that every special education student is provided an appropriate educational program without cost to the parent. Conversely, schools are not required to maintain pupils who are a danger to themselves or others in regular attendance centers.

Suspension from classes or school will not be carried out unless the student while subject to school authority:

1. uses violence, force, threat or intimidation in a manner causing substantial interference with school purposes; or
2. causes or attempts to cause substantial damage to school or private property or steals or attempts to steal school or private property of substantial value; or
3. causes or attempts to cause physical injury to another person except in self-defense; or threatens or intimidates any student for the purpose or intent of obtaining something of value from the student; or
4. possesses or transmits any firearm, knife, explosive or other dangerous object that is ordinarily considered a weapon; or
5. engages in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in section 28-401, a substance represented to be a controlled substance, or alcoholic liquor as defined in section 53-103 or being under the influence of a controlled substance or alcoholic liquor; or
6. commits public indecency as defined in Nebraska statute 28-806 if that student is at least twelve years of age but less than nineteen years of age; or
7. commits or attempts to commit sexual assault against any person if a complaint has been filed by a prosecutor alleging the incident as required in Nebraska statute 79-267.8; or
8. engages in bullying as defined in section 79-2,137; or
9. engages in any other illegal activity which constitutes a danger to other students or interferes with school purposes; or
10. repeatedly violates the policies, rules and standards of student conduct established by the district.

Approved **October 12<sup>th</sup> 2020** Reviewed **Mr. 10.6.20** Revised \_\_\_\_\_

A given suspension will be for a period of time not to exceed 5 school days. A student will be informed of the charges against him or her and, if the student denies them, an explanation of the evidence will be given and the student will be given an opportunity to refute the charges. No time delay is necessary between the time a pupil is notified of the charges and the time of the hearing before the principal.

Guidelines to ensure that students are afforded due process during a suspension or proposed suspension from school will be developed. The procedural rules, regulations and guidelines will be approved by the Board of Education and made known to students, parents and school staff.

Every report of alleged violations of student conduct policies that can be interpreted at the outset to fall within the protections of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of an ongoing student conduct investigation, potential issues of discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged violations of student conduct policies.

Administrative procedures complying with the Student Discipline Act shall also be in place to ensure due process to the student should the principal decide to administer a long-term suspension, expulsion, or mandatory reassignment.

Emergency Exclusion: Any student may be excluded from school in the following circumstances:

- 1) If the student has a dangerous communicable disease transmissible through normal school contacts and poses an imminent threat to the health or safety of the school community; or
- 2) If the student's conduct presents a clear threat to the physical safety of himself, herself, or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education.

Such an emergency exclusion shall be based upon a clear factual situation warranting it and shall last not longer than is necessary to avoid the dangers described above.

If the emergency exclusion will be for five days or less, the procedures for a short-term suspension shall be followed. If the superintendent or his or her designee determines that such emergency exclusion shall extend beyond five days, a hearing will be held and a final determination made within ten school days after the initial date of exclusion. Such procedure shall substantially comply with the procedures set forth in state statutes 79-266 to 287 for a long-term suspension or expulsion and be modified only to the extent necessary to accomplish the hearing and determination within this shorter time period.

The principal should make a reasonable effort to contact the parent(s) or guardian(s) of a suspended student by telephone or to communicate to them directly regarding the specific

act(s) for which the suspension is ordered and the length of the suspension. If personal contact cannot be made then a notice will be mailed to parents within 24 hours stating the specific act(s) for which the suspension is ordered and the length of the suspension.

All records and documentation regarding suspension will be destroyed within three years of the student's continuous absence from school. No information regarding a suspension will be communicated to any person not directly involved in the disciplinary proceedings.

The right of appeal to the Board of Education in cases involving student suspension described in this policy does not extend to a suspension from a student extracurricular activities program or other disciplinary action affecting participation in an extracurricular activities program.

For the purposes of this policy and as defined in the Student Discipline Act, expulsion shall mean exclusion from attendance in all schools within the district for a period of time as defined in Nebraska statute 79-283.

Students may be expelled for violations of board policy, school rules or the law. It shall be within the discretion of the administrator to discipline a student by using an expulsion for a single offense or for a series of offenses depending on the nature of the offense and the circumstances surrounding the offense.

The superintendent will develop procedural rules, regulations and guidelines governing expulsions. These shall be approved by the Board of Education and made known to students, parents and school staff. The principal shall keep records of all expulsions.

All cases of expulsion shall be preceded by short-term suspension and its related procedures or by the condition of emergency exclusion which applies only when a student (a) has a dangerous communicable disease transmissible through normal school contacts and poses an immediate threat to the health and safety of the school community; or (b) exhibits conduct which presents a clear threat to the physical safety of himself/herself or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education.

When a student is expelled, the student shall be provided with:

1. Notice of the standard of conduct allegedly violated, acts the student is alleged to have committed and a summary of the evidence to be presented against the student;
2. The penalty, if any, which the principal has recommended in the charge and any other penalty to which the student may be subject;
3. A statement that the student has a right to a hearing, upon request, on the specified charges;

4. A description of the hearing procedures, along with procedures for appealing any decision rendered at the hearing;
5. A statement the principal, legal counsel for the school, the student, the student's parent or representative or guardian has the right;
  - A. to examine the student's academic and disciplinary records and any affidavits to be used at the hearing concerning the alleged misconduct and;
  - B. to know the identity of the witnesses to appear at the hearing and the substance of their testimony;
6. A form on which the student or the student's parent/guardian may request a hearing.

#### Violations of Law Relating to Suspensions or Expulsions

1. Student violations or suspected violations of Nebraska law will be reported to law enforcement as soon as possible. Conduct to be reported for law enforcement referral includes conduct that may constitute a felony, conduct which may constitute a threat to the safety or well-being of students or others in school programs and activities, and conduct that the legal system is better equipped to address than school officials. Student violations of school policy that are not apparent violations of law will be addressed by school administrators without reporting them to law enforcement. Administrators should consider the student's maturity, and known behavioral, emotional or mental disorders, if applicable. It will be the responsibility of the referring administrator to contact the student's parent that a referral to legal authorities has been or will be made, if applicable.

On or before August 1 the school board will annually review the reporting guidelines above with the County Attorney. These shall be distributed to all parents and guardians and their students at the beginning of each school year, or at the time of enrollment if during the school year. The guidelines shall also be posted conspicuously in each school during the school year.

2. Except in instances of suspected child abuse, when a principal or designee releases a minor student to a law enforcement officer for the purpose of removing the minor from the school premises, immediate steps shall be taken to notify the parent, guardian, or other relative having control of the minor about the minor's release to the officer and about the place to which the minor is reportedly being taken. In cases of suspected child abuse, the principal or designee will provide the law enforcement officer with the address and telephone number of the minor's parents or guardian.

Supplemental to these procedures, a special education student must be provided with additional procedures. A determination should be made of whether the student is actually guilty of the misconduct. A staffing team should determine whether the student's behavior is caused by the student's disability and whether the conduct is the result of inappropriate placement. Discussions and conclusions of this meeting should be recorded.







## CORPORAL PUNISHMENT

Corporal punishment is defined as the intentional physical punishment of a student and is prohibited. It includes the use of unreasonable or unnecessary physical force or physical contact made with the intent to harm or cause pain. An employee may:

1. Use reasonable and necessary force, not designed or intended to cause pain, in order to accomplish any of the following:
  - a) To quell a disturbance or prevent an act that threatens physical harm to any person.
  - b) To obtain possession of a weapon or other dangerous object within a pupil's control.
  - c) For the purposes of self-defense or defense of others as provided for in Nebraska Statute 28-1409 and 1410.
  - d) For the protection of property as provided for in Nebraska Statute 28-1411.
  - e) To remove a disruptive pupil from class or any area of school premises or from school-sponsored activities off school premises.
  - f) To protect a student from the self-infliction of harm.
  - g) To protect the safety of others.
2. Use incidental, minor, or reasonable physical contact to maintain order and control.

Reasonable physical force should be commensurate with the circumstances of the situation. The following factors should be considered in using reasonable physical force for the reasons stated in this policy:

1. The size and physical, mental, and psychological condition of the student;
2. The nature of the student's behavior or misconduct provoking the use of physical force;
3. The method used in applying the physical force.
4. The extent and nature of resulting injury to the student, if any;
5. The motivation of the school employee using physical force.

Upon request, the student's parents shall be given an explanation of the reasons for physical force.

It shall be the responsibility of the superintendent to implement this policy.

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

Legal Reference:                   Neb. Statute 28-1409 and 1410  
  28-1413  
  79-295  
  Ingraham v. Wright, 430 U.S. 651 (1977).  
  Goss v. Lopez, 419 U.S. 565 (1975).

Cross Reference:                   403.03 Abuse of Students by School District Employees  
  504    Student Rights and Responsibilities

## RESTRAINT AND SECLUSION

The board prohibits the use of seclusion and restraint by school personnel except as implemented consistent with this policy. Restraint or seclusion of students will not be used solely as a disciplinary consequence or when a known medical or psychological condition makes its use inadvisable. The superintendent will ensure that district guidelines relating to restraint and seclusion are communicated to school personnel and parents/guardians at the beginning of each school year.

Except in the case of an emergency, only school personnel who have received systematic training in the use of restraint and seclusion in accordance with the district's policy will implement physical restraint or seclusion with a student. In an emergency, a district employee may use physical restraint or seclusion as necessary to maintain order or to prevent a student from causing physical harm to self, other students, and school staff or property. School personnel will continuously monitor a student's status during any physical restraint or seclusion.

### **1. PHYSICAL RESTRAINT**

Physical restraint means the use of physical force to restrict the free movement of all or a part of a student's body.

Physical restraint will be considered to be a reasonable use of force when used in the following circumstances:

- A. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
- B. as reasonably needed to maintain order or to prevent or break up a fight;
- C. as reasonably needed for self-defense;
- D. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person present;
- E. as reasonably needed to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior;
- F. as reasonably needed to escort a student safely from one area to another;
- G. if used as provided for in an IEP, Section 504, or behavior intervention plan; or

- H. as reasonably needed to prevent imminent destruction to school or another person's property.

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## **2. MECHANICAL RESTRAINT**

Mechanical restraint means the use of any device or material attached or adjacent to a student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove. Mechanical restraint includes the tying down, taping, or strapping down of a student.

Mechanical restraint of a student by school personnel is permissible only in the following circumstances:

- A. when properly used as an assistive technology device included in the student's IEP, Section 504, or behavior intervention plan or as otherwise prescribed by a medical or related service provider;
- B. when using seat belts or other safety restraints to secure a student during transportation;
- C. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
- D. as reasonably needed for self-defense;
- E. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person.

## **3. SECLUSION**

Seclusion means the confinement of a student alone in an enclosed space from which the student is (a) physically prevented from leaving or (b) incapable of leaving due to physical or intellectual capacity. Seclusion is different than in-school suspension in which other students or adults may be present but in which students are not physically prevented from leaving.

Seclusion of a student by school personnel may be used in the following circumstances:

- A. as reasonably needed to respond to a person in control of a weapon or other dangerous object;

- B. as reasonably needed to maintain order or prevent or break up a fight;
- C. as reasonably needed for self-defense;
- D. as reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property; or
- E. when used as specified in the student's IEP, Section 504, or behavior intervention plan; and
  - 1) the student is constantly monitored by an adult in close proximity who is able to see and hear the student at all times;
  - 2) the student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the student's IEP, Section 504, or behavior intervention plan;
  - 3) the confining space has been approved for such use by the local education agency;
  - 4) the space is appropriately lighted, ventilated, and heated or cooled; and
  - 5) the space is free from objects that unreasonably expose the student or others to harm.

#### **4. ISOLATION**

Isolation means a behavior management technique in which a student is placed alone in an enclosed space from which the student is not prevented from leaving. Isolation is different than seclusion.

Isolation is permitted as a behavior management technique provided that:

- A. the isolation space is appropriately lighted, ventilated and heated or cooled;
- B. the duration of the isolation is reasonable in light of the purpose for the isolation;
- C. the student is reasonably monitored; and
- D. the isolation space is free from objects that unreasonably expose the student or others to harm.

#### **5. TIME-OUT**

Time-out means a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting. Teachers are authorized to use time-out to regulate behavior within their classrooms.

## **6. NOTICE, REPORTING AND DOCUMENTATION**

- A. A district Restraint or Seclusion Report must be completed for each incident of restraint or seclusion other than normal use of mechanical restraint for transportation safety. Each record shall include:
- Name of the student
  - Name of the staff member(s) administering the physical restraint or seclusion;
  - Date of the incident and the time the restraint or seclusion began and ended;
  - Location of the restraint or seclusion;
  - A description of the restraint or seclusion;
  - A description of the student's activity immediately preceding the behavior that prompted the use of restraint or seclusion;
  - A description of the behavior that prompted the use of restraint or seclusion;
  - Efforts to de-escalate the situation and alternatives to restraint or seclusion that were attempted; and
  - Information documenting parent contact and notification

### **B. Notice to Administrators**

The principal or designee shall be notified of the incident as soon as possible, but no later than the end of the same school day.

### **C. Notice to Parents**

When a principal or designee has personal or actual knowledge of any of the events listed above, he or she shall attempt to promptly notify the student's parent or guardian and shall provide the name of the school employee whom the parent or guardian may contact regarding the incident.

### **D. Written Report to Parents**

Within a reasonable period of time not to exceed 30 days after the incident, the principal or designee shall also provide the parent or guardian with a written incident report. This report must include the following:

- 1) the date, time of day, location, duration, and description of the incident and interventions;
- 2) the events or events that led up to the incident;



- 3) the nature and extent of any injury to the student; and
- 4) the name of a school employee the parent or guardian can contact regarding the incident.

Cross Reference:                   403.03 Abuse of Students by School District Employees  
  504     Student Rights and Responsibilities



## STUDENT ORGANIZATIONS

Secondary school student-initiated, noncurriculum-related groups and student curriculum-related groups, upon receiving permission from the principal, may use school facilities for group meetings during non-instructional time.

Non-instructional time shall mean any time before the first period of the day and after the last period of the day in which any student attends class. Meetings shall not interfere with the orderly conduct of the education program or other school district operations. It shall be within the discretion of the principal to determine whether the meetings will interfere with the orderly conduct of the education program or other school district operations. Activities relating to and part of the education program shall have priority over the activities of another organization.

### Curriculum-Related Organizations

It shall also be the responsibility of the principal to determine whether a student group is curriculum-related. One or more of the following questions will be answered affirmatively if the group is curriculum-related:

- Is the subject matter of the group actually taught in a regularly offered course?
- Will the subject matter of the group soon be taught in a regularly offered course?
- Does the subject matter of the group concern the body of courses as a whole?
- Is participation in the group required for a particular course?
- Does participation in the group result in academic credit?

Secondary school curriculum-related student organizations may use the school district facilities for meetings and other purposes before and after the instructional school day. Employees shall be assigned to monitor approved meetings and may interact with curriculum-related organizations.

### Noncurricular-Related Organizations

Student-initiated, noncurriculum-related organizations shall be provided access to meeting space and school district facilities.

Only students may attend and participate in meetings of noncurriculum-related groups. Such attendance shall be strictly voluntary and student-initiated. As a means of determining whether a student's attendance is voluntary, the principal may require parental consent for the student to attend the meetings.

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

Legal Reference:  
U.S. 226 (1990).

Westside Community Board of Education v Mergens, 496

Neb. Statute 79-297 et seq.

Cross Reference:

504 Student Rights and Responsibilities

## STUDENT GOVERNMENT

The student council provides for student activities, serves as a training experience for student leaders, promotes the common good, gives students a share in the management of the school, develops high ideals of personal conduct, acts as a clearinghouse for student activities, seeks to interest students in school district affairs and helps solve problems that may arise. Members of the council are student representatives who have direct access to the administration.

Student council membership is available to all students who volunteer to serve in the organization. Council officers will be elected by a vote of the council members.

The principal, in conjunction with the students and certified employees, shall set forth the guidelines for the student government's elections, operations, and other elements of the government.

Cross Reference:                    504    Student Rights and Responsibilities

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## STUDENT ADVISORY COUNCILS

In lieu of, or in addition to, the Student Council, the board may on occasion appoint Student Advisory Councils to provide information and suggestions to the board from the students' point of view regarding specific areas of school operations directly affecting the student body. These councils shall continue for a duration determined by the board and shall be composed of such students as recommended by the superintendent or principals.

Cross Reference:                   504.02 Student Involvement in Decision Making

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_



## STUDENT PERFORMANCES

Students, as part of the education program, may participate in contests or other public and private events approved by the superintendent that will be of benefit to the student and the education program. Performance at such events is a privilege.

Students, who perform at such events, serve as ambassadors of the school district and must conduct themselves in the same manner as required in the regular school day. Students who fail to abide by this policy and the administrative regulations supporting it may be subject to disciplinary measures.

Students will be allowed to perform in these events only with proper permission and supervision and when the events do not disrupt the education program or other school district operations. The events must be approved by the superintendent, unless it involves unusual travel and expense, in which case the board must approve of the performance.

It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy. In developing the administrative regulations, these guidelines should be followed:

- Performances by student groups below the high school level should be allowed on a limited basis;
- All groups of students should have an opportunity to participate; and,
- Extensive travel by one group of students should be discouraged.
- Students will not accept payment for public performances when they represent their schools, either as individuals or as members of some school group.

It shall be within the discretion of the superintendent to determine whether the event will benefit the education program and the participating students. Contests or other performances by students unapproved by the superintendent shall be the responsibility of the parent and the student.

Legal Reference: Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).

Cross Reference: 504 Student Rights and Responsibilities

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_



## STUDENT FUND RAISING

Students may raise funds for school-sponsored events with the permission of the principal. Collection boxes for school fund raising must have prior approval from the principal before being placed on school property.

The main emphasis of any fund-raising campaign should be on the educational aspects of the program. Contests between rooms and schools will not be used as a promotional device.

No tickets for any purpose except for school activities authorized under Board policies or otherwise expressly permitted by the Board will be sold on school premises.

No contribution of money for any purposes will be collected from or by school children except as authorized by the Board.

It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

Cross Reference:	504	Student Rights and Responsibilities
	505	Student Discipline
	506	Student Activities

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## STUDENT ACTIVITIES FUNDS

The Student Activities Funds of each school will include athletic and student organization funds and any other funds belonging to any student or class group or activity.

Student Activity Funds are those funds raised or collected by and/or for school-approved student groups, and may include gate receipts and student activity card fees. Student activity funds will be collected and expended for the purpose of supporting the school's extracurricular activities program. Student body representation should be encouraged whenever possible.

Monies raised by students through student body organizations, receipts from activity tickets and gate receipts, are subject to the control and management by the school board.

The principal of each junior high and high school is responsible for all school/student accounts and accommodation funds. The principal will assign one or more school staff member(s) who are designated as an assistant treasurer by the school board to share the responsibility for assuring that accounting records are maintained in accordance with district guidelines.

The principal will be responsible for supervising the accounting functions to be performed at the building level. The building level accounting procedures will be consistent with the accounting functions performed at the district office level.

Secondary schools may establish bank demand and savings accounts in institutions that have been designated as depositories of school district funds by the school board. Materials and equipment purchased by student activity funds become district property. Projects for raising student activity funds should in general contribute to the educational experience of students and should not conflict with, but add to the instructional program and comply with district guidelines.

Any unencumbered class or activity funds will automatically revert to the general activity fund of the school when a class graduates or an activity is discontinued.

The district treasurer, or designee, may request all necessary financial information needed for review or required by the school board. These funds shall be examined annually as part of the district audit.

Cross Reference:                   704.04 Audits

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## STUDENT PHYSICALS FOR ATHLETICS

All boys or girls that participate in any athletics or practices must have a physical examination signed by a personal health care providers. The results of the examination and the personal health care provider's signature must appear on all local and state forms where it is required. All such examination results must be on file in the school where the student is to participate in athletics. In all cases, these forms should be signed first by parents to signify their permission and then by the personal health care providers. Only proper forms are to be used in all cases.

Legal Reference:                      NSAA Athletic Bylaws sect. 3.4

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## ADDING STUDENT EXTRACURRICULAR ACTIVITIES

The district strives to provide activities outside of the regular school day to assist in meeting its mission and goals and recognizes the value of extracurricular activities in the overall scope of a student's education. Therefore, whenever possible, a wide variety of such activities will be provided, and students will be encouraged to participate.

The addition of activities will be carefully examined for its benefits to students within the resource limitations of the district. The following items will be considered prior to the recommendation to the board for the addition of an interscholastic activity:

1. Activity must be a sanctioned NSAA event and culminate in a state contest.
2. Interest and numbers must be shown for development of a full varsity team (interest in participation must be expressed by a minimum of two times the number of players on each team).
3. Appropriate facilities exist for competition and practice, taking into consideration the needs for supervision, accessibility, safety, and scheduling.
4. Geographic proximity of contests, comparable school participation, and quality of scheduling will be a consideration.
5. A qualified coach, who meets NSAA coaching requirements and who will be under the guidance of district personnel policies, will be in charge of the program.
6. Budget of activity must come from district, with consideration of outside funds through fund raising. If the proposed activity requires frequent or large expenses for specialized equipment or quantities of consumable items, the long-term availability and reliability of outside funding assistance for new activities should be considered.
7. Proposals of new activities submitted to High School Administration prior to March 1st and reviewed by Principal/Activities Director/Superintendent.
8. The completed proposal for the initiation of the activity must be approved by the Board of Education by the December Board meeting in the school year preceding the start of the activity. This will allow for proper planning and scheduling for successful initiation of the activity.
9. Eligibility requirements as published by the Nebraska School Activities Association (NSAA) shall be observed by all student participants. Additional eligibility requirements for all activities may be imposed by the school district at the board's discretion. All eligibility requirements shall be published in applicable student/parent handbooks prior to the school year.

## STUDENT RECORDS ACCESS

The board recognizes the importance of maintaining student records and preserving their confidentiality. Student records shall be maintained so as to separate academic and disciplinary matters. Student records may be maintained in the central administration office or administrative office of the student's attendance center. This policy does not apply to student directory information.

The following records shall be maintained as permanent records of the student:

- The student's social security number;
- The record of dates of attendance;
- Highest grade level completed;
- A transcript of classes taken with grades and credits received;
- The records of inoculations and health examinations which are given to the class or student body as a whole;
- The record of participation in extracurricular school activities and sports;
- The signatures of people who are required to sign for access to student records and the statement of purpose for such access;
- The student's or student's parents' written consent of release of student records.

All other student records shall be removed and destroyed after a student's continuous absence from the school for three years.

Any student, his or her parents/guardians, teachers, counselors or school administrators shall have access to the student's records during the regular business hours of the district. Student information may also be disclosed without written consent of the parent or eligible student (a student who has reached the age of 18) to persons or entities with whom the district has contracted to provide services related to the district's educational program in accordance with the Family Educational Rights and Privacy Act (FERPA). In addition, authorized representatives of the State or Federal government, and state educational authorities connected with the enforcement of requirements of certain educational programs as prescribed by law shall have access to student records within the limitations of state statutes. No one else shall have access to the records and the records shall not be divulged to any person without prior consent of the parent or eligible student.

A student's records, including academic material and any disciplinary material relating to any suspension or expulsion, shall be provided at no charge, upon request, to any public or private school to which the student transfers.

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

The superintendent shall establish reasonable fees for providing copies of the student's records to a parent or guardian. No fees shall be charged for the right to inspect and review the records.

Legal Reference:                   20 U.S.C. § 1232g (FERPA)  
  34 C.F.R. Pt. 99, (Privacy Rights of Parents and Students)  
  Neb Statute 79-2,104 and 2,105  
  79-539  
  79-4,157 and 4,158  
  84-1,212.01 et seq. (Records Management  
  Act)

Cross Reference:                   503    Student Attendance  
  508    Student Health and Well-Being  
  611    Academic Achievement  
  612.10 Procedural Safeguards and Confidentiality  
  804.02 Data or Records Retention  
  1003   Public Examination of District Records

## STUDENT DIRECTORY INFORMATION

Student directory information shall be defined in the annual notice. It may include the student's name, participation in officially recognized activities and sports, weight and height of members of athletic teams, honors and awards received, photograph and other likeness, and other similar information.

Prior to developing a student directory or to giving general information to the public, parents will be given notice annually of the intent to develop a directory or to give out general information and can submit a written request for the exclusion of their child's information from the directory or in the general information about the students.

The district is required to supply class lists including name, address and phone number to college and military recruiters upon their request. Military recruiters will also be provided the same access to a student in a high school grade as is provided to postsecondary educational institutions or to prospective employers of such students.

A parent or guardian of a student in a high school grade may submit a written request to the district that the name, address and phone number for that student shall not be released without prior written consent of the parent or guardian. Upon receiving this request, a district shall not release that information without the prior written consent of the parent or guardian. Within thirty days prior to or following the beginning of each school year and, for a new student who enrolls after the beginning of a school year, within thirty days following such enrollment, the district shall notify the parents and guardians of each student in the high school of the option to opt out of directory information release.

When a student reaches eighteen years of age, the permission given to the parents or guardians to opt out of the information release shall only be given to the student. Within thirty days prior to or following the beginning of each school year and, for a new student who enrolls after the beginning of a school year, within thirty days following such enrollment, the district shall notify each student who is at least eighteen years of age or who will reach eighteen years of age during the school year of the option to opt out of the information release and that any such request made previously by a parent or guardian for the student expires upon the student reaching eighteen years of age.

It shall be the responsibility of the superintendent to provide notice and to determine the method of notice that will inform parents. Nothing in this policy shall limit the applicability of federal FERPA laws.

Legal Reference:           20 U.S.C. § 1232g (1994).  
                                  34 C.F.R. Pt. 99, 300.560 - .574 (1996).

Cross Reference:         506     Student Activities  
                                  1003    Public Examination of District Records

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## **AUTHORIZATION FOR RELEASING STUDENT DIRECTORY INFORMATION**

The Hay Springs Public School District has adopted a policy designed to assure parents and students the full implementation, protection and enjoyment of their rights under the Family Educational Rights and Privacy Act of 1974. A copy of the school district's policy is available for review in the office of the principal of all of our schools.

This law requires the school district to designate as "directory information" any personally identifiable information taken from a student's educational records prior to making such information available to the public.

Even though student addresses and telephone numbers are not considered directory information, military recruiters and post-secondary educational institutions may legally access this information without prior parental consent. Parents not wanting military recruiters and post-secondary institutions to access the information must ask the school district to withhold the information.

The school district has designated the following information as directory information: student's name; date and place of birth; email address, grade level, enrollment status, major field of study; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; degrees and awards received; and the most recent previous educational institution attended by the student; photograph and other likeness and other similar information. You have the right to refuse the designation of any or all of the categories of personally identifiable information as directory information with respect to your student provided that you notify the school district in writing not later than September 1<sup>st</sup> of the current school year. If you desire to make such a refusal, please complete and return the slip attached to this notice.

If you have no objection to the use of student information, you do not need to take any action.

**Approved 7/13/2020**



**RETURN THIS FORM**

Hay Springs School District

Parental Directions to Withhold Student/Directory Information, for 20\_\_ - 20\_\_ school year.

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Parent/Legal Guardian/Custodian of Child)

\_\_\_\_\_  
(Date)

This form must be returned to your child's school no later than \_\_\_\_\_, 20\_\_ .  
Additional forms are available at your child's school.

Parental Directions to Withhold Student Names, Addresses and Phone Numbers from Military Recruiters and Post-Secondary Educational Institutions, for 20\_\_ - 20\_\_ school year.

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Parent/Legal Guardian/Custodian of Child)

\_\_\_\_\_  
(Date)

This form must be returned to your child's school no later than \_\_\_\_\_, 20\_\_ .  
Additional forms are available at your child's school.

## STUDENT PHOTOGRAPHS

The board will permit student "portrait" photographs to be taken on school premises by a commercial photographer as a service to the students and their families.

Parents will be notified prior to the taking of pictures by a commercial photographer for student "portraits." In no case will students be required to have their picture taken or be pressured to purchase pictures.

Students or commercial photographers may take pictures of students upon consent for such things as the yearbook or student newspaper.

It shall be the responsibility of the superintendent, in conjunction with the principal, to develop rules as necessary to implement this policy.

## STUDENT LIBRARY CIRCULATION RECORDS

Student library circulation records are designed to be used internally to assist in the orderly administration of the school district libraries and media center. As a general rule, student library circulation records are considered confidential records and will not be released without parental consent. Individuals who may access such records include a student's parents, the student, authorized licensed employees, authorized government officials from the U.S. Comptroller General, the Secretary of Education, the Commissioner and Director of the National Institute of Education, and the Assistant Secretary for Education and State Education Department. Appropriate authorities in a health or safety emergency may access the student's library circulation records without the approval or the notification of the student's parents.

It shall be the school librarian's responsibility, as the person maintaining the student library circulation records, to approve requests for access to student library circulation records. Students' library circulation records may be accessed during the regular business hours of the school district. If copies of documents are requested, a fee for such copying shall be charged.

It shall be the responsibility of the superintendent, in conjunction with the school librarian, to develop administrative regulations regarding this policy.

Legal Reference:     20 U.S.C. § 1232g (1994).  
                           34 C.F.R. Pt. 99 (1996).

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## STUDENT HEALTH AND IMMUNIZATION CHECKUPS

### **Physical examinations & immunizations**

Students enrolling in kindergarten (or the beginning grade), students entering the seventh grade or students transferring to any grade in the district from out of state shall have a physical examination by a licensed personal health care providers within six months prior to entrance and provide proof of such an examination to the school district.

A certificate of health stating the results of a physical examination and signed by a physician, physician assistant, or an advance practice registered nurse shall be on file at the attendance center.

Students enrolling in the school district shall also submit proof of immunizations as required by law. The student may be admitted conditionally to the attendance center if the student has not yet completed the immunization process but is in the process of doing so. Failure to meet the immunization requirement will be grounds for suspension, expulsion or denial of admission.

The superintendent shall annually file a report on behalf of the board by November 15 to the Department of Health and Human Services summarizing the immunization status of the district's students as required.

### **Visual evaluation**

Students enrolling in kindergarten (or the beginning grade) or students transferring to any grade in the district from out of state shall also have a visual examination, including tests for amblyopia, strabismus, and internal and external eye health, and visual acuity. The visual evaluation must be completed within six months prior to entrance and proof of such evaluation shall be provided to the school district.

A certificate of health, or other form, stating the results of the visual evaluation and signed by a physician, optometrist, physician assistant, or advance practice registered nurse shall be on file at the attendance center.

### **Notifications to parents**

The student's parent or guardian shall be notified in writing of their right to submit a written statement refusing such physical or visual examinations or immunizations for the student and shall be provided with a telephone number or other contact information to assist the parent or guardian in receiving information regarding free or reduced-cost visual evaluations for low-income families who qualify.

Parents will be promptly notified of any condition requiring professional attention.

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_



**SCHOOL VISION EVALUATION  
Report Form**

**A School Vision Evaluation is required** for all children **within six months prior to entering** Nebraska schools for the first time (includes beginner grades including Kindergarteners, transfers, and other students new to Nebraska) [Nebraska Revised Statute 79-214]

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

School: Hay Springs Public School Date: \_\_\_\_\_

Student Status (check one):  Beginner Grade  Transfer Student from Out of State

<b>REQUIRED TESTS*</b>	Pass	Fail	Recommend Further Evaluation <i>(comments noted below)</i>
Amblyopia	_____	_____	_____
Strabismus	_____	_____	_____
Internal Eye Health	_____	_____	_____
External Eye Health	_____	_____	_____
Visual Acuity			
	Right eye @ distance (20 ft.):	20/_____	aided/unaided
	Left eye @ distance (20 ft.):	20/_____	aided/unaided
	Right eye @ near (16 in.):	20/_____	aided/unaided
	Left eye @ near (16 in.):	20/_____	aided/unaided

*\*A vision evaluation consisting of these required tests meets the legal requirements for the State of Nebraska but is not a complete eye examination such as most eye doctors perform.*

<b>ADDITIONAL TESTS</b>	Pass	Fail	Recommend Further Evaluation
Eye Alignment at Distance	_____	_____	_____
Eye Alignment at Near	_____	_____	_____
Depth Perception	_____	_____	_____
Color Vision	_____	_____	_____
Focusing Amount	_____	_____	_____
Focusing Flexibility	_____	_____	_____
Focusing Lag (Accuracy)	_____	_____	_____
Convergence (Crossing) Ability	_____	_____	_____
Saccade (Rapid) Eye Movement	_____	_____	_____
Pursuit (Tracking) Eye Movement	_____	_____	_____
Other: _____	_____	_____	_____

**COMMENTS/RECOMMENDATIONS:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Evaluation performed by:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
 (signature)

O.D.  M.D.  P.A.  A.P.R.N.

Original—Doctor      Copy #1—Parent      Copy #2—School Nurse      Copy #3—Placed in student’s permanent file  
 Nebraska Foundation for Children’s Vision ([www.NEchildrensvision.org](http://www.NEchildrensvision.org))

7/13/2020

**RESOURCES FOR LOW-INCOME FAMILIES  
WHO MAY QUALIFY FOR FREE OR REDUCED-COST  
VISION EVALUATIONS**

1. Insurance coverages  
Many insurance companies cover the cost of an eye exam (Blue Cross/Blue Shield, United Health Care, Coventry, Vision Service Plan, Spectera, etc.). Check with the company as to details of vision care coverage.
2. Employer-based options  
Parents with cafeteria plans, Medical Savings Accounts, Health Savings Accounts, or other flexible spending plans through employers can typically use these accounts to pay for vision exams.
3. Medicaid and Kids Connection  
Office visits, eye exams and glasses are covered. Local social service offices have details as to eligibility.
4. SIGHT FOR STUDENTS  
Provides free exam, discounted eyewear for eligible students from participating optometrists. Check website for details: [www.sightforstudents.org](http://www.sightforstudents.org)
5. Lions Clubs of Nebraska  
Clubs located throughout the state provide vision care assistance for needy families. Usually involves referral by teacher, clergy or health professional. Contact local clubs for details.
6. Community health centers and services  
Community health centers and community-based health services throughout the state can provide free eye exams for low income families that qualify, or coordinate the availability of reduced-cost services. Check with local social service agencies for options near you.
7. Discount plans from health care providers  
Many optometrists and other health care providers offer family discounts, package pricing on children's eyewear, and other in-office discounts.
8. Vision USA  
Low income families with working parent and no vision insurance may qualify for free exams from participating optometrists. Call 1-800-766-4466 or check the American Optometric Association website ([www.aoa.org](http://www.aoa.org)) for eligibility guidelines and information about scheduling appointments.

Compiled by Nebraska Foundation for Children's Vision ([www.NEchildrensvision.org](http://www.NEchildrensvision.org))

**Approved 7/13/2020**

**PARENT OBJECTION TO  
PHYSICAL EXAMINATION OR VISUAL EVALUATION  
(For School Admission)**

I am the parent or guardian of the following children who are enrolling in the beginner grade or seventh grade in Hay Springs Public Schools, or who are transferring from out of state into any grade in Hay Springs Public Schools:

Child No. 1: \_\_\_\_\_

Child No. 2: \_\_\_\_\_

I understand that state law requires that the school be provided with: (1) evidence of a physical examination by a physician, physician's assistant, or nurse practitioner and (2) for school year 2006-07 and each school year thereafter, a visual evaluation by a physician, a physician assistant, an advanced practice registered nurse, or an optometrist. The physical examination and visual evaluation is required to be completed within six months prior to the entrance of the child into the beginner grade and the seventh grade or, in the case of a transfer from out of state, to any other grade. The visual evaluation is to consist of testing for amblyopia, strabismus, and internal and external eye health, with testing sufficient to determine visual acuity. No such physical examination or visual evaluation shall be required of any child whose parent or guardian objects in writing.

I hereby object in writing to the:

\_\_\_\_ physical examination

\_\_\_\_ visual evaluation

(check one or both)

for the above named child(ren). I will not hold Hay Springs Public Schools responsible for any injury or harm caused by or relating to such refusal to obtain a physical examination or visual evaluation for the above named child(ren).

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Parent or Guardian



## Summary of the School Immunization Rules and Regulations 2020-21

Student Age Group	Required Vaccines
Ages 2 through 5 years enrolled in a school based program not licensed as a child care provider	<p>4 doses of DTaP, DTP, or DT vaccine</p> <p>3 doses of Polio vaccine</p> <p>3 doses of Hib vaccine or 1 dose of Hib given at or after 15 months of age</p> <p>3 doses of pediatric Hepatitis B vaccine</p> <p>1 dose of MMR or MMRV given on or after 12 months of age</p> <p>1 dose of varicella (chickenpox) or MMRV given on or after 12 months of age. Written documentation (including year) of varicella disease from parent, guardian, or health care provider will be accepted.</p> <p>4 doses of pneumococcal or 1 dose of pneumococcal given on or after 15 months of age</p>
Students entering school (Kindergarten or 1 <sup>st</sup> Grade depending on the school district's entering grade)	<p>3 doses of DTaP, DTP, DT, or Td vaccine, one given on or after the 4<sup>th</sup> birthday</p> <p>3 doses of Polio vaccine</p> <p>3 doses of pediatric Hepatitis B vaccine or 2 doses of adolescent vaccine if student is 11-15 years of age</p> <p>2 doses of MMR or MMRV vaccine, given on or after 12 months of age and separated by at least one month</p> <p>2 doses of varicella (chickenpox) or MMRV given on or after 12 months of age. Written documentation (including year) of varicella disease from parent, guardian, or health care provider will be accepted. If the child has had varicella disease, they do not need any varicella shots.</p>
Students entering 7 <sup>th</sup> grade	<p>Must be current with the above vaccinations</p> <p>AND receive</p> <p>1 dose of Tdap (contain Pertussis booster)</p>
Students transferring from outside the state at any grade	Must be immunized appropriately according to the grade entered.

Source: Nebraska Immunization Program, Nebraska Department of Health and Human Services. . For additional information, call 402-471-6423.

The School Rules & Regulations are available on the internet: [http://dhhs.ne.gov/Pages/reg\\_t173.aspx](http://dhhs.ne.gov/Pages/reg_t173.aspx) (Title 173: Control of Communicable Diseases - Chapter 3; revised and implemented 2011)

**Approved 7/13/2020**

**Emergency Information Form**

<b>Student's Name</b> _____			
	<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>
<b>Student's Address</b> _____			
	<i>Street Address/Apt. #</i>	<i>City</i>	<i>State</i> <i>Zip Code</i>
<b>Student's Age</b> _____	<b>Date of Birth</b> _____	<b>Student's Phone Number</b> _____	
<b>Grade</b> _____	<b>Teacher (Homeroom)/Classroom</b> _____	<b>Bus #</b> _____	

TO BE COMPLETED BY PARENT/GUARDIAN: TO SERVE YOUR CHILD IN CASE OF ACCIDENT OR SUDDEN ILLNESS, IT IS NECESSARY THAT YOU FURNISH THE FOLLOWING INFORMATION:

**MOTHER'S NAME** \_\_\_\_\_

*Last Name*                      *First Name*                      *Middle Initial*

Mother's Employer \_\_\_\_\_ Phone # \_\_\_\_\_

**FATHER'S NAME** \_\_\_\_\_

*Last Name*                      *First Name*                      *Middle Initial*

Father's Employer \_\_\_\_\_ Phone # \_\_\_\_\_

**GUARDIAN'S NAME** \_\_\_\_\_

*Last Name*                      *First Name*                      *Middle Initial*

Guardian's Employer \_\_\_\_\_ Phone # \_\_\_\_\_

In case of emergency, accident, or serious illness of the above named child, I request the school to contact me. If school personnel are unable to contact me, I hereby authorize them to call the following people who are authorized to pick up my child from school or a school-sponsored activity:

	<i>Name</i>	<i>Phone</i>	<i>Number</i>
<i>Relationship</i>			

	<i>Name</i>	<i>Phone</i>	<i>Number</i>
<i>Relationship</i>			

Doctor's Name: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

If it is impossible to contact the physician named above, I hereby authorize the school to take action necessary to maintain the student's health.

<i>Signature of Parent/Guardian</i>	<i>Date</i>

### Emergency Information Form

Is your child on any routine medication?  Yes     No If yes, please list below:

Medication	Dosage

Is your child allergic to medication(s)?  Yes     No If yes, please specify \_\_\_\_\_

Is your child allergic to insect bites?  Yes     No

Does your child have allergies?         Yes     No

Does your child have a history of  heart disease     diabetes     T.B     nervous disorder  
 epilepsy     ear infection     seizure     asthma     Other \_\_\_\_\_?

If so, please check and describe any special emergency treatment that may be required:

Please list any other conditions that might require emergency medical treatment: \_\_\_\_\_

*Signature of Parent/Guardian*

*Date*

#### *Log of Attempts to Contact Parent/Guardian*

Date	Time	Phone # Called	Answered?		Person Answering Phone/Response
			Yes	No	

Review/Revised: 7/13/2020

## ADMINISTRATION OF MEDICATION TO STUDENTS

Students may be required to take medication during the school day. The district shall establish procedures which may allow students to self-administer medications for diabetes and asthma/anaphylaxis. Other medications shall be administered by the school nurse, a registered Medication Aide, or other school staff member meeting the minimum competency standards for the Medication Aide Act.

### Self-Management of Diabetes and Asthma/Anaphylaxis

Upon completion of required procedures, the district and parent or guardian, in consultation with the student's physician, will develop a diabetes or asthma/anaphylaxis medical management plan for the current school year. The plan shall:

1. Identify the health care services the student may receive at the school relating to the condition;
2. Evaluate the student's understanding of and ability to self-manage his/her condition;
3. Permit regular monitoring of the student's self-management of his/her condition by an appropriately credentialed health care professional; and
4. Be signed by the student's parent or guardian and the physician responsible for treatment of the student's condition.

For asthma/anaphylaxis the plan will also:

1. Include the name, purpose, and dosage of the prescription medication prescribed for such student; and
2. Include procedures for storage and access to backup supplies of such prescription medication.

The parent or guardian shall sign a statement that:

1. The district and its employees and agents are not liable for any injury or death arising from a student's self-management of his/her condition; and
2. Shall indemnify and hold harmless the district and its employees and agents against a claim arising from a student's self-management of his/her condition.
3. Any injury to others as a result of the student's self-medication shall be the parents' responsibility

The student shall promptly notify the person designated in the student's self-management plan when the student has self-medicated.

The superintendent shall develop all necessary procedures and forms to implement the self-management plans and student disciplinary procedures regarding the misuse or threatened misuse of medications and supplies. The school will promptly notify the parent/guardian of such disciplinary action.

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_



PARENTAL AUTHORIZATION AND RELEASE FORM FOR THE  
ADMINISTRATION OF MEDICATION TO STUDENTS

Name of Student \_\_\_\_\_

School Hay Springs Public School Grade \_\_\_\_\_

Medication \_\_\_\_\_ Dosage \_\_\_\_\_

Starting Date \_\_\_\_\_ Ending Date \_\_\_\_\_

Time of day medication is to be given \_\_\_\_\_

Other Instructions \_\_\_\_\_

\_\_\_\_\_ I hereby request the \_\_\_\_\_ Public School District, or its authorized representative, to administer the above-named medication to my child named above and agree to:

1. Submit this request to the principal or school nurse;
2. Personally ensure that the medication is received by the principal or school nurse administering it in the container in which it was dispensed by the prescribing physician or licensed pharmacist or is in the manufacturer's container;
3. Personally ensure that the container in which the medication is dispensed is marked with the medication name, dosage, interval dosage, and date after which no administration should be given.

OR

\_\_\_\_\_ I hereby authorize my child to self-administer his/her medication as he/she has shown the competency to do so. I hereby agree to:

1. Submit this request to the principal or school nurse
2. Personally ensure that
  - a. the medication is received by the principal or school nurse administering it in the container in which it was dispensed by the prescribing physician or licensed pharmacist or is in the manufacturer's container; or
  - b. the medication will be kept in the student's possession but only with prior written permission from the parent and principal.
3. Personally ensure that the container in which the medication is dispensed is marked with the medication name, dosage, interval dosage, and date after which no administration should be given.

Signature of Parent/Guardian \_\_\_\_\_ Date \_\_\_\_\_

Home Phone Number \_\_\_\_\_ Alternate Phone No. \_\_\_\_\_







## STUDENT ILLNESS OR INJURY AT SCHOOL

When a student becomes ill or is injured at school, the school district shall attempt to notify the student's parents as soon as possible.

The school district, while not responsible for medical treatment of an ill or injured student, will have employees present administer emergency or minor first aid if possible. An ill or injured child will be turned over to the care of the parents or qualified medical employees as quickly as possible.

It shall be the responsibility of the principal to file an accident report with the superintendent within one business day after the student is injured.

Annually, parents shall be required to complete a medical emergency authorization form indicating the procedures to be followed, if possible, in an emergency involving their child. The authorization form will also include the phone numbers of the parents and alternative numbers to call in case of an injury or illness.

The superintendent shall be responsible, in conjunction with the school nurse, to develop rules and regulations governing the procedure in the event a student should become ill or be injured at school.

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## BASIC FIRST AID PROCEDURES

First aid is the immediate and temporary care given to the victim of an accident or sudden illness until medical services can be obtained. Keep these points in mind when handling situations that may require you to administer first aid:

- Remove everyone from danger and then provide first aid in a safe location. Also, do not attempt to make a rescue until you are sure you won't become a victim.
- Remain calm. Keeping your composure while helping the injured person will help him/her to keep calm and cooperate. If the person becomes anxious or excited, the damage from the injury could be increased.
- Plan quickly what you need to do. Learn basic procedures or have your first aid information available so you can care for the injured person.
- Send for professional help as soon as possible. The local emergency telephone number is 911. The school telephone number is 308-638-4434.
- Let the person know that help is on the way and try to make them as comfortable as possible.

### **Evaluation of the Situation and Setting Priorities**

To effectively deal with emergencies, the situation must be evaluated and priorities set.

Three evaluations which must be made to establish priorities for treatment:

- Condition of the scene
- Type of injury
- Need for treatment

Primary first aid procedures are to:

- Restore breathing
- Control bleeding
- Prevent shock

Whenever possible, do not move the victim. Treat the person where you find him/her. However, several types of situations require the person to be moved out of immediate danger, such as fire, electrocution, and drowning.

### **Bleeding**

- Capillary oozing – Injuries to capillaries or small veins. It is indicated by steady oozing of dark colored blood.
- Venous bleeding – Bleeding from the vein. It is indicated by a flow of dark-colored blood at a steady rate.
- Arterial bleeding – Bleeding from the artery. It is indicated by bright red blood flowing quickly in spurts.

Approved: **August 10<sup>th</sup> 2020**

Blood flowing in a small, steady stream or small spurts can be serious but can be controlled. Blood flowing in a heavy stream or large spurts is very serious and must be brought under control immediately.

The primary step to control bleeding is to exert direct pressure over the wound. Place the cleanest material available against the bleeding point and apply pressure with you bare hand. If blood soaks through the bandage, do not remove it. Apply more bandages and secure them. Make sure the bandages are not too tight so circulation is not restricted. Look for swelling around the wound. If the bandage interferes with the circulation of the blood, loosen it. Elevate the wound above the level of the heart, except when there is a broken bone.

### **Artery Pressure Point**

If direct pressure on the wound does not control bleeding, direct pressure on any artery pressure point closest to the wound is necessary. The artery pressure point must be located between the heart and the wound.

### **Tourniquet Warning**

A tourniquet should only be used for hemorrhaging that cannot be controlled by direct or arterial pressure. Tourniquets are dangerous to apply, to leave on, and to remove. Stoppage of blood supply below the tourniquet can lead to gangrene and loss of limb.

### **Shock**

Shock occurs when the vital body functions are depressed. The three most common causes of shock are:

- Excessive bleeding
- Inadequate breathing
- Unsplintered fractures

If shock is not treated promptly, death may result, even if the injury causing the shock is not severe enough to cause death. It is NOT recommended that drivers attempt to splint a fractured bone; instead simply treat the victim for shock.

### **Recognizing shock**

When a person is in shock, the skin is pale, cold, clammy, and moist with beads of sweat around the lips and forehead. The pulse is fast, weak, or entirely absent. Breathing is shallow and irregular and the eyes are dull and vacant with dilated pupils. The person complains of nausea and dizziness. She may be unaware of the seriousness of the injury and then suddenly collapse.

### **Control of shock**

The victim should lie down on top of an article of clothing, newspaper or other material and kept warm with a light blanket. In warmer temperatures, it is not necessary to use cover. The person should not become overly warm so that perspiration occurs. Perspiration draws blood to the skin, away from the interior of the body where it is

needed. In order to help the flow of blood to the heart and head, elevate their legs at least 12 inches high. If there is a head or chest injury or breathing seems difficult, elevate the chest instead of the legs. Offer small amounts of water to the person every 15 minutes. Do not give water if the victim is vomiting, nauseous, or unconscious.

### **Burns**

It is not recommended to treat burns. First aid treatment often causes complications and interferes with the treatment given by the physicians. Keep the burned area uncontaminated and treat for shock. Do not apply burn preparation and do not use ice water. It intensifies the shock. There are exceptions when it may be necessary to give first aid. Chemicals may continue to burn the skin if they are not removed. Large amounts of water should be used to flush the area free of the chemicals, particularly if it is a chemical burn of the eyes or face.

### **Mouth-to-Mouth Resuscitation**

Breathing may stop for the following three reasons:

- Air passage is blocked
- Nerve centers that control breathing are not functioning due to drowning, electrocution, head injury or poisoning
- A sucking sound in the chest prevents the lungs from expanding

In the first two cases, the skin may be blue and breathing may appear to have stopped. If there seems to be no back injury, place the person on his back, open the mouth and clear out foreign matter with your fingers. Place your hand on the victim's forehead, tilt the head back so the chin points upward and lift jaw. This action moves the base of the tongue away from the back of the throat so the airway is not blocked.

Pinch nostrils to prevent any leakage of air. Open your mouth wide, take a deep breath, and place your mouth over the victim's mouth. With a small child, place your mouth over the mouth and nose, making a tight seal.

Blow vigorously into the mouth, while continuing to lift the lower jaw in order to keep the airway clear. Between each breath, remove your mouth and listen for the outflow of air coming from the lungs. If you hear air, an exchange of air has occurred. Continue to breathe for the person, blowing into the mouth approximately 12 times a minute.

After each breath, remove your mouth and listen for the exchange of air. Blow less vigorously with a small child using shallower breaths at a rate of about 20 per minute. A sign of restored breathing is a sigh or a gasp from the victim. Breath may be irregular at first so continue mouth-to-mouth resuscitation. If normal breathing doesn't occur, continue breathing for the person, alternating with others until aid arrives.

### **Be Prepared—Learn Cardiopulmonary Resuscitation (CPR)**

CPR should be used when a person is unresponsive or when breathing or heart beat stops. Call 911 immediately. If someone is available, have him or her call emergency medical services while you begin CPR. Try to stimulate the victim. If no response, turn them

onto their back by supporting the head and neck. If head or neck injury is suspected, do not bend or turn neck. Look, listen and feel for breath. If no breathing is present, seal your lips tightly around their mouth; pinch their nose shut. Give two slow breaths (1 to 1 ½ seconds each), until chest rises; if no signs of circulation, place heel of one hand in the center of the chest. Compress at a rate that provides about 100 compressions and 20 breaths per minute. For a child, compression depth should be .5 to 1 inch. For an adult, compressions should be about 2 inches. Repeat cycle of five compressions to one breath until signs of circulation return or until help arrives.

### **Epilepsy**

Once an epileptic seizure begins, you may not be able to move the person. Try to prevent him/her from injury, such as striking his head or body against any hard, sharp, or hot object. Do not restrain the person or interfere with his movements. Epilepsy victims seldom bite their tongues during seizures. More harm is done when an object is forced between the teeth or into the mouth. Breaking teeth, cutting lips, mouth, or tongue, can occur more often than by the tongue being bitten because of the seizure. You should communicate information about any seizure to the parents and to the school authorities.

### **Choking**

The Heimlich Method, or Hug of Life, is a procedure to help a choking person. Stand behind the person, place your arms around his/her waist and grasp your hands together halfway between the navel and sternum (right below the rib cage). Form a fist with the thumb side against the midriff area. Grasp your fist with your other hand, press midriff area with a quick upward thrust. If the person has collapsed, turn him on his back. Straddle him and press into the same spot with a quick upward thrust with the heel of one hand placed on top of the other hand. Continue until object is freed and/or the person begins coughing. Do not pound or slap a choking person on the back. This can force the object further into the throat. Artificial respiration or offering water is useless because the throat is blocked. Children often choke from running with food or other objects in their mouths.

## EMERGENCY PLANS AND DRILLS

Students will be informed of the appropriate action to take in an emergency. Emergency drills for fire, weather, and other disasters shall be conducted each school year in accordance with policy 905.07 and the district's Annual Emergency Safety Plan.

Legal Reference:               Neb. Statute 79-705 and 706  
                                      Neb. Statute 81-527  
                                      NFPA Life Safety Code 101 Sect. 15.7

Cross Reference:               801.04 Bus Safety Program  
                                      905     Safety Program

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_



## CUSTODY AND PARENTAL RIGHTS

Students being released before the end of the school day will only be released to immediate family members or individuals authorized by parents or legal guardians, and identification is required when an adult picking up the student is unfamiliar to staff or volunteers.

Disagreements between family members are not the responsibility of the school district. The school district will not take the "side" of one family member over another in a disagreement about custody or parental rights. Court orders that have been issued shall be followed by the school district. It shall be the responsibility of the person requesting an action by the school district to inform and provide the school district the court order allowing such action.

This policy does not prohibit an employee from listening to a student's problems and concerns.

It shall be the responsibility of the employees to remain neutral in a disagreement about custody and parental rights.

Legal Reference:           34 C.F.R. §99.4 (1995)  
                                  Neb. Statute 42-364  
  42-381  
  43-2,902

Cross Reference:           507    Student Records



## STUDENT SPECIAL HEALTH SERVICES

The board recognizes that some special education students need special health services during the school day. These students shall receive special health services in conjunction with their individualized education program.

The superintendent, in conjunction with licensed health personnel, shall establish administrative regulations for the implementation of this policy.

Legal Reference: 20 U.S.C. §§ 1400 et seq. (1994).  
34 C.F.R. Pt. 300 et seq. (1996).

Cross Reference: 504 Student Rights and Responsibilities  
507 Student Records  
604.03 Special Education

Approved 7/13/2020 \_ Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## GUIDANCE AND COUNSELING

The board recognizes that students may require guidance and counseling services to assist them in reaching their educational potential. Students may be referred to the counseling program under provisions of Policy 608.01

The student's guidance program may include individual or group activities to help the student develop positive relationships with others, to develop appropriate behaviors for various educational and social settings, to develop effective study habits, improve their understanding of self in terms of interests, abilities, achievements and values, and formulate educational and career plans.

Cross Reference:           102   Educational Philosophy of the School District  
                                  604   Instructional Curriculum  
                                  605   Alternative Programs  
                                  608.01 Student Guidance and Counseling Program

## REFERRAL OF STUDENTS TO OTHER AGENCIES

School employees having knowledge of or reasonable cause to suspect that a child is abused or neglected will report the circumstances to the Nebraska Department of Health and Human Services or a local law enforcement agency according to the child abuse reporting procedures of Policy 403.02.

In the case of a suspected violation of law, any questioning and apprehension of students by law enforcement authorities will be conducted according to Policy 504.17.

Legal Reference: Neb. Statute 28-711

Cross Reference: 403.02 Child Abuse Reporting  
504.17 Questioning of Students by Outside Agencies

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## DEFIBRILLATORS

The board recognizes that from time to time emergencies may arise that justify the use of an Automated External Defibrillator (AED). The district will maintain an automatic external defibrillator on the premises of the school. The AED shall be used in emergency situations warranting its use by individuals specifically trained in application of the device through a program meeting the standards of the American Heart Association. The device will not be administered by anyone without training.

The defibrillator shall be maintained and tested in accordance with operational guidelines of the manufacturer and monitored by the building principal.

The automatic external defibrillator will be kept on school property and will not accompany EMS personnel to a hospital emergency room.

It shall be the responsibility of the superintendent, in conjunction with the building principal, to implement this policy.

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## ASTHMA AND ALLERGIC REACTION PROTOCOL

The district will adopt and implement the Emergency Response to Life-Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis) Protocol as required by the Nebraska Department of Education. The school shall allow a student with asthma or anaphylaxis to self- manage his or her asthma or anaphylaxis condition upon written request of the student's parent or guardian and authorization of the student's physician or other health care professional who prescribed the medication for treatment of the student's condition.

The superintendent, in conjunction with licensed health personnel, shall establish administrative regulations for the implementation of this policy during regular hours while school classes are in session. The regulations established shall comply with NDE rules regarding the protocol to follow in case of a life-threatening asthma or systemic allergic reaction and use of an EpiPen and albuterol. Also, these shall ensure that each school building will procure and maintain the equipment and medication necessary under the protocol in the case of any student or school staff emergency. Staff training in using the protocol shall occur periodically. Records of such training and occurrences of administering medication under the protocol shall be maintained.

The parent or guardian of a student of minority age may sign a waiver requesting that their student not receive emergency treatment under this protocol. Information about the waiver shall be provided to parents in the student handbook.

Legal Reference: NDE Rule 59.006

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

**WAIVER OF EMERGENCY RESPONSE TO LIFE THREATENING ASTHMA OR  
SYSTEMIC ALLERGIC REACTIONS PROTOCOL**

\_Hay Springs School District

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

I am aware of the school policy that provides a protocol to follow by school personnel to administer EpiPen/albuterol to a student when it is determined that the student is suffering a life-threatening asthma or systemic allergic reaction while school is in session.

After considering the school policy and the best interests of my child, \_\_\_\_\_, I do not wish to have him/her administered albuterol or medication from an Epi-Pen by school personnel under any circumstances for the 20\_\_ - 20\_\_ school year.

\_\_\_\_\_  
(Signature of Parent/Legal Guardian/Custodian of Child)

\_\_\_\_\_  
(Date)



## SCHOOL WELLNESS

The board adopts this policy to create positive, safe and health-promoting learning environments at every level, in every setting, throughout the school year. This will assist in providing students with the opportunity to achieve personal, academic, developmental and social success.

### 1. District Wellness Committee

#### **Committee Role and Membership**

The District will convene a representative District Wellness Committee (DWC) that meets at least four times per year to establish goals for and oversee school health and safety policies and programs, including development, implementation and periodic review and update of this District wellness policy.

The DWC membership will represent all school levels and include (to the extent possible), but not be limited to: parents and caregivers; students; school nutrition program representatives; physical education teachers; health education teachers; school health staff or representatives, and mental health and social services staff; school administrators, school board members; health professionals; and the general public. When possible, membership will also include Supplemental Nutrition Assistance Program Education coordinators. To the extent possible, the DWC will include representatives from each school building and reflect the diversity of the community.

#### **Leadership**

The Superintendent or designee(s) will convene the DWC and facilitate development of and updates to the wellness policy, and will ensure each school site's compliance with the policy.

Each school will designate a school wellness policy coordinator, who will ensure compliance with the policy. Refer to Appendix A for a list of school-level wellness policy coordinators.

### 2. Wellness Policy Implementation, Monitoring, Accountability and Community Engagement

#### **Implementation Plan**

The District will develop and maintain a plan for implementation to manage and coordinate the execution of this wellness policy. The plan delineates roles, responsibilities, actions and timelines specific to each school; and includes information about who will be responsible to make what change, by how much, where and when; as



Approved October 12<sup>th</sup> 2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_  
well as specific goals and objectives for nutrition standards for all foods and beverages available on the school campus, food and beverage marketing, nutrition promotion and education, physical activity, physical education and other school-based activities that promote student wellness. It is recommended that the school use the Healthy Schools Program online tools to complete a school-level assessment based on the Centers for Disease Control and Prevention's School Health Index, create an action plan that fosters implementation and generate an annual progress report.

This wellness policy and the progress reports can be found at the District's website.

### **Recordkeeping**

The District will retain records to document compliance with the requirements of the wellness policy at the District's Central Administrative Office, and/or on the District's computer network. Documentation maintained in this location will include but will not be limited to:

- The written wellness policy;
- Documentation demonstrating that the policy has been made available to the public;
- Documentation of efforts to review and update the Local Schools Wellness Policy; including an indication of who is involved in the update and methods the district uses to make stakeholders aware of their ability to participate on the DWC;
- Documentation to demonstrate compliance with the annual public notification requirements;
- The most recent assessment on the implementation of the local school wellness policy;
- Documentation demonstrating the most recent assessment on the implementation of the Local School Wellness Policy has been made available to the public.

### **Annual Notification of Policy**

The District will actively inform families and the public each year of basic information about this policy, including its content, any updates to the policy and implementation status. The District will make this information available via the district website and/or district-wide communications. The District will provide as much information as possible about the school nutrition environment. This will include a summary of the District's events or activities related to wellness policy implementation. Annually, the District will also publicize the name and contact information of the District/school officials leading

and coordinating the committee, as well as information on how the public can get involved with the school wellness committee.

### **Triennial Progress Assessments**

At least once every three years, the District will evaluate compliance with the wellness policy to assess the implementation of the policy and include:

- The extent to which schools under the jurisdiction of the District are in compliance with the wellness policy;
- The extent to which the District's wellness policy compares to the Alliance for a Healthier Generation's model wellness policy; and
- A description of the progress made in attaining the goals of the District's wellness policy.

The position/person responsible for managing the triennial assessment and contact information is the Superintendent or Superintendent's designee.

The DWC, in collaboration with individual schools, will monitor schools' compliance with this wellness policy.

The District will actively notify households/families of the availability of the triennial progress report.

### **Revisions and Updating the Policy**

The DWC will update or modify the wellness policy based on the results of the annual School Health Index and triennial assessments and/or as District priorities change; community needs change; wellness goals are met; new health science, information, and technology emerges; and new Federal or state guidance or standards are issued. The wellness policy will be assessed and updated as indicated at least every three years, following the triennial assessment.

### **Community Involvement, Outreach and Communications**

The District is committed to being responsive to community input, which begins with awareness of the wellness policy. The District will actively communicate ways in which representatives of DWC and others can participate in the development, implementation and periodic review and update of the wellness policy through a variety of means appropriate for that district. The District will also inform parents of the improvements that have been made to school meals and compliance with school meal standards, availability of child nutrition programs and how to apply, and a description of and

compliance with Smart Snacks in School nutrition standards. The District will use electronic mechanisms, such as email or displaying notices on the district's website, as well as non-electronic mechanisms, such as newsletters, presentations to parents, or sending information home to parents, to ensure that all families are actively notified of the content of, implementation of, and updates to the wellness policy, as well as how to get involved and support the policy. The District will ensure that communications are culturally and linguistically appropriate to the community, and accomplished through means similar to other ways that the district and individual schools are communicating important school information with parents.

The District will actively notify the public about the content of or any updates to the wellness policy annually, at a minimum. The District will also use these mechanisms to inform the community about the availability of the annual and triennial reports.

### 3. Nutrition

#### **School Meals**

The District is committed to serving healthy meals to children, with plenty of fruits, vegetables, whole grains, and fat-free and low-fat milk; that are moderate in sodium, low in saturated fat, and have zero grams trans fat per serving (nutrition label or manufacturer's specification); and to meeting the nutrition needs of school children within their calorie requirements. The school meal programs aim to improve the diet and health of school children, help mitigate childhood obesity, model healthy eating to support the development of lifelong healthy eating patterns and support healthy choices while accommodating cultural food preferences and special dietary needs.

All schools within the District participate in USDA child nutrition programs, including the National School Lunch Program (NSLP), the School Breakfast Program (SBP). Other District nutrition programs in which the district participates may include the Fresh Fruit & Vegetable Program (FFVP), Special Milk Program (SMP), Summer Food Service Program (SFSP), Nebraska Beef in Schools programs, school gardens, Breakfast in the Classroom, Mobile Breakfast carts, Grab 'n' Go Breakfast, or others.

All schools within the District are committed to offering school meals through the NSLP and SBP programs, and other applicable Federal child nutrition programs, that:

- Are accessible to all students;
- Are appealing and attractive to children;
- Are served in clean and pleasant settings;
- Meet or exceed current nutrition requirements established by local, state, and Federal statutes and regulations. (The District offers reimbursable school meals that meet USDA nutrition standards.)

- Promote healthy food and beverage choices using at least ten of the following Smarter Lunchroom techniques:
  - Whole fruit options are displayed in attractive bowls or baskets (instead of chaffing dishes or hotel pans).
  - Sliced or cut fruit is available daily.
  - Daily fruit options are displayed in a location in the line of sight and reach of students.
  - All available vegetable options have been given creative or descriptive names.
  - Daily vegetable options are bundled into all grab-and-go meals available to students.
  - All staff members, especially those serving, have been trained to politely prompt students to select and consume the daily vegetable options with their meal.
  - White milk is placed in front of other beverages in all coolers.
  - Alternative entrée options (e.g., salad bar, yogurt parfaits, etc.) are highlighted on posters or signs within all service and dining areas.
  - A reimbursable meal can be created in any service area available to students (e.g., salad bars, snack rooms, etc.).
  - Student surveys and taste testing opportunities are used to inform menu development, dining space decor and promotional ideas.
  - Student artwork is displayed in the service and/or dining areas.
  - Daily announcements are used to promote and market menu options.

### **Staff Qualifications and Professional Development**

All school nutrition program directors, managers and staff will meet or exceed hiring and annual continuing education/training requirements in the USDA professional standards for child nutrition professionals. These school nutrition personnel will refer to USDA's Professional Standards for School Nutrition Standards website to search for training that meets their learning needs.

### **Water**

To promote hydration, free, safe, unflavored drinking water will be available to all students throughout the school day and throughout every school campus ("school

campus” and “school day” are defined at the end of this policy). The District will make drinking water available where school meals are served during mealtimes.

### **Competitive Foods and Beverages**

The District is committed to ensuring that all foods and beverages available to students on the school campus during the school day support healthy eating. The foods and beverages sold and served outside of the school meal programs (e.g., “competitive” foods and beverages) will meet the USDA Smart Snacks in School nutrition standards, at a minimum. Smart Snacks aim to improve student health and well-being, increase consumption of healthful foods during the school day and create an environment that reinforces the development of healthy eating habits. A summary of the standards and information, as well as a Guide to Smart Snacks in Schools are available at: <http://www.fns.usda.gov/healthierschoolday/tools-schools-smart-snacks>. The Alliance for a Healthier Generation provides a set of tools to assist with implementation of Smart Snacks available at [www.foodplanner.healthiergeneration.org](http://www.foodplanner.healthiergeneration.org).

To support healthy food choices and improve student health and well-being, all foods and beverages outside the reimbursable school meal programs that are sold to students on the school campus during the school day will meet or exceed the USDA Smart Snacks nutrition standards or, if the state policy is stronger, “will meet or exceed state nutrition standards”. These standards will apply in all locations and through all services where foods and beverages are sold, which may include, but are not limited to, à la carte options in cafeterias, vending machines, school stores and snack or food carts.

### **Celebrations and Rewards**

All foods offered on the school campus will meet or exceed the USDA Smart Snacks in School nutrition standards or, if the state policy is stronger, “will meet or exceed state nutrition standards,” including through:

1. Celebrations and parties. The district will provide a list of healthy party ideas to parents and teachers, including non-food celebration ideas. Healthy party ideas are available from the Alliance for a Healthier Generation and from the USDA.
2. Classroom snacks brought by parents. The District will provide to parents a list of foods and beverages that meet Smart Snacks nutrition standards.
3. Rewards and incentives. The District will provide teachers and other relevant school staff a list of alternative ways to reward children. Foods and beverages will not be used as a reward, or withheld as punishment for any reason, such as for performance or behavior.

### **Fundraising**

Foods and beverages that meet or exceed the USDA Smart Snacks in Schools nutrition standards may be sold through fundraisers on the school campus during the school day.

The District will make available to parents and teachers a list of healthy fundraising ideas or similar resources.

### **Nutrition Promotion**

Nutrition promotion and education positively influence lifelong eating behaviors by using evidence-based techniques and nutrition messages, and by creating food environments that encourage healthy nutrition choices and encourage participation in school meal programs. Students and staff will receive consistent nutrition messages throughout schools, classrooms, gymnasiums, and cafeterias. Nutrition promotion also includes marketing and advertising nutritious foods and beverages to students and is most effective when implemented consistently through a comprehensive and multi-channel approach by school staff, teachers, parents, students and the community.

The District will promote healthy food and beverage choices for all students throughout the school campus, as well as encourage participation in school meal programs. This promotion will occur through at least:

- Implementing at least ten or more evidence-based healthy food promotion techniques through the school meal programs using Smarter Lunchroom techniques; and
- Ensuring 100% of foods and beverages promoted to students meet the USDA Smart Snacks in School nutrition standards.

### **Nutrition Education**

The District will teach, model, encourage and support healthy eating by all students. Schools will provide nutrition education and engage in nutrition promotion that:

- Is designed to provide students with the knowledge and skills necessary to promote and protect their health;
- Is part of not only health education classes, but also integrated into other classroom instruction through subjects such as math, science, language arts, social sciences and elective subjects;
- Includes enjoyable, developmentally-appropriate, culturally-relevant and participatory activities, such as cooking demonstrations or lessons, promotions, taste-testing, farm visits and school gardens;
- Promotes fruits, vegetables, whole-grain products, low-fat and fat-free dairy products and healthy food preparation methods;
- Emphasizes caloric balance between food intake and energy expenditure (promotes physical activity/exercise);

- Links with school meal programs, cafeteria nutrition promotion activities, school gardens, Farm to School programs, other school foods and nutrition-related community services;
- Teaches media literacy with an emphasis on food and beverage marketing; and
- Includes nutrition education training for teachers and other staff.

### **Essential Healthy Eating Topics in Health Education**

The District will include in the health education curriculum a minimum of 12 of the following essential topics on healthy eating:

- Relationship between healthy eating and personal health and disease prevention
- Food guidance from MyPlate
- Reading and using FDA's nutrition fact labels
- Eating a variety of foods every day
- Balancing food intake and physical activity
- Eating more fruits, vegetables and whole grain products
- Choosing foods that are low in fat, saturated fat, and cholesterol and do not contain trans fat
- Choosing foods and beverages with little added sugars
- Eating more calcium-rich foods
- Preparing healthy meals and snacks
- Risks of unhealthy weight control practices
- Accepting body size differences
- Food safety
- Importance of water consumption
- Importance of eating breakfast
- Making healthy choices when eating at restaurants
- Eating disorders
- The Dietary Guidelines for Americans

- Reducing sodium intake
- Social influences on healthy eating, including media, family, peers and culture
- How to find valid information or services related to nutrition and dietary behavior
- How to develop a plan and track progress toward achieving a personal goal to eat healthfully?
- Resisting peer pressure related to unhealthy dietary behavior
- Influencing, supporting, or advocating for others' healthy dietary behavior

### **Food and Beverage Marketing in Schools**

The District is committed to providing a school environment that ensures opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. The District strives to teach students how to make informed choices about nutrition, health and physical activity. These efforts will be weakened if students are subjected to advertising on District property that contains messages inconsistent with the health information the District is imparting through nutrition education and health promotion efforts. It is the intent of the District to protect and promote student's health by permitting advertising and marketing for only those foods and beverages that are permitted to be sold on the school campus, consistent with the District's wellness policy.

Any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the USDA Smart Snacks in School nutrition standards or, if stronger, "state nutrition standards," such that only those foods that comply with or exceed those nutrition standards are permitted to be marketed or promoted to students.

Food and beverage marketing is defined as advertising and other promotions in schools. Food and beverage marketing often includes an oral, written, or graphic statements made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller or any other entity with a commercial interest in the product. This term includes, but is not limited to the following:

- Brand names, trademarks, logos or tags, except when placed on a physically present food or beverage product or its container.
- Displays, such as on vending machine exteriors
- Corporate brand, logo, name or trademark on school equipment, such as marquees, message boards, scoreboards or backboards (Note: immediate replacement of these items are not required; however, districts will replace or update scoreboards or other



durable equipment when existing contracts are up for renewal or to the extent that is in financially possible over time so that items are in compliance with the marketing policy.)

- Corporate brand, logo, name or trademark on cups used for beverage dispensing, menu boards, coolers, trash cans and other food service equipment; as well as on posters, book covers, pupil assignment books or school supplies displayed, distributed, offered or sold by the District.
- Advertisements in school publications or school mailings.
- Free product samples, taste tests or coupons of a product, or free samples displaying advertising of a product.

As the District/school nutrition services/Athletics Department/PTA/PTO reviews existing contracts and considers new contracts, equipment and product purchasing (and replacement) decisions should reflect the applicable marketing guidelines established by the District wellness policy.

#### 4. Physical Activity

Children and adolescents should participate in at least 60 minutes of physical activity every day. A substantial percentage of students' physical activity can be provided through a comprehensive school physical activity program (CSPAP). A CSPAP reflects strong coordination and synergy across all of the components: quality physical education as the foundation; physical activity before, during and after school; staff involvement and family and community engagement and the district is committed to providing these opportunities. Schools will ensure that these varied physical activity opportunities are in addition to, and not as a substitute for, physical education (addressed in "Physical Education" subsection). All schools in the district will be encouraged to participate in Let's Move! Active Schools ([www.letsmoveschools.org](http://www.letsmoveschools.org)) in order to successfully address all CSPAP areas.

Physical activity during the school day (including but not limited to recess, classroom physical activity breaks or physical education) will not be withheld as punishment. The District will provide teachers and other school staff with a list of ideas for alternative ways to discipline students.

To the extent practicable, the District will ensure that its grounds and facilities are safe and that equipment is available to students to be active. The District will conduct necessary inspections and repairs.

#### **Physical Education**

The District will provide students with physical education, using an age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education. The physical education curriculum will promote the benefits of a physically active lifestyle and will help students develop skills to engage in lifelong healthy habits, as well as incorporate essential health education concepts (discussed in the “*Essential Physical Activity Topics in Health Education*” subsection). The curriculum will support the essential components of physical education.

All students will be provided equal opportunity to participate in physical education classes. The District will make appropriate accommodations to allow for equitable participation for all students and will adapt physical education classes and equipment as necessary.

All District elementary students in each grade will receive physical education for at least 60-89 minutes per week throughout the school year.

All District middle school students will be required to take physical education. All District high school students will have the opportunity to take physical education as an elective.

The District physical education program will promote student physical fitness through individualized fitness and activity assessments (via the Presidential Youth Fitness Program or other appropriate assessment tool) and will use criterion-based reporting for each student.

### **Essential Physical Activity Topics in Health Education**

Health education will be required in all grades (elementary) and the district will require middle and high school students to take and pass at least one health education course. The District will include in the health education curriculum a minimum of 12 the following essential topics on physical activity:

- The physical, psychological, or social benefits of physical activity
- How physical activity can contribute to a healthy weight
- How physical activity can contribute to the academic learning process
- How an inactive lifestyle contributes to chronic disease
- Health-related fitness, that is, cardiovascular endurance, muscular endurance, muscular strength, flexibility, and body composition
- Differences between physical activity, exercise and fitness
- Phases of an exercise session, that is, warm up, workout and cool down

- Overcoming barriers to physical activity
- Decreasing sedentary activities, such as TV watching
- Opportunities for physical activity in the community
- Preventing injury during physical activity
- Weather-related safety, for example, avoiding heat stroke, hypothermia and sunburn while being physically active
- How much physical activity is enough, that is, determining frequency, intensity, time and type of physical activity
- Developing an individualized physical activity and fitness plan
- Monitoring progress toward reaching goals in an individualized physical activity plan
- Dangers of using performance-enhancing drugs, such as steroids
- Social influences on physical activity, including media, family, peers and culture
- How to find valid information or services related to physical activity and fitness
- How to influence, support, or advocate for others to engage in physical activity
- How to resist peer pressure that discourages physical activity.

### **Recess (Elementary)**

All elementary schools will offer at least 20 minutes of recess on all days during the school year. This policy may be waived on early dismissal or late arrival days. If recess is offered before lunch, schools will have appropriate hand-washing facilities and/or hand-sanitizing mechanisms located just inside/outside the cafeteria to ensure proper hygiene prior to eating and students are required to use these mechanisms before eating. Hand-washing time, as well as time to put away coats/hats/gloves, will be built in to the recess transition period/timeframe before students enter the cafeteria.

Outdoor recess will be offered when weather and conditions are feasible for outdoor play. In the event of indoor recess, teachers and staff will follow the indoor recess guidelines that promote physical activity for students, to the extent practicable.

Recess will complement, not substitute, physical education class. Recess monitors or teachers will encourage students to be active, and will serve as role models by being physically active alongside the students whenever feasible.

### **Classroom Physical Activity Breaks (Elementary and Secondary)**

The District recognizes that students are more attentive and ready to learn if provided with periodic breaks when they can be physically active or stretch. Thus, students will be offered periodic opportunities to be active or to stretch throughout the day on all or most days during a typical school week. The District recommends teachers provide short (3-5-minute) physical activity breaks to students during and between classroom time at least three days per week. These physical activity breaks will complement, not substitute, for physical education class, recess, and class transition periods.

The District will provide resources and links to resources, tools, and technology with ideas for classroom physical activity breaks. Resources and ideas are available through USDA and the Alliance for a Healthier Generation.

### **Active Academics**

Teachers will incorporate movement and kinesthetic learning approaches into “core” subject instruction when possible (e.g., science, math, language arts, social studies and others) and do their part to limit sedentary behavior during the school day.

The District will support classroom teachers incorporating physical activity and employing kinesthetic learning approaches into core subjects by providing annual professional development opportunities and resources, including information on leading activities, activity options, as well as making available background material on the connections between learning and movement.

Teachers will serve as role models by being physically active alongside the students whenever feasible.

### **Before and After School Activities**

The District offers opportunities for students to participate in physical activity either before and/or after the school day through a variety of methods. The District will encourage students to be physically active before and after school by offering options such as physical activity clubs, physical activity in aftercare, intramurals or interscholastic sports.

### **Active Transport**

The District will support active transport to and from school, such as walking or biking. The District will encourage this behavior by specifically selecting and engaging in six or more of the activities below or others as added by the District:

- Designate safe or preferred routes to school

- Promote activities such as participation in International Walk to School Week, National Walk and Bike to School Week
- Secure storage facilities for bicycles and helmets (e.g., shed, cage, fenced area)
- Instruction on walking/bicycling safety provided to students
- Promote safe routes program to students, staff, and parents via newsletters, websites, local newspaper
- Use crossing guards
- Use crosswalks on streets leading to schools
- Use walking school buses
- Document the number of children walking and or biking to and from school
- Create and distribute maps of school environment (e.g., sidewalks, crosswalks, roads, pathways, bike racks, etc.)

#### 5. **Other Activities that Promote Student Wellness**

The District will integrate wellness activities across the entire school setting, not just in the cafeteria, other food and beverage venues and physical activity facilities. The District will coordinate and integrate other initiatives related to physical activity, physical education, nutrition and other wellness components so all efforts are complementary, not duplicative, and work towards the same set of goals and objectives promoting student well-being, optimal development and strong educational outcomes.

Schools in the District are encouraged to coordinate content across curricular areas that promote student health, such as teaching nutrition concepts in mathematics, with consultation provided by either the school or the District's curriculum experts.

All efforts related to obtaining federal, state or association recognition for efforts, or grants/funding opportunities for healthy school environments will be coordinated with and complementary of the wellness policy, including but not limited to ensuring the involvement of the DWC.

All school-sponsored events will adhere to the wellness policy guidelines. All school-sponsored wellness events will include physical activity and healthy eating opportunities when appropriate.

#### **Community Partnerships**

The District will develop, enhance, or continue relationships with community partners (e.g., hospitals, universities/colleges, local businesses, SNAP-Ed providers and coordinators, etc.) in support of this wellness policy's implementation. Existing and new community partnerships and sponsorships will be evaluated to ensure that they are consistent with the wellness policy and its goals.

### **Community Health Promotion and Family Engagement**

The District will promote to parents/caregivers, families, and the general community the benefits of and approaches for healthy eating and physical activity throughout the school year. Families will be informed and invited to participate in school-sponsored activities and will receive information about health promotion efforts.

As described in the "Community Involvement, Outreach, and Communications" subsection, the District will use electronic mechanisms (e.g., email or displaying notices on the district's website), as well as non-electronic mechanisms, (e.g., newsletters, presentations to parents or sending information home to parents), to ensure that all families are actively notified of opportunities to participate in school-sponsored activities and receive information about health promotion efforts.

### **Staff Wellness and Health Promotion**

The DWC will have a staff wellness subcommittee that focuses on staff wellness issues, identifies and disseminates wellness resources and performs other functions that support staff wellness in coordination with human resources staff.

Schools in the District will implement strategies to support staff in actively promoting and modeling healthy eating and physical activity behaviors and may provide examples of specific actions staff members can take. The District promotes staff member participation in health promotion programs and will support programs for staff members on healthy eating/weight management that are accessible and free or low-cost.

### **Professional Learning**

When feasible, the District will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom and school (e.g., increasing the use of kinesthetic teaching approaches or incorporating nutrition lessons into math class). Professional learning will help District staff understand the connections between academics and health and the ways in which health and wellness are integrated into ongoing district reform or academic improvement plans/efforts.

### **Definitions:**



## CONCUSSION AWARENESS

Training to recognize the symptoms of concussions and brain injuries and their proper medical treatment shall be made available to coaches of the district's athletic teams.

The district will provide information on concussions and brain injuries to athletes and their parents or guardians prior to the beginning of practice or competition including at least:

1. The signs and symptoms of concussions;
2. The risks posed by sustaining a concussion; and
3. The actions a student should take in response to sustaining a concussion including the notification of coaches.

A student participating on a school athletic team shall be removed from a practice or game when reasonably suspected of having sustained a concussion or brain injury in that activity after observation by a coach or a licensed health care professional who is professionally affiliated with or contracted by the school. Any parent or guardian who suspects a student has sustained a concussion is expected to immediately notify district coaches or administrators of the injury. Students who suspect they have sustained a concussion shall immediately make such notification.

The injured student shall not be permitted to participate in any school supervised team athletic activities involving physical exertion, including, but not limited to, practices or games, until the student;

1. has been evaluated by a licensed health care professional;
2. has received written and signed clearance to resume participation in athletic activities from the licensed health care professional;
3. has submitted the written and signed clearance to resume participation in athletic activities to the school accompanied by written permission to resume participation from the student's parent or guardian.

If a student is reasonably suspected after observation of having sustained a concussion or brain injury and is removed from an athletic activity as required above, the parent or guardian of the student shall be notified by the school of the date and approximate time of the injury suffered by the student, the signs and symptoms of a concussion or brain injury that were observed, and any actions taken to treat the student.

The district shall establish a return to learn protocol for students that have sustained a concussion. The return to learn protocol shall recognize that students who have sustained a concussion and returned to school may need informal or formal accommodations, modifications of curriculum, and monitoring by medical or academic staff until the student is fully recovered. It is the responsibility of the superintendent to implement this policy.

Legal Reference: Neb. Statute 71-9104

Approved August 10<sup>th</sup> 2020 Reviewed Mr. L July 2020 Revised \_\_\_\_\_



## RETURN FROM PEDIATRIC CANCER

The Board recognizes that students who have been treated for pediatric cancer and are returning to school may need informal or formal accommodations, modifications of curriculum, and monitoring by medical or academic staff.

The district shall establish a return to learn protocol for students returning from the treatment of pediatric cancer. The return to learn protocol shall recognize that these students may need accommodations for specific cognitive, behavioral, physical, developmental, and social impairments.

When appropriate, a section 504 plan may be developed to coordinate and accomplish these accommodations and modifications.

It is the responsibility of the superintendent to implement this policy.

Legal Reference:                    LB 511 (2015)

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## SEIZURE SAFE SCHOOLS

In any district school with at least one student identified as having a seizure disorder, if the student's parent/guardian and health care provider have worked with the school to develop a seizure action plan that school shall have at least one employee who has met the training requirements necessary to administer or assist with the self-administration of a seizure rescue medication or medication prescribed to treat seizure disorder symptoms as approved by the United States Food and Drug Administration.

The training shall include instruction in administering seizure medications, recognizing the signs and symptoms of seizures, and responding to such signs and symptoms with the appropriate steps.

Prior to the administration of a seizure rescue medication or medication prescribed to treat seizure disorder symptoms by a school employee, a student's parent or guardian shall:

1. Provide the school with a written authorization to administer the medication at school;
2. Provide a written statement from the student's health care practitioner containing the following information:
  - a. The student's name;
  - b. The name and purpose of the medication;
  - c. The prescribed dosage;
  - d. The route of administration;
  - e. The frequency that the medication may be administered; and
  - f. The circumstances under which the medication may be administered.
3. Provide the medication to the school in its unopened, sealed package with the intact label affixed by the dispensing pharmacy; and
4. Collaborate with school employees to create a seizure action plan.

If specified in a student's seizure action plan, such student shall be permitted to possess the supplies, equipment, and medication necessary to treat a seizure disorder in accordance with such seizure action plan.

The authorization, statement, and seizure action plan required for each student shall be kept on file in the office of the school nurse or school administrator.

Each seizure action plan shall be distributed to any school personnel or volunteers responsible for the supervision or care of the student for whom such seizure action plan was created.

Any authorization provided by a parent or guardian shall be effective only for the school year in which it is provided and shall be renewed each following school year.

For all schools in the district regardless of whether any students are identified as having a seizure disorder, each certificated school employee shall participate in a minimum of one hour of self-study review of seizure disorder materials at least once in every two school years.

Schools or school employees who act in compliance with the Seizure Safe Schools Act shall not be liable for damages related to the care of a student's seizure disorder unless such damages resulted from an act of willful or wanton misconduct by the school or school employee nor shall school employees be subject to any disciplinary proceeding related to an act taken in compliance with the Seizure Safe Schools Act unless such action constitutes willful or wanton misconduct.

Legal Reference:                      Neb. Statute 79-3201 to 3207

Approved 7.11.2022 Reviewed 6.13.2022 Revised \_\_\_\_\_

## CLASS OR STUDENT GROUP GIFTS

The board welcomes gifts to the school district from a class or student group. Class gifts to the school district require the approval of the superintendent, and the board encourages students to consult with the superintendent or other certificated employees prior to selecting a gift for the school district.

No principal, teacher, or other employee of the Board will accept money as a gift from any student. Gifts of appreciation given by a class to a principal, teacher, or other employee of the Board will not exceed \$100 in value.

Cross Reference:                   705.04 Gifts, Grants and Bequests

Approved 7/13/2020 Reviewed Mr. Hagge June 2020 Revised \_\_\_\_\_

## OPEN NIGHT

In keeping with good community relations, student school activities will not be scheduled on Wednesday night beyond 6:00 p.m. whenever possible. It shall be the responsibility of the principal to oversee the scheduling of school activities for compliance with this policy.

Cross Reference:                    1001 Principles and Objectives for Community Relations

Approved **August 10<sup>th</sup> 2020** Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## STUDENT AND STAFF MEMORIALS

The Board recognizes that when a school experiences the sudden death of a student or staff member, it is important to acknowledge the event. Additionally, certain traumatic events occurring outside the school community may also require acknowledgment through appropriate activities. Requests for remembering or memorializing a person or event shall be approved by the Superintendent, subject to this policy. Major school ceremonies such as graduation, awards, and scholarship events are not appropriate for significant memorial activities. School-wide recognition of anniversary dates will not occur. District counseling services may be made available to provide support.

The Board recognizes that memorials of flowers, personal messages and mementoes are often created at lockers, student gathering spaces and other areas on district property upon such losses or events. Memorials may be permitted at the discretion of the building principal. Administrators will consult with the family of the deceased, as appropriate. The display of all remembrances will be temporary in nature, removed in a timely manner and offered to the family. Temporary memorial symbols displayed on school grounds will be limited to a maximum of one month past the occurrence being memorialized. Gifts or donations to the District Foundation for scholarships are encouraged for a more lasting remembrance.

Requests may be made to memorialize an individual or event in the school yearbook or one edition of the school newspaper/newsletter. Information may be included on a "Memorial Page," but should be limited to the name, photo, dates of birth/death, and school activities in which the student or staff member participated. It is not appropriate to list cause of death in the publication.

In considering memorial activity requests, the administration will balance memorializing or commemorating the individual or event on the one hand, while not creating an atmosphere that may glamorize, romanticize or stigmatize a traumatic event. In the event the board approves a memorial to be placed on school grounds, it is strongly recommended that such memorials be in the form of a living memorial, such as a tree. Individuals must realize that in the future the memorial may experience demolition when tree has died or been damaged, or modifications for any other reason if the board determines that the memorial should be moved or removed.

The district may receive items for the school as a memorial to a student or person having special significance to the students of that school. Items received as memorials become the property of the district. Donors must have the Superintendent's prior approval to donate any such item to the district. The Superintendent may establish guidelines for the acceptance of such memorials.

Approved 7/13/2020 Reviewed **Mr. Hagge June 2020** Revised \_\_\_\_\_

Existing memorials established prior to the implementation of this policy will be handled on an individual basis.

When deemed appropriate by the Superintendent, schools may observe a moment of silence in memory of the individual or in recognition of certain events. Otherwise, student, staff or community deaths will not be announced or memorialized over the intercom or on reader boards. School will not be cancelled, delayed or dismissed early on the day of a memorial service without Superintendent approval. Flags may be lowered only in accordance with state and federal law.