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Perry Law Firm 2015 Annual Policy Update Service

To: Dr. Wayne Bell, Administrator, ESU 10
From: Gregory H. Perry and Rex R. Schultze
Date: June 19, 2015

This is the 2015 Annual Policy Update.

1. Assessments—Adopt State Standards—Policy 6212

The statute related to adoption of state standards by school districts states:

79-760.02: In accordance with timelines that are adopted by the State Board of Education, but in no event later than one year following the adoption or modification of state standards, each school district shall adopt measurable quality academic content standards in the subject areas of reading, writing, mathematics, science, and social studies. The standards may be the same as, or may be equal to or exceed in rigor, the measurable academic content standards adopted by the state board and shall cover at least the same grade levels.

The Commissioner had previously determined that the adoption of the standards needs to be in the form of a board policy.

We have amended Policy 6212 to incorporate the Language Arts standards that were adopted by the State Board in September, 2014.

2. Bidding Construction—Policies 3540 and 7050

LB 431 amended Neb. Rev. Stat. §73-106 to increase the dollar amount for construction projects which are required to be bid from \$40,000 to \$100,000. Policy 3540 has been amended to reflect that change.

In addition, Policy 7050, which addresses the dollar amount of construction projects that require involvement of an architect or engineer, has been revised to use the same language for the periodic adjustment of the dollar amount that is used in Policy 3540.

3. Electronic Records—Policies 3560 and 9340

LB 365 permits electronic records, including keeping board meeting minutes in electronic form. Policies 3560 and 9340 have been revised to incorporate this change in the law.

4. Special Education—Policy 6600

Policy 6600 has been amended to include additional provisions required by NDE Rule 51, and to incorporate updated citations to Rule 51.

5. Pregnancy—Non-Discrimination Policies

LB 627 amended the Nebraska Fair Employment Act to make it unlawful to discriminate against pregnant women in employment, and to require that accommodations be provided to pregnant employees.

We have amended the non-discrimination policies (1200, 4002, 4003, 4003a (notice), 4003b (complaint form), 5401 and 5401z (complaint form)).

It is not known whether the Nebraska Equal Opportunity Commission will change its non-discrimination poster to reflect the new pregnancy law.

6. Return to Learn from Cancer—Policy 6286

LB 511 requires schools to “establish a return-to-learn protocol for students returning to school after being treated for pediatric cancer.” Policy 6286 responds to this requirement. The policy recognizes that in most cases, the individual details of the accommodations to be provided will be developed by the students’ 504 teams.

7. School Wellness (No Policy Update; Adoption of Regulation Pending)

The Nutrition School Lunch Act was amended in 2010 to authorize the Secretary to establish regulations related to local wellness policies. 42 USC section 1758b. The Secretary put out proposed regulations in 2014. However, on May 11, 2015, the proposed rule was re-published in the Federal Register and opened for another notice and comment period. The comment period ends July 10, 2015, so we can assume the final rule will be adopted sometime thereafter.

Nonetheless, we will proceed to prepare a revised wellness policy and send it out next week.

8. Student Admission Forms—Policy 5001 forms

Policy 5001 includes a set of forms related to student admission. We recently created an affidavit form for early enrollment in Kindergarten in a circumstance in which the family anticipates relocating to another state that would allow admission within the current year. The packet of 5001 forms now includes that affidavit form.

9. Homeless Forms—Policy 5418 forms

Policy 5418 includes forms related to homeless students. One of the forms identified the NDE Homeless Coordinator by name. Given NDE staffing forms, the reference is no longer accurate, so we have modified the form accordingly.

10. Fire Drills—Policy 6115

There has not been a change in the legal requirements for fire drills. However, we gained access to information that has led us to revise Policy 6115 to be compliant with the legal requirements.

Conclusion

If you need anything further with regard to these documents or have questions, please contact either Greg (gperry@perrylawfirm.com) or Rex (rschultze@perrylawfirm.com).

School Districts that receive this Memo and the enclosures should consult with their school attorney for independent legal advice.