

Madison Board of Education, Madison District #1

Board of Education Regular Meeting
Monday, July 10, 2023 7:00 PM
Middle School/High School Conference Room
700 South Kent St.
Madison, NE 68748-0450

The sequence of items on the agenda is provided as a courtesy. The board reserves the right to consider items in any sequence deemed appropriate. Therefore, visitors are encouraged to attend the meeting from the beginning.

1. Call the Meeting to Order
 - 1.1. Roll Call
 - 1.2. Pledge of Allegiance
 - 1.3. Open Meetings Act
 - 1.4. Madison Public Schools Mission Statement
2. Consent Agenda
 - 2.1. Accept the amended agenda as the official agenda
 - 2.2. Approve minutes of the previous meetings
 - 2.3. Accept submitted bills and payroll request and authorize payment of both
3. Public Forum
4. Administrator and Other Reports
5. Board Committee Reports/Meeting dates
6. Action Items
 - 6.1. Discuss, consider, the districts' Safe Return to Learn Plan as required by the Federal Government.
 - 6.2. Discuss, consider, and take all necessary action to approve KSB's recommended annual policy updates.

 - 6.3. Discuss, consider, and take all necessary action on the Certified/Classified handbooks.
 - 6.4. Discuss, consider, and take all necessary action to approve 2nd semester EMMLB bank leave for 5 days.
 - 6.5. Discuss, consider, and take all necessary action to approve bus driver-Greg Lubischer as recommended by the administration.
7. Executive Session
8. Any Action resulting from Executive Session.
9. Topics for next month's Board of Education meeting
10. Adjournment

The board reserves the right to enter executive session if it deems it necessary to prevent needless injury to a staff member's reputation or for the protection of the public interest.

Meeting Notice Posted for June 2023 Meeting

City Office	05-09-2023
Library	05-09-2023
Front door of high school	05-09-2023
Madison Star Mail (Mtg Notice)	06-01-2023

Kate Ebeling: Present, Harlow Hanson: Present, Jim Knapp: Present, Deb Neidig: Present, Jim Reeves: Present, Steve Ruh: Present. Present:6, Absent:0.

1. Call the Meeting to Order

- 1.1. Roll Call
- 1.2. Pledge of Allegiance
- 1.3. Open Meetings Act
- 1.4. Madison Public Schools Mission Statement

2. Consent Agenda

Motion to approve consent agenda items 2.1, 2.2 & 2.3 as presented passed with a motion by Deb Neidig and a second by Jim Knapp. Kate Ebeling: Yea, Harlow Hanson: Yea, Jim Knapp: Yea, Deb Neidig: Yea, Jim Reeves: Yea, Steve Ruh: Yea. Yea: 6, Nay: 0

A to Z Vac.N.Sew	Supplies	208.94
Acellus Educational Services LLC	License	9,000.00
Albracht Disposal Service	Waste Disposal	325.00
Appeara	Supplies	83.99
Apple Computer, Inc.	Supplies	8,357.85
BCN	Phone Service	219.04
Big Country Auto	Maintenance	2,311.71
Blick Classroom Art	Supplies	84.39
Brady & Amy's	Fuel	220.37
BSN Sports, LLC	Supplies	53.68
Central Nebraska Rehab Services	SPED Services	5,440.80
Chartwells	Supplies	337.50
Choice Foods	Supplies	749.64
Chona's	Supplies	30.00
City of Madison	Utilities	7,399.80
Colonial Research Chemical	Supplies	1,201.30
Computer Hardware	Supplies	1,111.60
Cutting Edge Lawn Care Service	Lawn Care	2,500.00
EAI Education	Supplies	524.50
Eakes Office Solutions	Supplies	8,394.93
Ecolab Pest Elimination Division	Pest Control	131.60
Fairfield Inn & Suites, Kearney	Travel	239.90
Fields Hardware	Supplies	76.89
Frontier	Phone Service	872.89
Great America Financial Services Corporation	Copier Lease	2,502.88
Home Depot Pro, The	Supplies	466.73
Hy-Vee Food Stores	Supplies	320.86
HyVee Food Stores Inc	Supplies	106.61
Jackson Services	Supplies	207.71
Johnson's Inc	Repairs	385.06
Kaplan Early Learning Company	Supplies	137.83
KSB School Law	Legal Services	1,250.00

La Hacienda	Supplies	26.00
LaQuinta by Wyndham Kearney	Travel	864.00
Learning Without Tears	Supplies	698.74
Lunchtime Solutions, Inc.	Meals	1,892.44
Menards - Norfolk	Supplies	1,680.17
Mendoza, Marcela	Reimbursement	40.00
Midwest Technology Products	Supplies	119.40
MPS Activity Fund	Reimbursement	1,804.85
Nationwide	Bond	115.00
Nebraska Council of School Administrator	Membership & Registration	3,132.00
Nebraska Public Health Environmental Laboratory	Water Testing	31.00
Noredink Corp	Supplies	2,675.00
Pizza Hut of Madison	Supplies	321.24
Poppy's Pumpkin Patch	Admission	357.00
Priority Communications & Solutions Inc	Repairs	261.00
RS Electric	Repairs	1,677.63
S&S Worldwide	Supplies	118.53
School Health Corporation	Supplies	20.99
School Specialty LLC	Supplies	589.03
Sherwin Williams Co	Supplies	78.56
Short Stop, The	Fuel	1,862.11
Staples Business Advantage	Supplies	691.35
Taylor Creek Golf Course	Supplies	341.00
Virco MFG Corporation	Supplies	2,046.31
Volkman Plumbing & Heating	Repairs	1,780.06
Voyager Sopris Learning	Supplies	2,539.10
Walmart Community	Supplies	284.50
Water Engineering Inc	Water Service	502.54
Woodriver Energy	Utilities	3,880.72

3. Public Forum

4. Administrator and Other Reports

5. Board Committee Reports/Meeting dates

6. Action Items

7. Discuss, consider, and take all necessary action on substitute pay for 2023-24 school year.

Motion to increase substitute pay rates for the 2023-2024 school year, full daily rate to be set at \$150.00 and half day rate to be set at \$75.00, passed with a motion by Jim Reeves and a second by Kate Ebeling. Kate Ebeling: Yea, Harlow Hanson: Yea, Jim Knapp: Yea, Deb Neidig: Yea, Jim Reeves: Yea, Steve Ruh: Yea. Yea: 6, Nay: 0

8. Discuss, consider, and take all necessary action on breakfast/lunch price.

Motion to increase breakfast and lunch rates .05 cents for Pre K through 12 passed with a motion by Steve Ruh and a second by Kate Ebeling. Kate Ebeling: Yea, Harlow Hanson: Yea, Jim Knapp: Yea, Deb Neidig: Yea, Jim Reeves: Yea, Steve Ruh: Yea. Yea: 6, Nay: 0

9. Discuss, consider, and take all necessary action on retaining wall at elementary.

Motion to accept a bid to replace the aging / damaged retaining wall at the Elementary building from Platte River Designs for \$13,650.00 passed with a motion by Steve Ruh and a second by Jim Knapp. Kate Ebeling: Yea, Harlow Hanson: Yea, Jim Knapp: Yea, Deb Neidig: Yea, Jim Reeves: Yea, Steve Ruh: Yea. Yea: 6, Nay: 0

10. Discuss, consider, and take all necessary action on carpet and vinyl plank in elementary.

Motion to discuss, consider, and take all necessary action on carpet and vinyl planks in existing portion of the Elementary building from Complete Floors for \$44,115.00 passed with a motion by Jim Knapp and a second by Harlow Hanson. Kate Ebeling: Yea, Harlow Hanson: Yea, Jim Knapp: Yea, Deb Neidig: Yea, Jim Reeves: Yea, Steve Ruh: Yea. Yea: 6, Nay: 0

11. Discuss and consider all necessary action for Heartland Communication for wiring and cameras in the new addition.

Motion to accept a bid from Heartland Communications for \$24,471.00 to install wiring and cameras in the new Elementary addition passed with a motion by Deb Neidig and a second by Jim Reeves. Kate Ebeling: Yea, Harlow Hanson: Yea, Jim Knapp: Yea, Deb Neidig: Yea, Jim Reeves: Yea, Steve Ruh: Yea. Yea: 6, Nay: 0

12. Discuss, consider, and take all necessary action to approve the bid from _____ to put in a new water heater for the MS/HS lunch room.

Motion to bring this item back before the Board passed with a motion by Jim Reeves and a second by Jim Knapp. Kate Ebeling: Yea, Harlow Hanson: Yea, Jim Knapp: Yea, Deb Neidig: Yea, Jim Reeves: Yea, Steve Ruh: Yea. Yea: 6, Nay: 0

Motion to discuss, consider, and take action on a bid from Johnson's Plumbing and Heating to install a new water heater for the Middle / High School lunch room for a total \$20,262.00 passed with a motion by Kate Ebeling and a second by Harlow Hanson. Kate Ebeling: Yea, Harlow Hanson: Yea, Jim Knapp: Yea, Deb Neidig: Yea, Jim Reeves: Yea, Steve Ruh: Yea. Yea: 6, Nay: 0

13. Executive Session

14. Any Action resulting from Executive Session.

15. Topics for next month's Board of Education meeting

16. Adjournment

Motion to Adjourn at 7:54pm passed with a motion by Deb Neidig and a second by Kate Ebeling. Kate Ebeling: Yea, Harlow Hanson: Yea, Jim Knapp: Yea, Deb Neidig: Yea, Jim Reeves: Yea, Steve Ruh: Yea. Yea: 6, Nay: 0

President

Secretary

Madison Public Schools
07/05/2023 1:01 PM

Board Report

Vendor Name	Invoice	Description	Amount	
Checking	05			
Checking	05			
CHOICE FOODS	002006610721	Orientation	17.4	
CHOICE FOODS	002020821715	FFA - Root Beer Float Supplies	36.73	
		Vendor Total:		54.13
Clarkson Public Schools	2023GBBTEAMCAMP	GBB Team Camp	200	
		Vendor Total:		200
CLASSIC SPORTSWEAR	63680	Deposit for Leather Sleeve Letter Jacket	2850	
		Vendor Total:		2850
COMPUTER INFORMATION CONCEPTS	PSI36581	Infinite Campus Online Payments	510	
		Vendor Total:		510
CONCORDIA UNIVERSITY	2023FBTeamCamp	Football camp	600	
CONCORDIA UNIVERSITY	2023GBBTEAMCAMP	GBB Team Camp	275	
		Vendor Total:		875
EAKES OFFICE SOLUTIONS	8719153-1	Concessions & AD	423.18	
		Vendor Total:		423.18
HOTELS.COM	43980250	Hotels for GBB Camp	454.2	
		Vendor Total:		454.2
NE SCHOOL ACTIVITIES ASSOC	23- 24MPSMembership	23-24 NSAA Activity Registration Dues	1570	
		Vendor Total:		1570
US BANK CARDMEMBER SERVICES	4022	Boys Soccer gear for 23-24	69.09	
US BANK CARDMEMBER SERVICES	5676	Boys Soccer gear for 23-24	45	
US BANK CARDMEMBER SERVICES	6169	FFA - Watering Cans for Main Street	103.96	
US BANK CARDMEMBER SERVICES	6706	Boys Soccer gear for 23-24	16.5	
		Vendor Total:		234.55
WALMART COMMUNITY	5.10.23-626935	teammates golf prizes	169.2	

WALMART COMMUNITY

5.8.23-626935

House reward supplies

288.97

Vendor Total:

458.17

Fund Total:

7629.23

Checking Account Total:

7629.23

Madison Public Schools
07/05/2023 1:02 PM

Vendor Name	Invoice	Description	Amount
Checking			
Checking	06	SCHOOL NUTRITION FUND	
HEARTLAND FIRE PROTECTION INC	10236	Elem school semi-annual recertification	\$ 244.87
HEARTLAND FIRE PROTECTION INC	10237	High school semi annual recertification	\$ 284.50
		Vendor Total:	\$ 529.37
JOHNSON'S, INC	16551	HS Kitchen Garbage Disposal	\$ 3,948.05
		Vendor Total:	\$ 3,948.05
LUNCHTIME SOLUTIONS, INC.	35432	May 2023 FFVP	\$ 555.42
LUNCHTIME SOLUTIONS, INC.	35493	May 2023 Breakfast & Lunch	\$18,657.93
LUNCHTIME SOLUTIONS, INC.	35530	May 2023 Summer Feeding Program	\$ 353.34
		Vendor Total:	\$19,566.69
MAJOR REFRIGERATION	IC11894	Fix walkin freezer at High School	\$ 3,491.72
MAJOR REFRIGERATION	IC11904	Walkin Freezer replace timer & set	\$ 449.33
		Vendor Total:	\$ 3,941.05
VOLKMAN PLUMBING & HEATING	212807	Plumbing labor - troubleshoot water heate	\$ 272.00
		Vendor Total:	\$ 272.00
		Fund Total:	28257.16
		Checking Account Total:	28257.16

Madison Public Schools						
ACTIVITY FUND	Fund 05					
June 2023						
Chart of Account Description	Beginning Balance	Expenses	Revenues	Balance Change	Balance	
AD	\$ 2,845.36	\$ 301.07	\$ -	\$ -	\$ 2,544.29	
Art Club	\$ 1,480.13	\$ -	\$ -	\$ -	\$ 1,480.13	
Band	\$ 2,354.03	\$ -	\$ -	\$ -	\$ 2,354.03	
Boys BB	\$ 3,925.70	\$ -	\$ -	\$ -	\$ 3,925.70	
Boys BB FR	\$ 624.77	\$ -	\$ -	\$ -	\$ 624.77	
Cheerleaders	\$ 1,109.91	\$ -	\$ 295.00	\$ -	\$ 1,404.91	
Class of 2023	\$ 343.17	\$ -	\$ -	\$ -	\$ 343.17	
Class of 2024	\$ 1,900.42	\$ -	\$ -	\$ -	\$ 1,900.42	
Class of 2025	\$ 542.10	\$ -	\$ -	\$ -	\$ 542.10	
Class of 2026	\$ 386.65	\$ -	\$ 9.00	\$ -	\$ 395.65	
Concessions	\$ 15,576.81	\$ 372.11	\$ -	\$ -	\$ 15,204.70	
Courtesy	\$ 1,510.03	\$ -	\$ -	\$ -	\$ 1,510.03	
Cross Country	\$ 366.19	\$ -	\$ -	\$ -	\$ 366.19	
Cross Country FR	\$ 2,261.81	\$ -	\$ -	\$ -	\$ 2,261.81	
Daneline	\$ 854.54	\$ -	\$ 1,839.90	\$ -	\$ 2,694.44	
District Funds	\$ 5,665.00	\$ 1,999.20	\$ 1,753.33	\$ -	\$ 5,419.13	
Elem Activity Acct	\$ 8,969.08	\$ -	\$ -	\$ -	\$ 8,969.08	
Elem PTO	\$ 3,438.46	\$ -	\$ -	\$ -	\$ 3,438.46	
Elem Student Council	\$ 372.00	\$ -	\$ -	\$ -	\$ 372.00	
ELL Class	\$ -	\$ -	\$ -	\$ -	\$ -	
Emergency Assistance	\$ 1,533.24	\$ -	\$ -	\$ -	\$ 1,533.24	
Ethnic Diversity Club	\$ 1,983.28	\$ -	\$ -	\$ -	\$ 1,983.28	
FCCLA	\$ 2,986.15	\$ -	\$ -	\$ -	\$ 2,986.15	
FFA	\$ 15,187.11	\$ 140.69	\$ 724.85	\$ -	\$ 15,771.27	
Football	\$ 0.00	\$ -	\$ -	\$ -	\$ 0.00	
Football FR	\$ 2,334.91	\$ 600.00	\$ 750.00	\$ -	\$ 2,484.91	
Football Youth	\$ -	\$ -	\$ -	\$ -	\$ -	
Girls BB	\$ 2,534.53	\$ -	\$ -	\$ -	\$ 2,534.53	
Girls BB FR	\$ 1,915.47	\$ 929.20	\$ -	\$ -	\$ 986.27	
Golf	\$ 25.36	\$ -	\$ -	\$ -	\$ 25.36	
Golf FR	\$ 432.20	\$ -	\$ -	\$ -	\$ 432.20	
Homecoming	\$ 77.90	\$ -	\$ -	\$ -	\$ 77.90	
Honor Society	\$ 526.60	\$ -	\$ -	\$ -	\$ 526.60	
HS Girls Wrestling Fundraise	\$ 2,060.98	\$ -	\$ -	\$ -	\$ 2,060.98	
HS Girls Wrestling	\$ 4,838.14	\$ -	\$ 174.40	\$ -	\$ 5,012.54	
HS Student Council	\$ 1,438.31	\$ -	\$ -	\$ -	\$ 1,438.31	
M Club	\$ 2,135.36	\$ -	\$ -	\$ -	\$ 2,135.36	
Marketing Comm.	\$ 5,456.69	\$ 2,850.00	\$ -	\$ -	\$ 2,606.69	
MS Activity Acct	\$ 5,442.58	\$ 306.37	\$ -	\$ -	\$ 5,136.21	
MS Houses	\$ 1,208.25	\$ -	\$ 100.00	\$ -	\$ 1,308.25	
Music Boosters	\$ 10,095.52	\$ -	\$ -	\$ -	\$ 10,095.52	
Musical	\$ 3,118.49	\$ -	\$ -	\$ -	\$ 3,118.49	
One Act Plays	\$ 1,677.49	\$ -	\$ -	\$ -	\$ 1,677.49	
Quiz Bowl	\$ 1,396.91	\$ -	\$ -	\$ -	\$ 1,396.91	
Resale	\$ 741.53	\$ -	\$ -	\$ -	\$ 741.53	
Scholarships	\$ 16,351.34	\$ -	\$ -	\$ -	\$ 16,351.34	
Secondary Act Acct	\$ 5,202.65	\$ -	\$ -	\$ -	\$ 5,202.65	
Soccer	\$ 2,727.84	\$ 130.59	\$ -	\$ -	\$ 2,597.25	
Soccer FR	\$ 3,640.43	\$ -	\$ -	\$ -	\$ 3,640.43	
Softball	\$ -	\$ -	\$ -	\$ -	\$ -	
Softball FR	\$ -	\$ -	\$ -	\$ -	\$ -	
Speech	\$ 253.13	\$ -	\$ -	\$ -	\$ 253.13	
Teachers	\$ 1,802.33	\$ -	\$ -	\$ -	\$ 1,802.33	

Track	\$ 1,065.87	\$ -	\$ 173.55	\$ -	\$ 1,239.42
Track FR	\$ 3,203.25	\$ -	\$ -	\$ -	\$ 3,203.25
Uniform Replacement	\$ 4,078.02	\$ -	\$ -	\$ -	\$ 4,078.02
Volleyball	\$ 2,702.33	\$ -	\$ -	\$ -	\$ 2,702.33
Volleyball FR	\$ 401.48	\$ -	\$ -	\$ -	\$ 401.48
Water Quality Project	\$ 4,038.94	\$ -	\$ -	\$ -	\$ 4,038.94
Weightroom	\$ 1,475.15	\$ -	\$ -	\$ -	\$ 1,475.15
Wrestling	\$ 2,629.57	\$ -	\$ 294.40	\$ -	\$ 2,923.97
Wrestling FR	\$ 1,982.41	\$ -	\$ -	\$ -	\$ 1,982.41
Yearbook	\$ 963.68	\$ -	\$ -	\$ -	\$ 963.68
Fund Total: 05	\$ 176,191.58	\$ 7,629.23	\$ 6,114.43	\$ -	\$ 174,676.78

Madison Public Schools					
LUNCH FUND	Fund 06				
June 2023					
Chart of Account Description	<u>Beginning Balance</u>	<u>Expenses</u>	<u>Revenues</u>	<u>Balance Change</u>	<u>Balance</u>
FUND BALANCE	\$ 294,690.54	\$28,257.16	\$ 2,534.48	\$ -	\$ 268,967.86
	\$ 294,690.54	\$28,257.16	\$ 2,534.48	\$ -	\$ 268,967.86

Madison Public Schools					
STUDENT ACTIVITY FEE	Fund 12				
June 2023					
<u>Chart of Account Description</u>	<u>Beginning Balance</u>	<u>Expenses</u>	<u>Revenues</u>	<u>Balance Change</u>	<u>Balance</u>
FUND BALANCE	\$ 7,210.63	\$ 7,200.63	\$ 0.13	\$ -	\$ 10.13
	\$ 7,210.63	\$ 7,200.63	\$ 0.13	\$ -	\$ 10.13

<u>Vendor Name</u>	<u>Invoice</u>	<u>Description</u>	<u>Amount</u>
Checking	1		
Checking	1	Fund: 01 GENERAL FUND	
ACELLUS EDUCATIONAL SERVICES LLC	94705	SUPPLIES	2,456.85
		Vendor Total:	2,456.85
ALBRACHT DISPOSAL SERVICE	65765	WASTE DISPOSAL	155.00
ALBRACHT DISPOSAL SERVICE	65766	WASTE DISPOSAL	170.00
		Vendor Total:	325.00
BIG COUNTRY AUTO	75115	MAINTENANCE	260.37
BIG COUNTRY AUTO	75179	MAINTENANCE	192.00
		Vendor Total:	452.37
BRADY & AMY'S	59060	FUEL	82.13
		Vendor Total:	82.13
CANNON SPORTS	1997550	SUPPLIES	18.24
		Vendor Total:	18.24
CENTRAL NEBRASKA REHAB. SERVICES	13911	SPED SERVICES	3,635.80
		Vendor Total:	3,635.80
CHOICE FOODS	002061251158	SUPPLIES	48.10
CHOICE FOODS	002065331045	SUPPLIES	14.38
CHOICE FOODS	002066401737	SUPPLIES	37.35
CHOICE FOODS	002081761857	SUPPLIES	23.91
CHOICE FOODS	0623 STMT	FUEL/SUPPLIES	866.13
		Vendor Total:	989.87
CITY OF MADISON	0623 5045001	UTILITIES	406.97
CITY OF MADISON	0623 5095001	UTILITIES	112.69
CITY OF MADISON	0623 5097002	UTILITIES	176.50
CITY OF MADISON	0623 STMT	RENTAL	150.00
CITY OF MADISON	0723 7007001	UTILITIES	2,324.69
CITY OF MADISON	0723 7008001	UTILITIES	5,004.16
		Vendor Total:	8,175.01
COLONIAL RESEARCH CHEMICAL	150693	SUPPLIES	2,894.30
		Vendor Total:	2,894.30
CUTTING EDGE LAWN CARE SERVICE	2337	LAWN CARE	2,000.00
		Vendor Total:	2,000.00
DENT SPECIALISTS	138099	REPAIRS	13.89
DENT SPECIALISTS	138119	REPAIRS	418.00
DENT SPECIALISTS	138120	REPAIRS	425.00
DENT SPECIALISTS	138219	MAINTENANCE	97.15
DENT SPECIALISTS	138441	MAINTENANCE	72.15
DENT SPECIALISTS	138662	MAINTENANCE	72.15
DENT SPECIALISTS	138675	REPAIRS	80.00
DENT SPECIALISTS	138733	MAINTENANCE	72.15
DENT SPECIALISTS	138754	MAINTENANCE	72.15
		Vendor Total:	1,322.64
DHHSDPH HEALTH LICENSING	CCC8870 RENEW 2023	LICENSE RENEWAL	50.00

<u>Vendor Name</u>	<u>Invoice</u>	<u>Description</u>	<u>Amount</u>	
			Vendor Total:	50.00
EAKES OFFICE SOLUTIONS	8709009-0	SUPPLIES	224.00	
EAKES OFFICE SOLUTIONS	8719070-0	SUPPLIES	504.70	
EAKES OFFICE SOLUTIONS	8719073-0	SUPPLIES	494.03	
EAKES OFFICE SOLUTIONS	8719075-0	SUPPLIES	307.08	
EAKES OFFICE SOLUTIONS	8719078-0	SUPPLIES	320.54	
EAKES OFFICE SOLUTIONS	8719080-0	SUPPLIES	165.75	
EAKES OFFICE SOLUTIONS	8719082-0	SUPPLIES	116.21	
EAKES OFFICE SOLUTIONS	8719083-0	SUPPLIES	274.76	
EAKES OFFICE SOLUTIONS	8719084-0	SUPPLIES	331.07	
EAKES OFFICE SOLUTIONS	8719085-0	SUPPLIES	260.59	
EAKES OFFICE SOLUTIONS	8719086-0	SUPPLIES	205.86	
EAKES OFFICE SOLUTIONS	8719087-0	SUPPLIES	514.96	
EAKES OFFICE SOLUTIONS	8719087-1	SUPPLIES	11.99	
EAKES OFFICE SOLUTIONS	8728337-0	SUPPLIES	23.60	
			Vendor Total:	3,755.14
ECOLAB PEST ELIMINATION DIVISION	9737721	PEST CONTROL	131.60	
			Vendor Total:	131.60
EDUCATIONAL SERVICE UNIT #8	INV-009497	LICENSE RENEWAL	2,840.00	
EDUCATIONAL SERVICE UNIT #8	INV-009541	TRAINING	240.00	
			Vendor Total:	3,080.00
EMC INSURANCE COMPANIES	7000453449	INSURANCE	492.00	
			Vendor Total:	492.00
FIELDS HARDWARE	0623 STMT	SUPPLIES	52.80	
			Vendor Total:	52.80
FRONTIER	0723 STMT	PHONE SERVICE	872.89	
			Vendor Total:	872.89
GOPHER SPORTS EQUIPMENT	IN295647	SUPPLIES	153.48	
GOPHER SPORTS EQUIPMENT	IN295681	SUPPLIES	392.73	
			Vendor Total:	546.21
GREATAMERICA FINANCIAL SERVICES CORPORATION	34328004	COPIER LEASE	2,624.72	
			Vendor Total:	2,624.72
HIRERIGHT LLC, INC	P1174078	TESTING	38.55	
			Vendor Total:	38.55
HOME DEPOT PRO, THE	752038919	SUPPLIES	569.04	
			Vendor Total:	569.04
HY-VEE FOOD STORE	4858896597	SUPPLIES	311.46	
HY-VEE FOOD STORE	4858910912	SUPPLIES	67.96	
HY-VEE FOOD STORE	4859202472	SUPPLIES	115.69	
			Vendor Total:	495.11
JACKSON SERVICES	5070728	SUPPLIES	110.28	
JACKSON SERVICES	5070729	SUPPLIES	97.28	
			Vendor Total:	207.56

<u>Vendor Name</u>	<u>Invoice</u>	<u>Description</u>	<u>Amount</u>	
KSB SCHOOL LAW	14347	LEGAL SERVICES	350.00	
		Vendor Total:		350.00
LITERACY RESOURCES, LLC	282387	SUPPLIES	1,897.40	
		Vendor Total:		1,897.40
MADISON STAR MAIL	15550	PUBLICATIONS	103.86	
MADISON STAR MAIL	15574	PUBLICATIONS	9.82	
MADISON STAR MAIL	15582	PUBLICATIONS	20.00	
MADISON STAR MAIL	15583	PUBLICATIONS	10.00	
MADISON STAR MAIL	15593	PUBLICATIONS	108.22	
MADISON STAR MAIL	15594	PUBLICATIONS	14.84	
MADISON STAR MAIL	15595	PUBLICATIONS	13.64	
		Vendor Total:		280.38
MCGRAW-HILL EDUCATION BOOK COMPANY	128470611001	SUPPLIES	1,536.46	
		Vendor Total:		1,536.46
MENARDS - NORFOLK	41774	SUPPLIES	184.99	
MENARDS - NORFOLK	41892	SUPPLIES	52.48	
MENARDS - NORFOLK	41893	SUPPLIES	(10.00)	
MENARDS - NORFOLK	42103	SUPPLIES	36.34	
MENARDS - NORFOLK	42124	SUPPLIES	444.84	
MENARDS - NORFOLK	42236	SUPPLIES	127.30	
MENARDS - NORFOLK	42315	SUPPLIES	194.40	
MENARDS - NORFOLK	42425	SUPPLIES	212.76	
MENARDS - NORFOLK	42548	SUPPLIES	125.61	
MENARDS - NORFOLK	42550	SUPPLIES	47.92	
MENARDS - NORFOLK	42571	SUPPLIES	203.94	
MENARDS - NORFOLK	42611	SUPPLIES	108.09	
MENARDS - NORFOLK	42898	SUPPLIES	108.92	
MENARDS - NORFOLK	42976	SUPPLIES	30.97	
		Vendor Total:		1,868.56
MPS LUNCH FUND	0723 REIMB	SUPPLIES	10.00	
		Vendor Total:		10.00
NEBR RURAL COMMUNITY SCHOOLS	2023-34 MEMBERSHIP	MEMBERSHIP	850.00	
		Vendor Total:		850.00
NEBRASKA COUNCIL OF SCHOOL ADMINISTRATOR	e16451-716452	REGISTRATION	1,560.00	
		Vendor Total:		1,560.00
NEBRASKA ESU COORDINATING COUNCIL	COOP002503	SUPPLIES	330.00	
		Vendor Total:		330.00
NORTHEAST COMMUNITY COLLEGE	202325	TRAINING	312.00	
		Vendor Total:		312.00
ONE SOURCE	2022127138	BACKGROUND CHECK	35.00	
		Vendor Total:		35.00
OTIS ELEVATOR COMPANY	100401199347	ELEVATOR MAINTENANCE	802.80	
		Vendor Total:		802.80

<u>Vendor Name</u>	<u>Invoice</u>	<u>Description</u>	<u>Amount</u>	
PDX READING SPECIALIST, LLC	9800	SUPPLIES	143.88	
PDX READING SPECIALIST, LLC	9801	SUPPLIES	167.86	
		Vendor Total:		311.74
PINKELMAN TRUCK AND TRAILER	21248	MAINTENANCE	2,385.80	
PINKELMAN TRUCK AND TRAILER	21278	MAINTENANCE	1,097.01	
PINKELMAN TRUCK AND TRAILER	21331	MAINTENANCE	1,477.37	
		Vendor Total:		4,960.18
PITNEY BOWES GLOBAL FINANCIAL SERVICES LLC	3317596814	METER LEASE	165.54	
		Vendor Total:		165.54
REALLY GREAT READING CO	39698-REISSUE	SUPPLIES	2,310.00	
		Vendor Total:		2,310.00
SCHOOL OUTFITTERS	INV13991592	SUPPLIES	1,619.38	
		Vendor Total:		1,619.38
SCHOOL OUTLET	87448	SUPPLIES	10,460.86	
		Vendor Total:		10,460.86
SECURITY SHREDDING SERVICES	20369	DISPOSAL	35.00	
		Vendor Total:		35.00
SHORT STOP, THE	83119654	FUEL	62.02	
		Vendor Total:		62.02
SPACE WALK OF COLUMBUS NE	729406	SUPPLIES	250.00	
		Vendor Total:		250.00
TAYLOR MUSIC	2158142-IN	SUPPLIES	85.00	
		Vendor Total:		85.00
TK ELEVATOR	1000531562	ELEVATOR MAINTENANCE	332.64	
		Vendor Total:		332.64
VOLKMAN PLUMBING & HEATING	213093	REPAIRS	7,246.00	
VOLKMAN PLUMBING & HEATING	213229	REPAIRS	332.00	
VOLKMAN PLUMBING & HEATING	213295	REPAIRS	3,605.58	
VOLKMAN PLUMBING & HEATING	213300	REPAIRS	202.00	
VOLKMAN PLUMBING & HEATING	FC 1829	REPAIRS	5.35	
		Vendor Total:		11,390.93
WALMART COMMUNITY	1649362817	SUPPLIES	208.20	
		Vendor Total:		208.20
WATER ENGINEERING INC	IN118117	WATER SERVICE	295.04	
WATER ENGINEERING INC	IN118137	WATER SERVICE	207.50	
		Vendor Total:		502.54
WINNERS' CIRCLE	55070	SUPPLIES	534.88	
		Vendor Total:		534.88
WOODRIVER ENERGY	340697	UTILITIES	2,644.30	
		Vendor Total:		2,644.30

Vendor Name

Invoice

Description

Amount

Fund Total:

80,973.64

Checking Account Total:

80,973.64

September 2022 Board Meeting:

Bond Fund:

BOK Financial \$ 10,007.24

Depreciation Fund:

Heartland Communications \$ 3,650.00 Labor for Wireless Access Points

Special Building Fund:

DWB, INC. \$ 85,346.10 Elementary Project

Fakler Architects \$ 1,787.10 Construction Phase Services/Advertising

October 2022 Board Meeting:

Qualified Capital Projects Fund:

Computershare \$ 700.00 Paying Agent Fee

Special Building Fund:

DWB, Inc. \$ 180,436.35 Elementary/Bus Barn Projects

November 2022 Board Meeting:

Bond Fund:

BOK Financial \$ 199,240.00 Bond payment

Depreciation Fund:

Complete Floors \$ 40,421.00 Summer floor projects

Special Building Fund:

DWB, Inc. \$ 368,411.90 Elementary/Bus Barn Project

December 2022 Board Meeting:

Special Building Fund:

DWB, Inc. \$ 422,039.72 Elementary/Bus Barn Project

Five Points Bank \$ 730,000.00 Payment on debt (New Gym /Commons)

January 2023 Board Meeting:

Special Building Fund:

City of Madison \$ 4,291.80 Building Permit Resolution
Offset by \$2,500 from DWB

DWB, Inc. \$ 198,685.85 Elementary/Bus Barn Project

Fakler Architects \$ 10,367.50 Elementary/Bus Barn Project Services

Madison County Bank \$ 20.00 Wire Fee for Building Project Advance

February 2023 Board Meeting:

Special Building Fund:

DWB, INC. \$ 236,607.00 Elementary/Bus Barn Project

Fakler Architects \$ 367.50 Elementary/Bus Barn Project Services

March 2023 Board Meeting:

Bond Fund:

BOK Financial \$ 711.68 Bond interest expenses

Special Building Fund:

DWB, Inc. \$ 199,762.66 Elementary/Bus Barn Project

Fakler Architects \$ 551.25 Elementary/Bus Barn Project Services

Five Points Bank \$ 61,276.04 Interest Payment on leasing funds

April 2023 Board Meeting:

Bond Fund:

BOK Financial \$ 5,938.58 IRS has not processed our credits - this
will be refunded when complete

Depreciation:

AKRS \$ 28,404.51 Skid Steer Loader

Special Building Fund:

DWB, Inc. \$ 75,468.95 Elementary/Bus Barn Projects

May 2023 Board Meeting:

Bond Fund:

BOK Financial \$ 3,996.25 Interest payment

Special Building Fund:

DWB, Inc. \$ 461,176.55 Elementary/Bus Barn Projects

Fakler Architects \$ 633.75 Elementary/Bus Barn Projects Services

June 2023 Board Meeting:

Special Building Fund:

DWB, Inc. \$ 340,260.55 Elementary/Bus Barn Projects

Fakler Architects \$ 183.75 Elementary/Bus Barn Projects Services

Five Points Bank \$ 20,235.60 Interest Payment - Gym Loan

Heartland Communications \$ 24,471.00 Building Project Cameras/Wiring

July 2023 Board Meeting:

Depreciation:

Platte River Designs \$ 6,825.00 Half of Estimate Paid June 19th

QP Fund

Computershare \$ 31,673.75 Payment due 8/15

Special Building Fund:

DWB, Inc. \$ 198,648.80 Elementary/Bus Barn Projects

Fakler Architects \$ 367.50 Elementary/Bus Barn Projects

**MADISON PUBLIC SCHOOLS
TREASURER'S REPORT**

June 30, 2023

General Fund

BALANCE

Last year's balance

Balance Forward as of	<u>May 31, 2023</u>			\$2,923,826.52	
Receipts		+	\$ 1,327,909.73		
Expenditures		-	\$ 658,834.03		
Balance as of	<u>June 30, 2023</u>			\$3,592,902.22	\$3,855,049.12

Employee Benefit Fund

Balance Forward as of	<u>May 31, 2023</u>			\$11,349.73	
Receipts		+	\$ 3,555.14		
Expenditures		-	\$ 1,931.48		
Balance as of	<u>June 30, 2023</u>			\$12,973.39	\$15,197.31

Petty Cash Fund

Balance Forward as of	<u>May 31, 2023</u>			\$2,388.54	
Receipts		+	\$ 1,418.80		
Expenditures		-	\$ 1,673.83		
Balance as of	<u>June 30, 2023</u>			\$2,133.51	\$2,268.38

Total Assets for General Fund

\$3,608,009.12 \$3,872,514.81

Depreciation Fund

Balance Forward as of	<u>May 31, 2023</u>			\$411,098.99	
Receipts		+	\$ 1,162.49		
Expenditures		-	\$ 6,825.00		
Balance as of	<u>June 30, 2023</u>			\$405,436.48	\$601,363.91

Bond Fund

Balance Forward as of	<u>May 31, 2023</u>			\$248,459.35	
Receipts		+	\$ 35,850.25		
Expenditures		-			
Balance as of	<u>June 30, 2023</u>			\$284,309.60	\$306,451.37

Qualified Capital Purpose Fund

Balance Forward as of	<u>May 31, 2023</u>			\$595,276.19	
Receipts		+	\$ 9,500.58		
Expenditures		-			
Balance as of	<u>June 30, 2023</u>			\$604,776.77	\$598,970.17

Special Building Fund

Balance Forward as of	<u>May 31, 2023</u>			\$1,877,965.31	
Receipts		+	\$ 665,279.20		
Expenditures		-	\$ 385,170.90		
Balance as of	<u>June 30, 2023</u>			\$2,158,073.61	\$1,604,972.08

Investment Checking

Balance Forward as of	<u>May 31, 2023</u>			\$338,859.37	
Receipts		+	\$ 960.87		
Expenditures		-	\$ -		
Balance as of	<u>June 30, 2023</u>			\$339,820.24	\$331,486.41

Elementary Addition/Bus Barn Project Financial Report

Expenses paid prior to September 1, 2022 closing on debt leasing:

Fakler Architect	\$ 1,875.00	Architectural Design
Rega Engineering	\$ 2,100.00	Boundary and Warranty Deed
Fakler Architect	\$ 2,000.00	Topography on Elementary Addition
Fakler Architect	\$ 2,233.32	Topography on Bus Barn
Fakler Architect	\$ 20,056.00	Elementary Addition
Fakler Architect	\$ 5,300.00	Bus Barn
Fakler Architect	\$ 66,445.61	Elementary Addition
Fakler Architect	\$ 31,073.25	Bus Barn
Fakler Architect	\$ 193.94	Review of Morton Specifications
	<u>\$ 131,277.12</u>	

Expenses paid after September 1, 2022 closing:

Advance from Debt Leasing:	\$ 500,000.00	Advance #1
DWB, Inc.	\$ (85,346.10)	Elementary/Bus Barn Project Construction
Fakler Architect	\$ (1,787.10)	Construction Phase Service/Advertising
DWB, Inc.	\$ (180,436.35)	Elementary/Bus Barn Project Construction
	<u>\$ 232,430.45</u>	Remaining from Advance #1
	\$ 500,000.00	Requested Advance #2
DWB, Inc. - Paid in November	\$ (368,411.90)	
	\$ 364,018.55	
DWB, Inc. - Paid in December	\$ (422,039.72)	Requested Advance #3
	<u>\$ 500,000.00</u>	
	\$ 441,978.83	
DWB, Inc. - Paid in January	\$ (198,865.85)	Remaining from Advance #3
Fakler Architects	\$ (10,367.50)	(this will cover the February payment to DWB)
	<u>\$ 232,745.48</u>	
DWB, Inc. Paid in February	\$ (236,607.00)	
Fakler Architects	\$ (367.50)	
	<u>\$ (4,229.02)</u>	(Celine is requesting an advance to cover the March bills)

DWB, Inc. Paid in March
Fakler Architects
Five Points Bank

\$ (199,762.66)
\$ (551.25)
\$ (61,276.04)

\$ (265,818.97)
\$ 500,000.00

\$ 234,181.03
\$ (75,468.95)

DWB, Inc. paid in April

\$ 158,712.08
\$ (461,176.55)

DWB, Inc. paid in May
Fakler Architects

\$ (633.75)
\$ 500,000.00

\$ 196,901.78
\$ 500,000.00

DWB, Inc. paid in June
Fakler Paid in June
Heartland paid in June

\$ (340,260.55)
\$ (183.75)
\$ (24,471.00)

\$ 331,986.48
\$ (196,648.80)

DWB paid in July
Fakler paid in July

\$ (367.50)
\$ 134,970.18

Elementary/Bus Barn Project
Elementary/Bus Barn Project Services
Interest Payment on leasing funds

Advance #4

Will cover April bills

Celine will request another advance to cover the May bills

Advance #5 June 6

Advance #6 - July

Madison Public Schools

Justin Frederick
Interim Superintendent

Jim Crilly
HS Principal

Reid Ehrisman
MS Principal/EL

Karla Kush
Elementary Principal

700 So Kent St.
P.O. Box 450
Madison, NE 68748
District Phone (402) 454-3336 Fax (402) 454-2238
Elementary Phone (402) 454-2656 Fax (402) 454-3978

Travis Jordan
Director of CAI
Crystal Ernst
Instructional Coach
Landonn Mackey
Athletic Director
Celine Filsinger
Office Manager

The mission of Madison Public Schools is to prepare students to be competent, confident, productive, and responsible citizens.

Building addition and bus barn update:

Electrical panel was put in middle of June.

Lockers are in. There are 96 lockers, which will accommodate our student needs in the new addition.

Air conditioning is in and done and the building is nice and cool.

External siding is completed.

Ceiling tiles is in.

Flooring will start on July 5.

Paint final on July 17.

Overhead doors are in and fire wall is put up. Final grading on July 10.

KSB annual update is an action item. I apologize that it is 108 pages. There is a memorandum attached at the beginning of the pdf. Not all things are required, but if they aren't required, they are highly recommended that you add them.

It has been six months, so I have included the safe return plan on as an action item. Nothing has changed, just reviewing.

I have also attached the certified and classified handbooks. Changes are names and dates, no other changes were required by KSB.

A request for 5 days in second semester from the EMMLB bank, which is on as an action item for your consideration.

Budget documents from the Nebraska State Auditor were released in late June, so I will be working on the budget numbers for the 2023-24 school year. Final property valuations from each county are not required until August 20, but I will have some good figures by the August meeting.

Mark Weidner will be at the meeting to discuss insurance policy and how it will change with coverage for the new addition and bus barn.

Madison Public Schools

Justin Frederick
Interim Superintendent

Jim Crilly
HS Principal

Reid Ehrisman
MS Principal/EL

Karla Kush
Elementary Principal

700 So Kent St.

P.O. Box 450

Madison, NE 68748

District Phone (402) 454-3336 Fax (402) 454-2238

Elementary Phone (402) 454-2656 Fax (402) 454-3978

Travis Jordan

Director of CAI

Crystal Ernst

Instructional Coach

Landon Mackey

Athletic Director

Celine Filsinger

Office Manager

The mission of Madison Public Schools is to prepare students to be competent, confident, productive, and responsible citizens.

American Recovery Act ESSER III 6998

Total Allocation \$1,097,908

Funds spent before 2024-25 school year

- Plan for Safe Return: Reviewed 7-10-2023

The district's current plan is to start the 2023-24 school using our original district calendar and operating as normal as possible while following the recommended CDC and Local Health Directives.

Low Risk:

- Standard operating procedure
- Practice good hygiene
- Regular cleaning procedures

Moderate Risk:

- Temperature checks in buildings and buses
- Practice social distancing throughout the school district
- Drinking fountains closed
- Masks are encouraged but not required
- Extra cleaning procedures
- Classrooms are spread out with all desks facing the same direction
- Lunch and breakfast routines adjusted
- Arrival and dismissal staggered
- No academic field trips
- Follow NSAA recommendations for athletics and activities
- After-school program continues w/guidelines

Elevated Risk:

- Continue all moderate risk measures
- Masks provided and required
- Social distancing enforced
 - Schedule adjustments
 - Dismissal protocol
 - Passing time adjusted
 - Restroom usage staged

- No visitors or outside groups
- Follow NSAA recommendations
- K-8 technology device sent home daily/cleaned according to tech department guidance
- After-school capacity reduced
- Multiple temperature checks daily

Severe Risk:

- Continue all moderate and elevated risk measures
- Modified half capacity blended learning plan
 - Each building has 50% attendance daily
 - Students attend 2-3 times weekly
 - Students continue full schedules with exploratory/specials
 - Students will complete online assignments on "home-learning" days
 - Grades will count towards credit
 - IEP's will be followed

OR

Full online learning if directed by NDE/Local Health Department/Governor

- Plan for the use of Funds (Feedback from Stakeholders at the July Board meeting & Posted on the Website as suggested by NDE)

2021-22 School year:

- Purchase of a larger capacity bus for activity trips (Social Distancing) \$109,000
- Pay for one Title I Teachers salary \$52,000

2022-23 School year:

- Pay for additional custodial services \$45,000
- Pay for one Title I Teachers salary \$52,000
- Pay for HS Mental health provider \$25,000
- Pay for Instructional Coach salary & benefits \$100,000

2023-24 School year:

- Pay for additional custodial services \$45,000
- Pay for one Title I Teachers salary \$52,000
- Pay for HS Mental health provider \$25,000
- Pay for Instructional Coach salary & benefits \$100,000

Total: \$605,000

- 20 Percent Learning Loss (\$219,581)

2022-23 School year:

- Pay for Academic Recovery teacher salary & benefits \$65,000
- Pay for the MS EL teacher salary & benefits \$54,000

2023-24 School year:

- Pay for Academic Recovery teacher salary & benefits \$65,000
- Pay for the MS EL teacher salary & benefits \$54,000

2 year total: \$238,000

- Instructional Materials (Must meet NDE guidelines)

2021-22 School year:

- Update Social Studies curriculum \$60,000
- Secondary Language Arts \$35,000
- Professional Development \$ 5,000

2022-23 School year:

- Middle School Math \$35,000
- Secondary Math \$35,000
- Professional Development \$ 5,000

2023-24 School year:

- Secondary Science \$39,908
- Middle School \$35,000
- Professional Development \$ 5,000

Total \$254,908.00

Grand Total \$1,097,908.00

KAREN A. HAASE ^{NE, SD, IA, WY}
STEVE WILLIAMS ^{NE, SD}
BOBBY TRUHE ^{NE, SD}
COADY H. PRUETT ^{NE, CO, SD}



JORDAN JOHNSON ^{NE, WY}
TYLER COVERDALE ^{SD}
SARA HENTO ^{NE, SD}
SHARI RUSSELL, Paralegal

M E M O R A N D U M

To: KSB Policy Service Subscribers
FROM: KSB School Law
DATE: June 2, 2023
RE: Annual Policy Updates

Attached are the 2023 KSB School Law policy updates. Below, we discuss the policy changes, the changes to our standard forms, and some issues that are raised by certain laws that do not necessarily require a policy change but do present new obligations or things to keep in mind as you enter the 2023-24 school year. We have broken these down into 3 sections: "Policy Changes;" "Forms Changes;" and "Other Issues to Consider."

Keep in mind that most bills that were enacted into law go into effect three months after the legislature adjourns. This year the Unicameral adjourned sine die on June 1st, so the effective date of most bills will be September 2, 2023. However, if a bill includes a specific effective date or an emergency clause, it goes into effect on the stated date or when passed and approved according to law.

To assist subscribers in implementing these policy changes and the other considerations laid out in this Memo, **KSB will hold a webinar on Wednesday, June 7, 2023, at 9:00 a.m. Central Time.** In the webinar, we will give a brief overview of the changes and then answer questions from attendees regarding the policies and other considerations. We have included the link to the ZOOM conference in the cover e-mail that transmitted these updates. We will also record the webinar and will post it on the KSB School Law website in the Policy Updates section.

301 SOUTH 13TH STREET, SUITE 210
LINCOLN, NEBRASKA 68508

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(402) 804-8000
ATTORNEYS LICENSED IN STATES INDICATED

141 NORTH MAIN AVENUE, SUITE 504
SIOUX FALLS, SOUTH DAKOTA 57104

Please feel free to contact us if you have any additional questions or if you would like to have a policy customized or "tweaked" to meet your individual circumstances.

Policy Changes

REVISION OF POLICY 3001: BUDGET AND PROPERTY TAX REQUEST

We have revised this policy to provide a link to the website at which information on statewide receipts and expenditures and comparisons of cost per pupil and performance to other school districts is available. We also updated a statutory reference. Finally, we amended the policy to follow the changes in LB 243 that make clear that a school may only increase its property tax request by more than the allowable growth percentage "to the extent allowed by law."

This change is required.

REVISION OF POLICY 3003.1: BIDDING FOR CONSTRUCTION, REMODELING, REPAIR, OR RELATED PROJECTS FINANCED WITH FEDERAL FUNDS

AND

POLICY 3004.1: FISCAL MANAGEMENT FOR PURCHASING AND PROCUREMENT USING FEDERAL FUNDS

Entities auditing school districts looked for an explicit "Buy American" provision in these policies. Although federal law only requires that the Buy American provision be included in any contract and not in the policy, we have added or revised this provision in these policies to appease the policy auditors.

This change is technically not required but is highly recommended.

REVISION TO POLICY 3033: LENDING TEXTBOOKS TO CHILDREN ENROLLED IN PRIVATE SCHOOLS

Section 79-734 requires public schools to purchase and loan textbooks, upon individual request, to children who are enrolled in kindergarten to grade

twelve of a private school which is approved for continued legal operation under rules and regulations established by NDE. LB 705 transfers this obligation to NDE effective July 1, 2024. We have amended this policy to end the public school's obligation to provide textbooks to private schools effective July 1, 2024.

This change is effective **three months after adjournment of the Unicameral, approximately September 2, 2023.**

This change is required.

REVISION TO POLICY 3036: PURCHASING (CREDIT) CARD PROGRAM

The Nebraska Secretary of State's Schedule 10 governs how long school districts must maintain certain records. Schedule 10 has been changed and now states that schools must maintain all financial records created or received by the school district for 7 years. We have changed our policy from a 10-year retention requirement to a 7-year requirement.

This change is not required but is highly recommended.

POLICY 3059: AUDIO AND VIDEO RECORDING (RELOCATION OF POLICY 5063)

Now that most middle-high school students, staff members, parents, and patrons have smartphones and other devices, it was time to revisit this policy. While this certainly does not address all technology-based conduct, we have made a few changes that apply to more than just students. This is why it will be relocated into the 3000 series.

For example, previously the policy did not prohibit staff from making secret recordings. We made that change.

We also updated the security camera footage section and made a few other tweaks to better align the policy to school practices.

These changes are not required but are highly recommended. Relocation is required even if you don't amend the policy for ease of tracking future changes.

REVISION TO POLICY 4003: DRUG POLICY REGARDING DRIVERS

We made a minor revision to fix a clerical error regarding the term Medical Review Officer.

This change is required.

REVISION TO POLICY 4045: MILK EXPRESSION

President Biden signed into law the Providing Urgent Maternal Protections for Nursing Mothers Act ("PUMP for Nursing Mothers Act") at the end of 2022. The Act expands protections for salaried employees such as teachers and also requires the break to be paid if the employee is also working while expressing breast milk. We changed our policy to include language regarding the frequency at which an employee can request to pump.

This change is required.

REVISION OF POLICY 4059: BEHAVIORAL AND MENTAL HEALTH TRAINING (FORMERLY SUICIDE PREVENTION TRAINING)

Section 79-2,146 currently requires nurses, teachers, counselors, school psychologists, administrators, school social workers, and any other appropriate personnel to receive at least one hour of suicide awareness and prevention training each year. LB 705 amends this section to require "all public school employees who interact with students and any other appropriate personnel" as determined by the superintendent to receive at least one hour of behavioral and mental health training with a focus on suicide awareness and prevention training each year. NDE will develop a list of approved training materials.

Please note, we left the proposed October 31 or within 30 days of initial employment wording in the policy. This is not required by law, so you can adjust the completion deadlines as you see fit.

These changes are effective **three months after adjournment of the Unicameral, approximately September 2, 2023.**

This change is required.

REVISION OF POLICY 5003: ADMISSION OF PART-TIME STUDENTS

LB 705 (Sec. 75) will amend Nebraska's part-time enrollment statute, section 79-2,136. Prior to the amendments, the statute contained only one section and generally deferred to school board policy for most part-time enrollment considerations. LB 705 contains some new requirements for the admission of part-time students.

First, the statute creates an ambiguity regarding which classes a part-time student can take. LB 705 added a clause into the original statute, which now reads: "Each school board shall allow the part-time enrollment of students, *for all courses selected by the students....*" We know many schools limit the classes available to part-time students, in addition to limitations based on class sizes and things like that. It is unclear whether the Unicameral intended the new clause to mean students can select *any* courses they want, or if they intended that to mean any courses offered to part-time students but not necessarily all courses they might be eligible to take if they were full-time students. We left the general restrictions based on class sizes and resources intact but remained silent on strict class availability for part-time students (e.g., only essential courses or only specials) giving each school the opportunity to decide whether they want to make all courses available or continue to limit courses a part-time student can take even if you have capacity.

Second, LB 705 requires school boards to establish policies and procedures relating to participation in extracurricular activities. It requires schools to permit part-time students to participate in extracurriculars "subject to the same requirements, conditions, and procedures" as your full-time students. This means they must comply with all academic, behavioral, and other eligibility rules established by the school, including your student code of conduct. We've also specified that this includes being eligible for NSAA participation, or eligible based on the governing body of any activity not subject to NSAA rules.

The statute has two specific limitations. Current NSAA rules require students to be enrolled in at least 20 credit hours, 10 of which must come from the public school. The statute changes now state that part-time students must be allowed to participate if they are enrolled in 5 credit hours in the public school. This change will reduce the public school enrollment requirement from 10 to 5 hours, and we anticipate the NSAA will make any changes necessary on its end to allow schools to comply with this statute.

The statute also prohibits schools from giving a preference in team selection to full-time students over part-time students.

As for transportation, the statute does not require schools to provide transportation for school attendance purposes, but it does require schools to provide extracurricular transportation or mileage to a part-time student on the same terms as you provide extracurricular transportation to your full-time students. For example, if you drive a bus from the school parking lot to away contests or off-site practices, the part-time student gets to ride the bus to those events. The part-time student would be responsible for getting himself or herself to the designated pick-up point.

Finally, this change also raises a timing issue. Schools will have their policies and handbooks updated to start the year, but these requirements do not go into effect until approximately September 10, 2023. This begs the question of whether a student is subject to the various credit hour and other requirements at the beginning of the fall season, or only after the law becomes effective. To avoid having to do mid-year changes to enrollment, handbooks, and policies, our recommendation is to begin applying the new requirements with the start of fall seasons, assuming the NSAA will provide flexibility for the flex time between the start of fall seasons and the effective date of the new requirements.

These changes are effective **three months after adjournment of the Unicameral, approximately September 2, 2023.**

This change is required.

REVISION OF POLICY 5004: OPTION ENROLLMENT

LB 705 made three substantive changes to the option enrollment laws.

1. Special education capacity determinations must and may only be determined on a case-by-case basis. If an option application indicates that a student has an individualized education plan (IEP) or has been diagnosed with a disability, the application must be evaluated by the director of special education services or the director's designee who shall determine if the school district and the appropriate class, grade level, or school building has the capacity to provide the applicant the appropriate services and accommodations.
2. If the school board wishes to declare a program, class, or school unavailable for the following school year, the board must pass a

resolution with such a declaration **prior to October 15th** of the previous school year.

3. Schools must annually establish, publish, and report the capacity for each school building under the district's control according to procedures, criteria, and deadlines established by the Nebraska Department of Education

These changes are effective **three months after adjournment of the Unicameral, approximately September 2, 2023.**

This change is required.

REVISION OF POLICY 5035: STUDENT DISCIPLINE

PK-2nd Grade Students. LB 705 provides that schools will no longer be able to suspend a student in pre-kindergarten through second grade *unless* the student brings a deadly weapon as defined in section 28-109 on school grounds, in a school vehicle, or to a school-sponsored activity or athletic event. Schools must develop a policy to implement this new limitation and must include disciplinary measures inside the school as an alternative to suspension.

Completing Missed Work. Any student who is suspended **must** be given an opportunity to complete any classwork, homework, examinations, or other work missed during the period of suspension. "Must" used to say "may." Schools must develop and adopt guidelines that provide any suspended student with the opportunity to complete classwork and homework. The guidelines may not require the student to attend the school district's alternative programs for expelled students in order to complete classwork and homework. The guidelines must be provided to the student and a parent or guardian at the time of suspension.

Short-Term Suspensions. When a principal suspends a student for up to five school days, he or she must give a written notice of the suspension to the parent or guardian within 24 hours "or such additional time as is reasonably necessary." LB 705 has revised this requirement to state that the principal only has an additional 48 hours (a total of 72 hours) to send the written notice of the suspension. The principal has always been required to make a "reasonable effort" to hold a conference with the parent or guardian when the student returns to school. Now there is an additional requirement that the principal document such effort in writing.

school must provide copies of records, written statements, and required affidavits no later than 48 hours before the hearing.

The school must make available those witnesses who have knowledge of or were involved in the alleged misconduct and subsequent discipline of the student if such witnesses are requested by the student or the student's parent, guardian, or representative and **if** such witnesses are employees or under contract with the school district.

With changes from LB 705, the hearing examiner now has ten calendar days to provide the findings and recommendations to the superintendent, and the superintendent has five school days after receiving the report to make his or her determination. Previously, there was no time limit for either action.

Appeal. If the student or parent appeals the superintendent's decision, the superintendent's determination will no longer take immediate effect.

School Board Decision. In the event of an appeal, the school board now must take final actions within three calendar days after the hearing. Previously, there was no time limit on the board's ability to make a final decision.

The changes are effective **three months after adjournment of the Unicameral, approximately September 2, 2023.** However, Policy 5035 has been revised to reflect these new requirements so that you do not have to change policies and handbooks in September.

These changes are required.

REVISION TO POLICY 5045: STUDENT FEES

The Nebraska Public Elementary and Secondary Student Fee Authorization Act permits schools to charge fees for "postsecondary education costs." However, just like fees charged to participate in extracurriculars or for student meals, the board must designate the "maximum" fee that may be charged. Our policy has always contained a section for postsecondary education costs, but it did not list the maximum for those costs.

This change will now require you to list the maximum fee that might be assessed to a student for postsecondary education costs. Unless you designate the maximum fee (even if the student ends up paying less), it's technically not lawful. If you collaborate with local colleges, universities, or

community colleges to offer postsecondary classes or dual credit classes, you should list the maximum fee a student may be required to pay. Keep in mind that schools cannot charge a fee for earning high school credits. However, you can require families to pay any postsecondary costs if they also want college credit. We recommend listing the max amount *per course*, to include all fees for tuition, materials, etc. You should set the number high enough to account for the most a student may be required to pay, especially if you work with multiple institutions.

This change is required.

REVISION TO POLICY 5049: FIREARMS AND WEAPONS

LB 77 authorizes anyone, other than a minor or prohibited person, to carry a concealed handgun anywhere in Nebraska, with or without a concealed handgun permit. However, the law still prohibits people from carrying a concealed or unconcealed handgun into a public school or on public school property. This prohibition does not apply to a qualified law enforcement officer or qualified retired law enforcement officer carrying a concealed handgun pursuant to 18 U.S.C. 926B or 926C.

We have revised this policy to remove the reference to an exception based on possessing a concealed handgun permit.

This change is required.

REVISION TO POLICY 5052: SCHOOL WELLNESS

The link to the website at the bottom of the policy that contains the evidence-based strategies used in the policy has been updated.

This change is required.

REVISION TO POLICY 5062: LICE AND NITS

For the past several years, we have been asked by numerous clients about the rules governing the exclusion of students who have contracted active cases of lice, louse eggs, and nits. Our policy previously offered two options, one that excluded for nits and one that did not. Several schools have

received significant pushback (and even threats of litigation) for banning students with nits alone until they were treated.

Many state and national organizations have strong opinions on this issue, with entities like the CDC and various medical organizations now recommending against any school exclusion even if a student has an active case of headlice. A small handful of schools have even asked us for a policy that would not exclude students from school at all. While that may technically violate the Nebraska DHHS isolation regulation, we know some schools have nurses, administrators, and others who agree with this position. If you would like that type of policy, please contact one of us.

In revisiting the actual Nebraska DHHS regulation on this point, it states as follows for school exclusion/isolation periods for pediculosis:

Nits are not a cause for school exclusion. Parents of students with live lice are to be notified and the child treated prior to return to school. Only persons with active infestation need be treated. Avoid head-to-head contact. No exclusion of contacts.

In light of the current regulation, we have removed the policy option permitting exclusion for nits, alone (the former "Option A"). The policy now has only one option that tracks the regulation. It states that the school will contact the student's parent/guardian(s) immediately to pick up the child. Because the regulation still says that the child needs to be treated "prior to return to school," we left that in the policy.

This change is required if you previously selected "Option A" which included nits. If you previously selected "Option B," these changes are recommended.

**POLICY 5063: [INTENTIONALLY LEFT BLANK]
(RELOCATED TO POLICY 3059)**

This policy is relocated.

REVISION TO POLICY 5064: SUPPLEMENT, NOT SUPPLANT

We have updated this policy to reflect the provision that requires federal grant funds supplement local effort for all Title funds which expands beyond Title I to include Title II and Title IV grant funds.

This change is technically not required but is highly recommended.

REVISION TO POLICY 6003: INSTRUCTIONAL PROGRAM

We have updated the policy to reflect the minimum number of instructional hours for each corresponding grade as required by Nebraska law and NDE regulations. You may adjust these hours upward if desired.

This change is required.

REVISION TO POLICY 6004: CURRICULUM DEVELOPMENT

We have updated the policy to reflect the new requirement that goes into effect for the 2023-24 school year that all students take at least one course in financial literacy. This required coursework may not be embedded in other curricula throughout a high school student's secondary education. Rather the course must be a standalone class equaling five (5) high school credits or an equivalent one-semester course. The Nebraska Department of Education has curricular resources for [the financial literacy course](#) here. The Financial Literacy Act requires the district to submit a report to the board of education about your compliance with the Act no later than December 31, 2024. **You do not need to worry about reporting for the 2023-24 school year.** We will provide you with the necessary information for that report in the years they will be required and will add them to our running list of annual notices, hearings, and reports at that time.

The Financial Literacy Act was passed as a companion statute to the Computer Science and Technology Act. LB 705 pushed back the effective date of the Computer Science and Technology Act to the 2027-28 school year.

As a side note, Policy 6004 has a table that sets out a schedule for curriculum review and textbook adoption. This table will need to be edited to reflect your district's practices. For example, if your district staff reviews the curriculum in one year and then actually adopts a textbook in the following year, you would adjust the content of the "textbook adoption" cell down a level. This year is also a good time to check the dates that your district has filled in under the "school year" column and to update them as necessary.

The financial literacy curriculum is required for 23-24, but we have added both financial literacy and computer science to the curriculum review chart.

ADDITIONAL OPTIONS ADDED TO POLICY 6025: STUDENT CELL PHONE AND OTHER ELECTRONIC DEVICES

We have added some additional options to policy 6025. The current policy is most permissive, allowing students to use cell phones and other devices so long as they don't violate other school rules. As more schools start to go back to restrictive policies or consider storage plans like classroom turn-in boxes or Yondr bags, we want to provide some additional options. Those are included in the redline of this policy. However, the substance of the current policy did not change.

If you are happy with your current student cell phone and electronic devices policy, you do not need to make any changes.

NEW POLICY 6038: Artificial Intelligence

This is an optional policy. We have received questions from several clients about a board policy on the extent to which students may permissibly use artificial intelligence tools "AI Tools" (such as ChaptGPT and other chatbots) in connection with school assignments. This policy lays out (1) the board's approval of using AI Tools in connection with academic assignments, and (2) details the minimum requirements and expectations for such use.

Under this policy, teachers are responsible for determining the extent to which a student may permissibly use AI Tools in connection with any specific assignment and the policy imposes certain minimum requirements that students using such tools must meet (including disclosure and proper attribution). Please note that the criteria laid out in this policy is not in response to legal requirements. Rather, this policy provides a practical framework for your teaching staff to consider whether and how AI Tools can and should be used in connection with school assignments. The policy also clarifies that student use of AI Tools should be consistent with expectations of academic honesty when using other sources of information. If the board is inclined to adopt this policy (or a version of it), we strongly encourage the board to consult with the administration (who may work with the teaching

staff) to ensure that the framework and expectations are consistent with the teaching practices.

This new policy is optional.

Form Changes

NOTICE OF NON-DISCRIMINATION

Some of our school districts have asked for an all-encompassing, one-and-done nondiscrimination statement. We have not drafted one yet, mainly for two reasons. One, drafting such a single non-discrimination statement that effectively addresses all requirements from a variety of entities has proven difficult to do in a straightforward and streamlined manner. Two, we have decided to wait until the new Title IX and Section 504 regulations have been approved and finalized. But once those changes are made, we will tackle and produce a new notice of non-discrimination.

There is no change to make - yet.

Other Issues To Consider

LB 298: Dyslexia

On or before July 1 of each year, the school district must provide the required information relating to dyslexia to NDE.

LB 298: Written Dress Code and Grooming Policy

On or before July 1, 2025, the school board must adopt a written dress code and grooming policy to be implemented at the start of the 2025-26 school year that is consistent with the model policy developed by NDE and "may include any other procedures and provisions the school board deems appropriate." NDE must develop and distribute its model dress code and grooming policy on or before December 1, 2024.

LB 705: Behavioral Intervention Training and Teacher Support Act

Sections 2 through 5 of LB 705 create the Behavioral Intervention Training and Teacher Support Act. This Act is effective **July 1, 2023**.

Training. Beginning in school year 2024-25, the Educational Service Unit Coordinating Council shall (i) ensure annual behavioral awareness training is available statewide and (ii) develop, implement, and administer an ongoing statewide teacher support system.

Beginning in school year 2026-27, each school district must ensure that each administrator, teacher, paraprofessional, school nurse, and counselor receives behavioral awareness training. Each administrator, teacher, paraprofessional, school nurse, and counselor who has received such training must receive a behavioral awareness training review at least once every three years. Each school district may offer such training, or similar training, to any other school employees at the discretion of the school district. In addition, all school employees must have a basic awareness of the goals, strategies, and schoolwide plans included in such training.

The Act defines what behavioral awareness training must include.

Report. On or before July 1, 2025, and on or before July 1 of each year thereafter, each school district must submit a behavioral awareness training

report to the Educational Service Unit Coordinating Council. The report must include the school district behavioral awareness training plan and summarize how the plan fulfills the requirements of the Act.

Point of Contact. Each school district must designate one or more school employees as a behavioral awareness point of contact for each school building or other division as determined by such school district. Each behavioral awareness point of contact must be trained in behavioral awareness and shall have knowledge of community service providers and other resources that are available for the students and families in the school district.

Mental Health and Counseling Resources. Each school district must maintain or have access to a registry of local mental health and counseling resources. The registry must include resource services that can be accessed by families and individuals outside of school. Each behavioral awareness point of contact must coordinate access to support services for students whenever possible. Except as provided in section 43-2101, if information for an external support service is provided to an individual student, school personnel must notify a parent or guardian of such student in writing unless the recommendation involves law enforcement or child protective services. Each school district shall indicate each behavioral awareness point of contact for the school district on the school district's website and in any school directory for the school that the behavioral awareness point of contact serves.

LB 705: Nebraska Teacher Recruitment and Retention Act

The purpose of the Nebraska Teacher Recruitment and Retention Act is to provide financial incentives to recruit and retain teachers in Nebraska classrooms. A teacher may apply to NDE for multiple retention grants of \$2,500 if the teacher has signed a contract to complete the teacher's second, fourth, and sixth complete school years of full-time employment in the 2023-24 through 2026-27 school years. A teacher may apply for a high-need retention grant of \$5,000 if the teacher (1) obtains an endorsement in special education, mathematics, science, technology, or dual credit; and (2) signs a contract to complete a school year of full-time employment as a teacher at a Nebraska school in 2024-25, 2025-26, or 2026-27. The Act terminates on January 1, 2028.

The Unicameral encourages "individual schools and school districts to adopt policies incentivizing teacher recruitment and retention through policies similar to the Nebraska Teacher Recruitment and Retention Act." KSB has

not drafted such a policy for its service because such a “policy” would actually need to be negotiated with the teacher’s association and included in the negotiated agreement.

This provision was subject to an e-clause.

LB 705: Student Discipline Act

NDE Policy. NDE must develop and adopt a model policy relating to behavioral intervention, behavioral management, classroom management, and removal of a student from a classroom in school on or before July 1, 2025. The model policy shall include appropriate training for school employees on behavioral intervention, behavioral management, classroom management, and removal of a student from a classroom in schools and how frequently such training shall be required.

School Policy. On or before August 1, 2025, each school district must develop and adopt a policy consistent with or comparable to the model policy developed by NDE. The school must file the policy with the Commissioner of Education. The policy must be included with any notifications required under the Student Discipline Act.

Behavioral Awareness and Intervention Training. Beginning in school year 2026-27, each school district must ensure that any school employee who has behavioral management responsibilities participates in behavioral awareness and intervention training consistent with the school district’s revised student discipline policy developed and adopted on or before August 1, 2025. The training must be provided by the school district or the school district’s ESU. The training must be consistent with the model policy relating to behavioral intervention, behavioral management, classroom management, and removal of a student from a classroom in school developed by NDE (on or before July 1, 2025).

LB 705: Computer Science and Technology Education

The requirement that public school students attend at least five credit hours of computer science and technology education has been extended from the 2026-27 school year to the 2027-28 school year. The deadline to include computer science and technology education aligned to the academic content standards has been extended from 2024-25 to 2025-26. This change is effective **three months after adjournment of the Unicameral, approximately September 2, 2023.**

LB 705: FAFSA

Beginning in 2024-25, each public high school student must complete and submit to the United States Department of Education a Free Application for Federal Student Aid prior to graduating from high school unless a parent or legal guardian, the principal or designee, or a student who is 19 or older or emancipated submits an NDE-created declination form. The principal or designee must submit compliance information to the school board and to NDE. This change is effective **three months after adjournment of the Unicameral, approximately September 2, 2023.**

LB 705: Youth Organizations

Each school district must, upon request, allow a representative of any youth organization (a corporation chartered by Congress and 29 listed in 36 U.S.C. Subtitle II, Part B, as of January 1, 2023) to provide:

- (i) oral or written information to the students of the school district regarding the youth organization and how the youth organization furthers the educational interests and civic involvement of students in a manner consistent with good citizenship and
- (ii) services and activities to any student of the school district who is a member of the youth organization.

Frequency and Timing. Each requesting youth organization must be allowed to provide its information, services, and activities in a school building or on the school grounds of a school in each school district at least once during each school year. Schools must make a good faith effort to select a date, time, and location for each requesting youth organization to provide its information, services, or activities that is mutually agreeable to the school district and to the youth organization. Oral information may only be provided during noninstructional time.

Background Checks. Prior to allowing a representative of a youth organization to provide information, services, or activities at a school, the representative must be subject to a background check. Except as otherwise provided by the new law or by the rules and regulations of the Nebraska State Patrol, the parameters of the background check shall be determined by the relevant school district. A school district may prohibit any representative of a youth organization that has been convicted of a felony from providing information, services, or activities at any school in the school district. Each representative of a youth organization is responsible for all costs associated with obtaining the background checks.

This change is effective **three months after adjournment of the Unicameral, approximately September 2, 2023.**

Other Bills of Interest

LB 243: Adopt the School District Property Tax Limitation Act

LB 583: Change Provisions of the Special Education Act and the Tax Equity and Educational Opportunities Support Act

LB 727: Change Provisions Relating to Revenue and Taxation

LB 753: The Opportunity Scholarships Act

CONCLUSION

It is all too easy to adopt policies that look good but that do not actually reflect how the school operates or assist the school in accomplishing its goals. Every year we stress that it is very important to us to give you a working, useful set of policies and a continuing ***policy service***. For our Complete Service subscribers, there is no additional charge for revisions to our policies or consultation about them. Please don't hesitate to contact any one of us with questions about the updates or other policies. Our group e-mail address is ksb@ksbschoollaw.com.

3001
Budget and Property Tax Request

The board of education shall adopt a budget each year to support the school district's programs and services for the ensuing fiscal year. The superintendent of schools shall be responsible for developing the budget subject to the direction and decisions of the board. The budget document shall be under continuous development, based upon the requirements of the adopted educational program.

BUDGET PROCEDURES

Proposed Budget. The superintendent shall prepare the proposed budget in accordance with board policies and goals, state statutes, and regulations. As the district's spending plan, the budget will be based on up-to-date revenue estimates, and will reflect the assessed needs and programs approved by the board.

Budget Hearing Notice. Notice of place and time of the hearing, together with a summary of the proposed budget statement, must be published at least four calendar days prior to the date set for hearing in a newspaper of general circulation within the school district. The four calendar days shall include the day of publication but not the day of hearing. The notice shall include the following statement:

For more information on statewide receipts and expenditures, and to compare cost per pupil and performance to other school districts, go to: <https://nep.education.ne.gov/>

In addition, the district must electronically publish this statement on the school district web site. Such electronic publication must be prominently displayed with an active link to the Internet address for the web site established by the Nebraska Budget Act to allow the public access to the information.

Budget Hearing. The board must conduct a hearing prior to adopting the budget. The hearing must be held separately from any regularly scheduled meeting and may not be limited by time. The board must make a presentation outlining key provisions of the proposed budget statement, including, but not limited to, a comparison with the prior year's budget. Any member of the public desiring to speak on the proposed budget statement shall be allowed to address the board at the hearing and must be given a reasonable amount of time to do so. Five minutes shall generally be considered a reasonable amount of time.

Deleted: [Insert Internet address for the web site established pursuant to Laws 2021, LB528, section 5]. ...

Budget Hearing Documents. The board must make at least three copies of the proposed budget statement and at least one copy of all other reproducible written material to be discussed at the hearing available to the public at the hearing.

Budget Adoption. After the budget hearing, the proposed budget statement shall be adopted or amended and adopted as amended. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of the changes (including the items changed and the reasons for such changes) must be published in a newspaper of general circulation within the school district within twenty calendar days after its adoption without further hearing.

Certification and Filing. The amount to be received from personal and real property taxation shall be certified to the appropriate levying board as provided by law. The budget shall also be filed with the state auditor.

Purchase Authorization. Except for bids required under the section "Bid Letting and Contracts," the board's adoption of the budget shall authorize the purchases without further board action.

Monthly Report. At each monthly board meeting, the superintendent will provide a report on the current status of the major sections of the budget.

PROPERTY TAX REQUEST PROCEDURES – PROPERTY TAX REQUEST IS EQUAL TO OR LOWER THAN THE ALLOWABLE GROWTH PERCENTAGE

Property Tax Request Hearing. The board must hold a special public hearing called for the purpose of passing a property tax request resolution.

Property Tax Request Hearing Notice. The district must publish a hearing notice in a newspaper of general circulation in the school district at least four calendar days prior to the hearing. The four calendar days shall include the day of publication but not the day of hearing. The hearing notice must contain the following information: The certified taxable valuation under section 13-509 for the prior year, the certified taxable valuation under section 13-509 for the current year, and the percentage increase or decrease in such valuations from the prior year to the current year; the dollar amount of the prior year's tax request and the property tax rate that was necessary to fund that tax request; the property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation; the proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request; the percentage increase or decrease in

the property tax rate from the prior year to the current year; and the percentage increase or decrease in the total operating budget from the prior year to the current year.

Increase in Total Property Taxes Levied. If the annual assessment of property would result in an increase in the total property taxes levied as determined using the previous year's rate of levy, the district's property tax request for the current year shall be no more than its property tax request in the prior year, and the district's rate of levy for the current year shall be decreased accordingly when such rate is set by the county board of equalization.

Decrease or No Change in Total Property Taxes Levied. If the annual assessment of property would result in no change or a decrease in the total property taxes levied as determined using the previous year's rate of levy, the district's property tax request for the current year shall be no more than its property tax request in the prior year, and the district's rate of levy for the current year shall be adjusted accordingly when such rate is set by the county board of equalization.

Resolution. The board shall pass a resolution to set the amount of its property tax request only after holding the public hearing. The resolution setting the district's property tax request at an amount that exceeds the prior year's property tax request shall include, but not be limited to, the information required by section 77-1632(4).

Deleted: 77-1601.02(4)

Certification. The resolution setting the property tax request shall be certified and forwarded to the county clerk on or before October 15th of the year for which the tax request is to apply.

PROPERTY TAX REQUEST PROCEDURES – PROPERTY TAX REQUEST IS GREATER THAN THE ALLOWABLE GROWTH PERCENTAGE

Property Tax Request Hearing. The board must hold a public hearing called for the purpose of passing a property tax request resolution. If another political subdivision within the county also seeks to exceed the allowable growth percentage, the hearing will be a joint hearing. In the event of a joint hearing, each political subdivision must designate one representative to attend the joint public hearing on behalf of the political subdivision. If a political subdivision includes area in more than one county, the political subdivision shall be deemed to be within the county in which the political subdivision's principal headquarters are located. The hearing agenda will only include discussion on each political subdivision's intent to increase its property tax request by more than the allowable growth percentage to the extent

allowed by law.

The hearing must be held after 6 p.m. on or after September 17th and before September 28th and before the district files its adopted budget statement. Any member of the public must be allowed a reasonable amount of time to speak at the hearing.

At the joint public hearing, the representative of each political subdivision must give a brief presentation on the political subdivision's intent to increase its property tax request by more than the allowable growth percentage to the extent allowed by law and the effect of such request on the political subdivision's budget. The presentation must include, at a minimum, all information and statements required by law.

Property Tax Request Hearing Notice. Notice of the joint public hearing must be provided by:

- The County Assessor sending a postcard with all required information to all affected property taxpayers. The postcard shall be sent to the name and address to which the property tax statement is mailed;
- Posting notice of the hearing with all required information on the home page of the relevant county's web site, except that this requirement shall only apply if the county has a population of more than twenty-five thousand inhabitants; ***and***
- Publishing notice of the hearing with all required information in a legal newspaper in or of general circulation in the relevant county.

Provide Information to County Clerk. Each political subdivision that participates in the joint public hearing shall provide the following information to the county clerk by September 5th: the date, time, and location for the joint public hearing; a listing of and telephone number for each political subdivision that will be participating in the joint public hearing; and the amount of each participating political subdivision's property tax request.

Resolution. The board shall pass a resolution to set the amount of its property tax request only after holding the public hearing. The resolution setting the district's property tax request at an amount that exceeds the prior year's property tax request, including any increase in excess of the allowable growth percentage shall include, but not be limited to, the information required by law.

Certification. The resolution setting the property tax request shall be certified and forwarded to the county clerk on or before October 15th of the year for which the tax request is to apply.

Adopted on: _____
Revised on: _____
Reviewed on: _____

3003.1

Bidding for Construction, Remodeling, Repair, or Related Projects Financed with Federal Funds

I. Applicability of the Policy

This policy applies only to construction and contracts undertaken with federal funds which are subject to the federal Uniform Grant Guidance (UGG) and other applicable federal law, including but not limited to the Education Department and General Administration Regulations (EDGAR) and the United States Department of Agriculture (USDA) regulations governing school food service programs. In the event this policy conflicts or is otherwise inconsistent with mandatory provisions of the UGG, EDGAR or other applicable federal law, the mandatory provisions of the laws shall control.

The District will also comply with the requirements of the public lettings laws (NEB. REV. STAT. §§ 73-101 through 73-106) when the contemplated expenditure for the complete project exceeds \$109,000, the Political Subdivisions Construction Alternatives Act (NEB. REV. STAT. §§ 13-2901 through 13-2914), energy financing contracts (NEB. REV. STAT. §§ 66-1062 through 66-1066), other applicable state laws, and the board's general policy on Bidding for Construction and Related Projects. In addition, all procurement and construction shall comply with the rules and requirements of 2 CFR part 200.317 through 200.326 and 34 CFR sections 75.601 through 75.615. In the event of a conflict between state and federal law, the more stringent requirement shall apply.

II. All projects undertaken pursuant to this policy will be subject to the following bond requirements

- A. A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- B. A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- C. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with

a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

III. Construction Projects with an Anticipated Cost of Under \$250,000

A. Methods of Bidding/Soliciting Quotations or Estimates

The type of procedures required depends on the anticipated cost of the project.

1. Construction with an Anticipated Cost of up to \$10,000 (Micro-Purchases)

Micro-purchase means a purchase of supplies or services using simplified acquisition procedures, the annual aggregate amount of which does not exceed \$10,000. Micro-purchases may be made or awarded without soliciting competitive quotations, to the extent district staff determine that the cost of the purchase is reasonable. For purposes of this policy "reasonable" means the purchase is comparable to market prices for the geographic area.

To the extent practicable, the District distributes micro-purchases equitably among qualified suppliers. The District will follow its standard policy on purchasing.

2. Construction with an Anticipated Cost of between \$10,000 and \$250,000 (Small Purchase Procedures)

For construction projects subject to this policy, small purchases are purchases that, in the aggregate amount, is more than \$10,000 and less than \$250,000 annually. For small purchases, price or rate quotes shall be obtained in advance from a reasonable number of qualified sources as detailed in the district's standard policies on purchasing and on bid letting and contracts.

- B. Construction Projects with an estimated cost of between \$109,000 and \$249,999 will be made pursuant to the District's Policy on Bid Letting and Contracts.

Pursuant to Nebraska law, construction projects which have an anticipated aggregate cost of \$109,000 or more are subject to state public lettings laws (NEB. REV. STAT. §§ 73-101 through 73-106). The board will follow its standard policy on bid letting and contracts for construction projects financed with federal funds which have an anticipated aggregate cost of between \$109,000 and \$250,000.

IV. Construction Projects with an Anticipated Cost Over \$250,000

A. Sealed Bids: All constructions projects subject to this policy with an anticipated cost of \$250,000 or more will be publicly solicited using the sealed bid method

1. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for state, local, and tribal governments, the invitation for bids must be publicly advertised;
2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
3. Sealed bids will be publicly opened in a place and at the specific time stated in the bid solicitation. Bidders shall be notified of the opening and invited to be present.
4. The contract will be awarded to the lowest responsive and responsible bidder.
 - a) Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest.
 - b) Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of.
 - c) Any or all bids may be rejected if there is a sound documented reason.
5. The board shall have discretion in determining which bidders are responsible and responsive and shall award the contract to the lowest, responsible, and responsive bidder whose bid meets the bid specifications. This means that the board will select the bid that offers the best value and award a contract based upon the amount of the bid and the bidder's ability and capacity to carry on

the work, its equipment and facilities, honesty, integrity, skills, business judgment, experience, equipment, facilities, financial stability, past performance, and other relevant factors.

6. The board will generally complete its review of bids and select a vendor within 30 days of bid submission.

B. Advertising for Bids.

1. The superintendent or designee will arrange to advertise for bids by publishing notice in any newspaper of general circulation within the school district at least 7 calendar days prior to the date on which bids are due.

2. Nothing shall prevent the superintendent or designee from advertising in additional media outlets or for a longer period of time.

C. Bid Documents

1. The bid documents shall identify the day upon which the bids shall be returned, received, or opened and shall identify the hour at which the bids will close or be received or opened.

2. The bid documents shall also provide that such bids shall be opened simultaneously in the presence of the bidders or their representatives.

3. Bids received after the date and time specified in the bid documents shall be returned to the bidder unopened.

4. If bids are being opened on more than one contract, the board, in its discretion, may award each contract as the bids are opened.

5. Sealed bids will be opened in a place and at the specific time stated in the bid solicitation. Bidders shall be notified of the opening and invited to be present.

6. Bids will be reviewed by the Superintendent and/or designee and submitted to the board for approval.

7. The board shall have discretion in determining which bidders are responsible and responsive and shall award the contract to the lowest, responsible, and responsive bidder whose bid meets the

bid specifications. This means that the board will select the bid that offers the best value and award a contract based upon the amount of the bid and the bidder's ability and capacity to carry on the work, its equipment and facilities, honesty, integrity, skills, business judgment, experience, equipment, facilities, financial stability, past performance, and other relevant factors.

8. The board will generally complete its review of bids and select a vendor within 30 days of bid submission.

D. The terms of any construction project undertaken pursuant to this policy will be memorialized in a written contract which has been reviewed by the district's legal counsel and approved by the board.

V. Other Contract Matters.

A. Required Terms

The non-Federal entity's contracts must contain the applicable provisions required by section 200.326 and described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards. This includes a "Buy American" provision that provides that as appropriate and to the extent consistent with law, the District and contractor should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of the Buy American provision must be included in all subawards including all contracts and purchase orders for work or products under this award.

B. Contracting with Certain Vendors

Pursuant to the standards contained in 2 C.F.R. § 200.321, the District will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible and consistent with state law.

To the maximum extent practicable, the school food program shall purchase domestic commodities or products produced in the U.S. or processed in the U.S. substantially using agricultural commodities produced in the U.S.

C. Full and Open Competition

The district's procurement transactions will be conducted in a manner

providing full and open competition consistent with 2 C.F.R §200.319.

D. Debarment and Suspension

The District awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

The District may not subcontract with or award subgrants to any person or company who is debarred or suspended. For all contracts over \$25,000 the District verifies that the vendor with whom the District intends to do business with is not excluded or disqualified. 2 C.F.R. Part 200, Appendix II(1) and 2 C.F.R. §§ 180.220 and 180.300.

The District will verify debarment or suspension by revising the excluded parties list on SAM.gov, collecting a certification through the bidding process, and/or by including a debarment and suspension provision in the bid and contract documents. The Superintendent or his/her designee shall be responsible for such verification.

E. Settlements of Issues Arising Out of Contract

The District alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the District of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

F. Record Keeping

1. Record Retention

- a) The District maintains all records that fully show (1) the amount of funds under the grant or subgrant; (2) how the subgrantee uses those funds; (3) the total cost of each project; (4) the share of the total cost of each project provided from other sources; (5) other records to facilitate an effective audit; and (6) other records to show compliance with federal program requirements. 34 C.F.R. §§ 76.730-.731 and §§ 75.730-.731. The District also maintains records of

significant project experiences and results. 34 C.F.R. § 75.732. These records and accounts must be retained and made available for programmatic or financial audit.

- b) The U.S. Department of Education is authorized to recover any federal funds misspent within 5 years before the receipt of a program determination letter. 34 C.F.R. § 81.31(c). Schedule 10 (Local School Districts) and Schedule 24 (Local Agencies General Records) of the Nebraska Records Management Division as approved by the Nebraska Secretary of State/State Records Administrator requires the District to maintain records regarding construction projects for a minimum of five (5) years after the sale or demolition of the building. However, if any litigation, claim, or audit is started before the expiration of the record retention period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. 2 C.F.R. § 200.333.
 - c) Records will be destroyed in compliance with Schedule 10, Schedule 24, and State law. This includes the completion of a Records Disposition Report.
2. Maintenance of Construction Records for Projects Financed with Federal Funds
- a) The District must maintain records sufficient to detail the history of all construction projects financed with federal funds. These records will include, but are not necessarily limited to the following: rationale for the method of construction, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.
 - b) Retention of construction records shall be in accordance with applicable law and Board policy.

VI. Conflict of Interest and Code of Conduct

- A. Board and staff member conflicts of interest are governed by the district's conflict of interest policies.
- B. Contracts covered by this policy are subject to the following additional provisions.
 - 1. Employees, officers, and agents engaged in the selection, award, and/or administration of district contracts which are prohibited from engaging in such actions if a real or apparent conflict of interest is present.
 - 2. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
 - 3. The board may determine at its discretion that a financial interest is not substantial enough to give rise to a conflict of interest.

C. Favors and Gifts

The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, with the limited exception of unsolicited items of nominal value.

D. Enforcement

Disciplinary Actions will be applied for violations of such standards by officers, employees, or agents of the District at the board's discretion.

VII. Financial Management

A. Identification.

The District will identify, in its accounts, all federal awards received and expended and the federal programs under which they were received. Federal program and award identification include, as applicable, the CFDA title and

number, federal award identification number and year, name of the federal agency, and, if applicable, name of the pass-through entity.

B. Financial Reporting

The District will make an accurate, current, and complete disclosure of the financial results of each federal award or program in accordance with the financial reporting requirements set forth in the Education Department General Administrative Regulations (EDGAR).

C. Accounting Records

The District maintains records which adequately identify the source and application of funds provided for federally-assisted activities. These records must contain information pertaining to grant or subgrant awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.

D. Internal Controls

The Superintendent or his/her designee must maintain effective control and accountability for all funds, real and personal property, and other assets through board review and approval of claims, an annual audit of the district's finances pursuant to the applicable Nebraska Department of Education and federal rules and regulations, and comparison of expenditures and outlays to budgeted amounts. The District adequately safeguards all such property and assures that it is used solely for authorized purposes.

E. Budget Control

Actual expenditures or outlays will be compared with budgeted amounts for each federal award at least annually and more often as required by law or deemed prudent by the board or administrative staff.

F. Payment Methods

The District will comply with applicable methods and procedures for payment that minimize the time elapsing between the transfer of funds and disbursement by the District, in accordance with the Cash Management Improvement Act at 31 CFR Part 205. Generally, the District receives payment from the Nebraska Department of Education on a reimbursement basis. 2 CFR § 200.305. However, if the District receives an advance in federal grant funds, the District will remit interest earned on the advanced payment quarterly to the federal agency. The District may retain interest amounts up

to \$500 per year for administrative expenses. 2 CFR § 200.305(b)(9).

Consistent with state and federal requirements, the District will maintain source documentation supporting the federal expenditures (invoices, time sheets, payroll stubs, etc.) and will make such documentation available for the Nebraska Department of Education to review upon request.

G. Allowability of Costs

Expenditures must be aligned with approved budgeted items. Any changes or variations from the state-approved budget and grant application need prior approval.

When determining how the District will spend its grant funds, the Superintendent or his/her designee will review the proposed cost to determine whether it is an allowable use of federal grant funds before obligating and spending those funds on the proposed good or service. All costs supported by federal education funds must meet the standards outlined in EDGAR, 2 CFR Part 3474 and 2 CFR Part. The Superintendent or his/her designee must consider these factors when making an allowability determination.

The Superintendent or his/her designee will consider Part 200's cost guidelines when federal grant funds are expended. The Superintendent or his/her designee will also consider whether all state - and District-level requirements and policies regarding expenditures have been followed.

H. Use of Program Income – Deduction, Addition, or Cost Sharing or Matching

The default method for the use of program income for the District is the deduction method. 2 C.F.R. § 200.307(e). Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the federal awarding agency or pass-through entity. 2 C.F.R. § 200.307(e)(1). The District may also request prior approval from the federal awarding agency to use the addition method. Under the addition method, program income may be added to the Federal award by the Federal agency and the non-Federal entity. The program income must then be used for the purposes and under the conditions of the Federal award. 2 C.F.R. § 200.307(e)(2). The District may also request prior approval from the federal awarding agency to use the cost sharing or matching method.

While the deduction method is the default method, the District always refers to the grant award notice prior to determining the appropriate use of program

income.

I. Cost Sharing or Matching

For all Federal awards, any shared costs or matching funds and all contributions, including cash and third-party in-kind contributions, must be accepted as part of the non-Federal entity's cost sharing or matching when such contributions meet all of the following criteria:

- (1) Are verifiable from the non-Federal entity's records;
- (2) Are not included as contributions for any other Federal award;
- (3) Are necessary and reasonable for accomplishment of project or program objectives;
- (4) Are allowable under subpart E (Cost Principles) of this part;
- (5) Are not paid by the Federal Government under another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs;
- (6) Are provided for in the approved budget when required by the Federal awarding agency; and
- (7) Conform to other provisions of this part, as applicable.

J. Documentation of Personnel Expenses

Records that reflect charges to federal awards for salaries and wages will comply with the rules and requirements of 2 CFR 200.430.

VIII. Other Contract Matters.

A. Required Terms

The non-Federal entity's contracts must contain the applicable provisions required by section 200.326 and described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

B. Contracting with Certain Vendors

Pursuant to the standards contained in 2 C.F.R. § 200.321, the District will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible consistent with state law.

To the maximum extent practicable, the school food program shall purchase domestic commodities or products produced in US or processed in US substantially using agricultural commodities produced in US.

C. Record Keeping

1. Record Retention

a) The District maintains all records that fully show (1) the amount of funds under the grant or subgrant; (2) how the subgrantee uses those funds; (3) the total cost of each project; (4) the share of the total cost of each project provided from other sources; (5) other records to facilitate an effective audit; and (6) other records to show compliance with federal program requirements. 34 C.F.R. §§ 76.730-.731 and §§ 75.730-.731. The District also maintains records of significant project experiences and results. 34 C.F.R. § 75.732. These records and accounts must be retained and made available for programmatic or financial audit.

b) The U.S. Department of Education is authorized to recover any federal funds misspent within 5 years before the receipt of a program determination letter. 34 C.F.R. § 81.31(c). Schedule 10 (Local School Districts) and Schedule 24 (Local Agencies General Records) of the Nebraska Records Management Division as approved by the Nebraska Secretary of State/State Records Administrator requires the District to maintain records regarding federal awards for a minimum of six (6) years. Consequently, the District shall retain records for a minimum of six (6) years from the date on which the final Financial Status Report is submitted, unless otherwise notified in writing to extend the retention period by the awarding agency, cognizant agency for audit, oversight agency for audit, or cognizant agency for indirect costs. However, if any litigation, claim, or audit is started before the expiration of the record retention period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. 2 C.F.R. § 200.333.

c) Records will be destroyed in compliance with Schedule

10, Schedule 24, and State law. This includes the completion of a Records Disposition Report.

2. Maintenance of Procurement Records

a) The District must maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.

b) Retention of procurement records shall be in accordance with applicable law and Board policy.

D. Privacy

The District has protections in place to ensure that the personal information of both students and employees is protected. These include the use of passwords that are changed on a regular basis; staff training on the requirements of the Family Educational Rights and Privacy Act (FERPA) and State confidentiality requirements; and training on identifying whether an individual requesting access to records has the right to the documentation.

Adopted on: _____

Revised on: _____

Reviewed on: _____

3004.1

Fiscal Management for Purchasing and Procurement Using Federal Funds

I. Applicability of Policy

This policy applies only to non-construction related purchases undertaken with federal funds which are subject to the federal Uniform Grant Guidance (UGG) and other applicable federal law, including but not limited to the Education Department and General Administration Regulations (EDGAR) and the United States Department of Agriculture (USDA) regulations governing school food service programs. In the event this policy conflicts or is otherwise inconsistent with mandatory provisions of the UGG, EDGAR or other applicable federal law, the mandatory provisions of the laws shall control.

All other non-construction purchases will be governed by the Board's general purchasing policy, which can be found earlier in this subsection. In the event of a conflict between state and federal law, the more stringent requirement shall apply.

This procurement policy shall govern all purchasing activities that relate to any aspect of the National School Lunch and Breakfast Programs. The district's goal is to fully implement all required procurement rules, regulations and policies set forth in 2 CFR 200, 7 CFR parts 210, 3016 and 3019, and by the Nebraska Department of Education.

II. Procurement System

The District maintains the following purchasing procedures.

A. Responsibility for Purchasing

The authority to make purchases shall be governed by the District's purchasing policy, which can be found elsewhere in this section. Except as otherwise provided in the District's purchasing policy, the acquisition of services, equipment, and supplies shall be centralized in the administration office under the supervision of the superintendent of schools, who shall be responsible for developing and administering the purchasing program of the school district. Purchases or commitments of district funds that are not authorized by this policy will be the responsibility of the person making the commitment.

B. Methods of Purchasing

The type of purchase procedures required depends on the cost of the item(s) being purchased.

1. Purchases up to \$10,000 (Micro-Purchases)

Micro-purchase means a purchase of supplies or services using simplified acquisition procedures, the annual aggregate amount of which does not exceed \$10,000. Micro-purchases may be made or awarded without soliciting competitive quotations, to the extent district staff determine that the cost of the purchase is reasonable. For purposes of this policy "reasonable" means the purchase is comparable to market prices for the geographic area.

To the extent practicable, the District distributes micro-purchases equitably among qualified suppliers. The District will follow its standard policy on purchasing, which can be found earlier in this subsection.

2. Purchases between \$10,000 and \$250,000 (Small Purchase Procedures)

Small purchases are purchases that, in the aggregate amount, is more than \$10,000 and less than \$250,000 annually. For small purchases, price or rate quotes shall be obtained in advance from a reasonable number of qualified sources as detailed in the district's standard policies on purchasing and on bid letting and contracts, which can be found earlier in this subsection.

3. Purchases Over \$250,000

a) Sealed Bids (Formal Advertising)

For purchases over \$250,000, the district will generally follow the bidding process outlined in the board's policy on Bidding for Construction, Remodeling, Repair or Site Improvement.

b) Contract/Price Analysis

The District performs a cost or price analysis in connection with every procurement action in excess of \$250,000, including contract modifications. The district will make an independent estimate of costs prior to receiving bids or proposals.

4. Noncompetitive Proposals (Sole Sourcing)

- a) Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
 - 1) The item is available only from a single source;
 - 2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - 3) The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District; or
 - 4) After solicitation of a number of sources, competition is determined inadequate.
- b) Noncompetitive proposals may only be solicited with the approval of the superintendent or the board. Sufficient and appropriate documentation that justifies the sole sourcing decision must be maintained by the superintendent or designee.
- c) A cost or price analysis will be performed for noncompetitive proposals when the price exceeds \$250,000.

5. Competitive Proposals.

- a) The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- 1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - 2) Proposals must be solicited from an adequate number of qualified sources; and
 - 3) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.
- b) The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.
- c) The District may select a proposal that offers the best value and that is based upon the proposer's responsiveness to the proposal, experience, reputation, staff qualifications, ability and capacity to carry on the work, price, honesty, integrity, skills, business judgment, financial stability, past performance, and other relevant factors. The evaluation may be conducted by the school board, a designated committee, or another designee of the school board.

C. Use of Purchase (Debit & Credit) Cards

District use of purchase cards is subject to the policy on purchase cards which can be found elsewhere in this subsection.

D. Federal Procurement System Standards

The district's procurement transactions will be conducted in a manner providing full and open competition consistent with 2 C.F.R §200.319.

The District will maintain and follow general procurement standards consistent with 2 C.F.R. §200.318.

E. Debarment and Suspension

The District awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

The District may not subcontract with or award subgrants to any person or company who is debarred or suspended. For all contracts over \$25,000 the District verifies that the vendor with whom the District intends to do business with is not excluded or disqualified. 2 C.F.R. Part 200, Appendix II(1) and 2 C.F.R. §§ 180.220 and 180.300.

The District will verify debarment or suspension by revising the excluded parties list on SAM.gov, collecting a certification through the bidding process, and/or by including a debarment and suspension provision in the bid and contract documents. The Superintendent or his/her designee shall be responsible for such verification.

F. Settlements of Issues Arising Out of Procurements

The District alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the District of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

III. Conflict of Interest and Code of Conduct

A. Board and staff member conflicts of interest are governed by the district's conflict of interest policies.

B. Purchases covered by this policy are subject to the following additional provisions.

1. Employees, officers, and agents engaged in the selection, award, and/or administration of district contracts which are prohibited from engaging in such actions if a real or apparent conflict of interest is present.
2. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
3. The board may determine at its discretion that a financial interest is not substantial enough to give rise to a conflict of interest.

C. Favors and Gifts

The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, except that this provision does not prohibit the receipt of unsolicited items of nominal value. For purposes of this policy, "nominal value" means a fair market value of \$25 or less.

D. Enforcement

Disciplinary Actions including, but not limited to, counseling, oral reprimand, written reprimand, suspensions without pay, or termination of employment, will be applied for violations of such standards by officers, employees, or agents of the District.

IV. Property Management Systems

A. Property Classifications

1. Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the District for financial statement purposes, or \$5,000.

2. Supplies means all tangible personal property other than those described in §200.33 Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the District for financial statement purposes or \$5,000, regardless of the length of its useful life. 2 C.F.R. §200.94.
3. Computing Devices means machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or "peripherals") for printing, transmitting and receiving, or storing electronic information. 2 C.F.R. §200.20.
4. Capital Assets means tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with GAAP. Capital assets include:
 - a) Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases; and
 - b) Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance). 2 C.F.R. §200.12.

B. Inventory Procedure

Newly purchased property shall be received and inspected by the staff member who ordered it to ensure that that it matches the purchase order, invoice, or contract and that it is in acceptable condition.

Equipment, Computing Devices, and Capital Assets must be tagged with an identification number, manufacturer, model, name of individual who tagged the item, and date tagged).

C. Inventory Records

For equipment, computing devices, and capital assets purchased with federal funds, the following information is maintained in the property management system:

1. Serial number;
2. District identification number;
3. Manufacturer;
4. Model;
5. Date tagged and individual who tagged it;
6. Source of funding for the property;
7. Who holds title;
8. Acquisition date and cost of the property;
9. Percentage of federal participation in the project costs for the federal award under which the property was acquired;
10. Location, use and condition of the property; and
11. Any ultimate disposition data including the date of disposal and sale price of the property.

The inventory list shall be adjusted by the superintendent of schools or his/her designee for property that is sold, lost, stolen, cannot be repaired, or that cannot be located.

D. Physical Inventory

1. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
2. The Superintendent or his/her designee will ensure that the physical inventory is performed. The physical inventory will generally occur during the months of June or July, but may be conducted during other time periods with the approval of the superintendent.

E. Maintenance

In accordance with 2 C.F.R. 313(d)(4), the District maintains adequate maintenance procedures to ensure that property is kept in good condition.

F. Lost or Stolen Items

The District maintains a control system that ensures adequate safeguards are in place to prevent loss, damage, or theft of the property.

G. Use of Equipment

Equipment must be used in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be

supported by the federal award, and the District will not encumber the property for any non-federal program use without prior approval of the federal awarding agency and the pass-through entity.

H. Disposal of Equipment

When it is determined that original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, the Superintendent or his/her designee will contact the awarding agency (or pass-through for a state-administered grant) for disposition instructions.

If the item has a current FMV of \$5,000 or less, it may be retained, sold, or otherwise disposed of with no further obligation to the federal awarding agency.

I. Equipment and Capital Expenditures

All equipment and capital expenditures shall comply with the rules and requirements of 2 CFR 200.439.

J. Depreciation

All depreciation shall comply with the rules and requirements of 2 CFR 200.436.

V. Financial Management

A. Identification

The District will identify, in its accounts, all federal awards received and expended and the federal programs under which they were received. Federal program and award identification include, as applicable, the CFDA title and number, federal award identification number and year, name of the federal agency, and, if applicable, name of the pass-through entity.

B. Financial Reporting

The District will make an accurate, current, and complete disclosure of the financial results of each federal award or program in accordance with the financial reporting requirements set forth in the Education Department General Administrative Regulations (EDGAR).

C. Accounting Records

The District maintains records which adequately identify the source and application of funds provided for federally-assisted activities. These records must contain information pertaining to grant or subgrant awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.

D. Internal Controls

The Superintendent or his/her designee must maintain effective control and accountability for all funds, real and personal property, and other assets through board review and approval of claims, an annual audit of the district's finances pursuant to the applicable Nebraska Department of Education and federal rules and regulations, and comparison of expenditures and outlays to budgeted amounts. The District adequately safeguards all such property and assures that it is used solely for authorized purposes.

E. Budget Control

Actual expenditures or outlays will be compared with budgeted amounts for each federal award at least annually and more often as required by law or deemed prudent by the board or administrative staff.

F. Payment Methods

The District will comply with applicable methods and procedures for payment that minimize the time elapsing between the transfer of funds and disbursement by the District, in accordance with the Cash Management Improvement Act at 31 CFR Part 205. Generally, the District receives payment from the Nebraska Department of Education on a reimbursement basis. 2 CFR § 200.305. However, if the District receives an advance in federal grant funds, the District will remit interest earned on the advanced payment quarterly to the federal agency. The District may retain interest amounts up to \$500 per year for administrative expenses. 2 CFR § 200.305(b)(9).

Consistent with state and federal requirements, the District will maintain source documentation supporting the federal expenditures (invoices, time sheets, payroll stubs, etc.) and will make such documentation available for the Nebraska Department of Education to review upon request.

G. Allowability of Costs

Expenditures must be aligned with approved budgeted items. Any changes or variations from the state-approved budget and grant application need prior approval.

When determining how the District will spend its grant funds, the Superintendent or his/her designee will review the proposed cost to determine whether it is an allowable use of federal grant funds before obligating and spending those funds on the proposed good or service. All costs supported by federal education funds must meet the standards outlined in EDGAR, 2 CFR Part 3474 and 2 CFR Part. The Superintendent or his/her designee must consider these factors when making an allowability determination.

The Superintendent or his/her designee will consider Part 200's cost guidelines when federal grant funds are expended. The Superintendent or his/her designee will also consider whether all state - and District-level requirements and policies regarding expenditures have been followed.

H. Use of Program Income – Deduction, Addition, or Cost Sharing or Matching

The default method for the use of program income for the District is the deduction method. 2 C.F.R. § 200.307(e). Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the federal awarding agency or pass-through entity. 2 C.F.R. § 200.307(e)(1). The District may also request prior approval from the federal awarding agency to use the addition method. Under the addition method, program income may be added to the Federal award by the Federal agency and the non-Federal entity. The program income must then be used for the purposes and under the conditions of the Federal award. 2 C.F.R. § 200.307(e)(2). The District may also request prior approval from the federal awarding agency to use the cost sharing or matching method.

While the deduction method is the default method, the District always refers to the grant award notice prior to determining the appropriate use of program income.

I. Cost Sharing or Matching

For all Federal awards, any shared costs or matching funds and all contributions, including cash and third-party in-kind contributions, must be

accepted as part of the non-Federal entity's cost sharing or matching when such contributions meet all of the following criteria:

- (1) Are verifiable from the non-Federal entity's records;
- (2) Are not included as contributions for any other Federal award;
- (3) Are necessary and reasonable for accomplishment of project or program objectives;
- (4) Are allowable under subpart E (Cost Principles) of this part;
- (5) Are not paid by the Federal Government under another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs;
- (6) Are provided for in the approved budget when required by the Federal awarding agency; and
- (7) Conform to other provisions of this part, as applicable.

J. Documentation of Personnel Expenses

Records that reflect charges to federal awards for salaries and wages will comply with the rules and requirements of 2 CFR 200.430.

VI. Written Compensation Policies

A. Time and Effort Standards

All employees who are paid in full or in part with federal funds must keep specific documents to demonstrate the amount of time they spent on grant activities. This includes an employee whose salary is paid with state or local funds but is used to meet a required "match" in a federal program. These documents, known as time and effort records, are maintained in order to charge the costs of personnel compensation to federal grants. Charges to federal awards for salaries and wages must be based on records that accurately reflect the work performed. These records must:

- (1) Be supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;
- (2) Be incorporated into official records;
- (3) Reasonably reflect total activity for which the employee is compensated, not exceeding 100% of compensated activities;
- (4) Encompass both federally assisted and all other activities compensated by the District on an integrated basis;

- (5) Comply with the established accounting policies and practices of the District and
- (6) Support the distribution of the employee's salary or wages among specific activities or costs objectives.

B. Time and Effort Procedures

Time and effort procedures will follow and comply with 2 CFR 200.430(i).

C. Fringe Benefits

Except as provided otherwise by federal law, the costs of fringe benefits will be allowable provided that the benefits are reasonable and required by law, a district-employee agreement, or another policy of the District.

D. Leave

The cost of fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, family-related leave, sick leave, holidays, court leave, military leave, administrative leave, and other similar benefits, are allowable if they are provided under established written District leave policies.

E. Unexpected or Extraordinary Circumstances

In the event of a pandemic or other unexpected or extraordinary circumstance, the District may close school or individual buildings. In such case, the District may compensate federally funded or other employees during such closure to ensure the return of staff to employment after the closure as allowed by state or federal law.

F. Documentation for Personnel Expenses

Records that reflect charges to federal awards for salaries and wages will comply with the rules and requirements of 2 CFR 200.430.

VII. Other Contract Matters.

A. Required Terms

The non-Federal entity's contracts must contain the applicable provisions required by section 200.326 and described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

B. Contracting with Certain Vendors

Pursuant to the standards contained in 2 C.F.R. § 200.321, the District will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible consistent with state law.

Buy American. The District participates in the National School Lunch Program and School Breakfast Program and is required to use the nonprofit food service funds, to the maximum extent practicable, to buy domestic commodities or products for Program meals. A "domestic commodity or product" is defined as one that is either produced in the U.S. or is processed in the U.S. substantially using agricultural commodities that are produced in the U.S. as provided in 7 CFR 210.21(d).

The District may deviate from this general requirement only if:

- The product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality; or
- Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product.

Deleted: To the maximum extent practicable, the school food program shall purchase domestic commodities or products produced in US or processed in US substantially using agricultural commodities produced in US.

C. Record Keeping

1. Record Retention

- a) The District maintains all records that fully show (1) the amount of funds under the grant or subgrant; (2) how the subgrantee uses those funds; (3) the total cost of each project; (4) the share of the total cost of each project provided from other sources; (5) other records to facilitate an effective audit; and (6) other records to show compliance with federal program requirements. 34 C.F.R. §§ 76.730-.731 and §§ 75.730-.731. The District also maintains records of significant project experiences and results. 34 C.F.R. § 75.732. These records and accounts must be retained and made available for programmatic or financial audit.
- b) The U.S. Department of Education is authorized to recover any federal funds misspent within 5 years before the receipt of a program determination letter. 34 C.F.R. § 81.31(c). Schedule 10 (Local School Districts) and

Schedule 24 (Local Agencies General Records) of the Nebraska Records Management Division as approved by the Nebraska Secretary of State/State Records Administrator requires the District to maintain records regarding federal awards for a minimum of six (6) years. Consequently, the District shall retain records for a minimum of six (6) years from the date on which the final Financial Status Report is submitted, unless otherwise notified in writing to extend the retention period by the awarding agency, cognizant agency for audit, oversight agency for audit, or cognizant agency for indirect costs. However, if any litigation, claim, or audit is started before the expiration of the record retention period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. 2 C.F.R. § 200.333.

- c) Records will be destroyed in compliance with Schedule 10, Schedule 24, and State law. This includes the completion of a Records Disposition Report.

2. Maintenance of Procurement Records

- a) The District must maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.
- b) Retention of procurement records shall be in accordance with applicable law and Board policy.

D. Privacy

The District has protections in place to ensure that the personal information of both students and employees is protected. These include the use of passwords that are changed on a regular basis; staff training on the requirements of the Family Educational Rights and Privacy Act (FERPA) and State confidentiality requirements; and training on identifying whether an individual requesting access to records has the right to the documentation.

Adopted on: _____
Revised on: _____
Reviewed on: _____

3033

Lending Textbooks to Children Enrolled in Private Schools

Through June 30, 2024, the school district shall make textbooks available to private school children who reside within the district or are otherwise entitled to borrow them pursuant to statute and 92 Nebraska Administrative Code, section 4. The district is obligated to purchase and lend textbooks only to the extent that the Legislature appropriates funds to the Nebraska Department of Education to be distributed for this purpose. As used in this policy, "textbooks" shall have the definition adopted by the Nebraska State Board of Education in Rule 4.

The district shall make a request for funds by filing an application on the form prescribed by the Department of Education no later than February 15th prior to the school year for which the application is made. The application shall include: the number of applications received; the number of textbooks requested; the number of textbooks needed to be purchased to fill the requests; the purchase price of the textbooks needed to be purchased which may include up to 5% of the cost to defray administrative expense; the title, purchase price, and number requested of each textbook including any shipping or handling charges; and if applicable the amount of carryover funds remaining from the previous year, amount of funds on hand from sale of unused textbooks, and amount of funds on hand from reimbursements for damaged textbook.

Textbooks which have not been requested for three consecutive years may be classified as unused and disposed of by sale or otherwise.

On or before November 15th, the district shall prepare a list of textbooks that are designated for use in the district during the current year and a list of new textbooks designated for use the following school year. The lists shall be kept current and in a place where they may be viewed during regular business hours. The district shall maintain a separate inventory of textbooks purchased for the use of private school children residing in the district.

Any parent or legal guardian who wishes to borrow textbooks shall submit an application on the form prescribed by the Department of Education to the district's administration offices on or before January 15th prior to the school year for which the application is made. The district shall maintain a supply of blank application forms and receipt forms. It shall keep the forms that have been signed by parents and guardians in a separate file for at least 5 years. It shall notify the parents and guardians at least 10 days prior to the start of

school when and where the textbooks will be available. It shall make textbooks available to parents or guardians on or before August 15th. If the number of textbooks for a particular subject or grade level is insufficient to fill all of the requests, the textbooks shall be distributed to parents and guardians based on a random drawing.

Parents and guardians shall sign a receipt on the form prescribed by the Department of Education when they pick up the textbooks and shall return the textbooks that can be returned no later than 15 days after the district's last day of class. The district shall assess the returned textbooks for damage beyond normal wear and tear. The parent or guardian who signed the receipt is responsible for paying the reasonable cost of the repair or replacement of any book that is damaged, lost, stolen, or not returned.

The school district shall limit the loan each year to ten textbooks per student for students in grades K-6 and to eight textbooks per student for students in grades 7-12.

This policy shall terminate July 1, 2024.

Adopted on: _____

Revised on: _____

Reviewed on: _____

3036
Purchasing (Credit) Card Program

The board approves the use of a purchasing card (credit card) program for the purchase of goods and services for and on behalf of the school district. The board will determine the type of purchasing card or cards to be used in the program and may contract with a third-party provider as provided by law.

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Authorized Purchases. Authorized users have standing authority to use the purchasing card to charge actual, necessary, and reasonable travel expenses and [insert other standing authorized expenditures]. Otherwise, the purchasing card may only be used to purchase goods and services approved by the board or the superintendent or designee. The maximum amount that may be charged in a single day is \$[insert amount].

Unauthorized Purchases. In no event shall the purchasing card be used for personal purchases, purchases that are not school related, alcohol purchases, or purchases that are not allowed by law. Such unauthorized use shall result in discipline, up to and including the end of employment. Individuals who make unauthorized purchases shall reimburse the district for the expense within ten days of the purchase or the discovery of the unauthorized purchase, whichever occurs first.

Authorized Users. Individuals holding the following titles may be assigned an individual purchasing card: _____.
The board may take action at any meeting to authorize additional users or to revoke or suspend user privileges. Such action shall be recorded in the minutes. The school may also maintain a purchasing card in the name of the school district. School district employees may purchase school related goods and services with the school district credit card only with authorization from the superintendent.

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Documentation. Employees seeking reimbursement for a purchasing card purchase must submit an itemized receipt ***and*** a purchasing card receipt to the school district. The itemized receipt must include the name of the business, contact information, the date, a description of each item sufficient to give the board reasonable notice of the item purchased, and the price. ***A non-itemized credit card receipt alone is not sufficient.*** Designated school personnel shall maintain the documentation for at least 7 years or as otherwise required by Schedule 10 - Local School Districts or Schedule 24 - Local Agencies (General Records) maintained by the Nebraska Records Management Division. Employees must maintain copies of any documentation submitted to the school district.

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Suspension or Termination of Privileges. The board or the superintendent (or his or her designee) (1) ***shall*** temporarily or permanently suspend the purchasing card privileges of any individual that does not submit an itemized receipt for each purchasing card purchase, and (2) ***may*** temporarily or permanently suspend the purchasing card privileges of any individual for any other reason. The individual's purchasing card account must be immediately closed and he or she must return the purchasing card to the superintendent or board. Purchases that are not accompanied by the required documentation shall be considered unauthorized, and the individual making the purchase must reimburse the district within 10 days of the purchase or the discovery of the non-itemized purchase, whichever occurs first.

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Reward Points or Rebates. Any reward points, rebates, or other benefits received from the third-party purchasing card company are and shall remain the property of the school district.

Purchase Review Procedures. The superintendent, or his or her designee, and _____ will conduct independent reviews of credit card expenses, or a sample thereof, on a monthly basis. Any unlawful or unauthorized expenditure or other discrepancy will be brought to the attention of the offending employee, if any, and the board. The superintendent or his or her designee will provide the board at each regular meeting with the documentation submitted pursuant to this policy or a summary of that documentation with a description of each item sufficient to give the board reasonable notice of the items purchased. Any unlawful or unauthorized purchase must be addressed as provided in this policy or as otherwise allowed by law.

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Adopted on: _____
Revised on: _____
Reviewed on: _____

3059
Audio and Video Recording

Students, staff, parents/guardians, and patrons should assume that any class or activity in the school may be recorded by the school district for legitimate educational purposes. There is no reasonable expectation of privacy within classrooms, common areas of the school building or on school grounds outside of the building. Recordings permitted pursuant to this policy may only be used for authorized purposes and may not be republished without additional, written consent from a school administrator. For purposes of this policy "recording" includes still photographs, video, audio, and other similar data captured in any medium.

Secret Recordings. No person is permitted to make surreptitious recordings on school grounds unless authorized by the superintendent.

Recordings Made by The District. The district may use cameras or other devices for purposes of making security, safety, or other recordings when such recordings are deemed necessary or appropriate by an authorized representative of the district. The district will not maintain recordings unless the recording is purposefully copied and saved. Any recording not copied and maintained separately may only be accessible by the authorized representative for a limited time. Recordings made by the district may be destroyed by an authorized representative at any time unless retention is required by law.

Recordings Made by Parents/Guardians and Patrons. Parents/guardians and patrons may make recordings of school activities in a non-disruptive manner including things like athletic contests and school board meetings to the extent permitted by law unless otherwise lawfully restricted by the administration. Parents/guardians or patrons may not make recordings if they are volunteering or visiting school during the school day without permission of the administration or supervising staff member and subject to this policy, such as recording their child's classroom activities or recess. Violation of this policy may be grounds for exclusion from school property, loss of volunteer privileges, or other restrictions deemed appropriate by the administration.

Recordings Made by Staff. Staff members may make recordings of classroom instruction, student behavior or performance, and school activities without prior administrative approval only for legitimate educational purposes. Staff members may not make secret recordings while on duty, even if those

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recordings do not violate state or federal criminal or privacy laws. Staff members who violate this provision may be subject to consequences up to termination for classified staff and cancellation of contract for certificated staff.

Recordings Made by Students. This policy applies to students during the school day on school grounds; when being transported to and from school activities or programs in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or by his or her designee; or at a school-sponsored activity or athletic event. Students may make recordings of school activities in a non-disruptive manner including things like athletic contests and other extracurricular performances to the extent permitted by law. Students generally are not permitted to record classroom instruction or members of the school community during the school day without the express consent of a staff member or as required by the student's education plan. Student use of assistive technology that has the capacity to record and/or transmit recordings (e.g. AngelSense) must be approved by the student's education team or administration. Students remain subject to all other district policies and rules. In no event shall recordings be taken or made in restrooms, locker rooms, or other areas where there is a reasonable expectation of privacy.

Adopted on: _____
Revised on: _____
Reviewed on: _____

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Deleted: Unless otherwise authorized by this policy or law, students are prohibited from making audio or video recordings

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Moved (insertion) [1]

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Deleted: For example, this policy does not prohibit students from making recordings of an athletic event for their personal use similar to a parent or other patron, subject to other applicable board policy.

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Deleted: However, this policy generally prohibits students from using smart-speakers or other devices which actively or passively create or transmit audio or video recordings, including Google Home, Amazon Alexa, Apple HomePod, and AngelSense devices.¶

Deleted: Permitted Classroom Recordings Made by Students. Students may make audio or video recordings of classroom lectures or discussions:¶

¶ For their convenience after providing notice to the classroom teacher and receiving the teacher's permission;¶

¶ For the benefit of another student who is absent after providing notice to the classroom teacher and receiving the teacher's permission;¶

¶ If recording is necessary to accommodate the student's disability and is required by the student's Individualized Education Plan (IEP) or Section 504 Plan.¶

¶ Staff may revoke permission to record if the recording distracts from or disrupts the classroom environment, unless the recording is necessary to accommodate a student's disability. ¶

Moved up [1]: In no event shall photographs or video recordings be taken or made in restrooms, locker rooms, or other areas where there is a reasonable expectation of privacy.

Deleted: Permitted Non-classroom Recordings. Students may make audio or video recordings otherwise prohibited by this policy outside the classroom only with the permission of a teacher or school administrator, provided that such recordings otherwise comply with any applicable state and federal laws and district policy.

Deleted: Use of Smart Devices. This policy generally prohibits anyone (including staff and students) from using smart speakers or other devices which actively or passively create or transmit audio or video recordings, including Google Home, Amazon Alexa, Apple HomePod, and AngelSense devices. ... [1]

4003
Drug Policy Regarding Drivers

Policy Statement. Drivers for the school district must be free from drug and alcohol abuse, and the use of illegal drugs or improper use of alcohol is prohibited. The overall goal of drug and alcohol testing is to insure a drug-free and alcohol-free transportation environment, and to reduce accidents, injuries and fatalities.

Designated Contact. The school district has designated [insert designated individual] as the individual any driver may contact with questions about this policy or the school district's drug testing program and procedures for drivers. This individual further maintains and will provide drivers informational materials concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

[Insert designated individual] may be contacted at [insert contact information.]

Covered Drivers. Any person who operates a commercial motor vehicle on behalf of the school district is covered by this policy and the school district's drug testing program and procedures for drivers. All covered drivers must provide the school district a signed statement certifying that he or she has received a copy of this policy and related materials.

Covered Workday. A driver is required to comply with this policy and the terms of the school district's drug testing program and procedures for drivers at all times they are assigned, or may be assigned, to perform safety-sensitive functions. This includes all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include: (1) all time at a school district facility or property, contractor facility or property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the school district; (2) all time inspecting equipment as required by state or federal law or regulation and any and all other time inspecting, servicing, or conditioning any commercial motor vehicle; (3) all time spent at the driving controls of a commercial motor vehicle in operation; (4) all time, other than driving time, in or upon any commercial motor vehicle; (5) all time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or

unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and (6) all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Prohibited Conduct. No driver shall: (1) report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater; (2) use alcohol while performing safety-sensitive functions; (3) perform safety-sensitive functions within four hours after using alcohol; or (4) refuse to submit to a pre-employment controlled substance, a post-accident alcohol or controlled substance test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substance test, a return-to-duty alcohol or controlled substances test, or a follow-up alcohol or controlled substance test required under state or federal law or this policy. No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

No driver shall: (1) report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any drug or substance identified in 31 CFR 1308.11 Schedule 1; (2) report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR part 1308 except when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle; or (3) report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances.

Types of Testing. Pursuant to regulations promulgated by the Department of Transportation (DOT), the district has implemented four types of testing: (1) pre-employment testing, (2) reasonable cause testing, (3) post-accident testing and (4) random testing.

Refusal to Submit to Testing. A driver shall not refuse to submit to testing. A driver will be considered to have refused to submit to testing if the driver fails to provide a sample or specimen necessary for testing upon a lawful request, consistent with the required testing protocols. The refusal to submit to the testing used by the district will be grounds for refusal to hire driver applicants and to terminate the employment of existing drivers.

Consequences for Violations. Any driver who becomes unqualified on the basis of violation of the terms of this policy will be subject to disciplinary action

which may include termination of the driver's employment, and shall include the immediate removal from safety-sensitive functions in compliance with federal law. No driver tested pursuant to this policy and the school district's drug testing program and procedures who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

Return to Duty Process. A driver who has violated this policy or the school district drug testing program and procedures cannot again perform any safety-sensitive functions until and unless the employee completes the return-to-duty process, including the substance-abuse professional's (SAP) evaluation, referral, and recommended education or treatment. The school district will provide employees the relevant contact information for available and acceptable SAPs as necessary, but the school district is not required under the law to provide a SAP evaluation or any subsequent recommended education or treatment for a driver. Any driver completing the return-to-duty process must complete a return-to-duty test and test negatively.

Disqualification. Any applicant who tests positive for the presence of the following drugs is medically unqualified to drive and will not be considered for the position of driver: (1) marijuana, (2) cocaine, (3) opiates, (4) amphetamines, or (5) phencyclidine (PCP). Any district driver who tests positive shall be medically unqualified and removed from service immediately.

Pre-employment Testing. All applicants for employment must submit to drug and alcohol tests as a condition of being considered for employment.

Reasonable Cause Testing. The district shall have reasonable cause to require a driver to submit to drug testing when a driver manifests physical or physiological symptoms or reactions commonly attributed to the use of controlled substances or alcohol.

Post-Accident Testing. A driver who has been involved in a reportable accident must submit to drug and alcohol testing as soon as possible. A reportable accident includes any accident in which there is a fatality, a person is injured and must be treated away from the accident site, the driver receives a citation for a moving violation, or a vehicle is towed from the scene. The driver must notify the district immediately regarding any reportable accident.

Serious Injury to the Driver. If a driver is so seriously injured that he or she cannot submit to testing at or immediately after the time of the accident, the driver must provide the necessary authorization for the district to obtain

hospital reports or other documents that would indicate whether there were controlled substances or alcohol in the driver's system.

Random Testing. All drivers will be subject to unannounced random testing for drugs and alcohol. The district or its agents will periodically select drivers at random for testing. A district official will notify a driver when his or her name has been selected and will instruct the driver to report immediately for testing. By its very nature, random selection may result in one driver being tested more than once in a 12-month period, while another driver may not be selected at all during the same 12 months.

Frequency of Random Testing. Under DOT regulations, the district must test at least 50 percent of its average number of driver positions for drugs and 25 percent of its average number of driver positions for alcohol each year. The tests must be unannounced and spread evenly throughout the year. DOT regulations also require that every driver selected at random must have his or her name placed back in the random pool for the next selection period.

Testing Procedure. All urine and blood specimens collected under the policy will be submitted to an approved laboratory for testing. Specimens that initially test positive for drugs will be subjected to a subsequent confirmation test before being reported by the laboratory as positive. All such specimens collected and submitted will be maintained securely to safeguard the validity of the test results and maintain the integrity of the testing process while ensuring the results are attributed to the correct driver.

Medical Review Officer. All laboratory test results will be reported by the laboratory to a medical review officer (MRO) designated by the district. Negative test results will be reported as such by the MRO to the district. Before reporting a positive test result to the district, the MRO will attempt to contact the driver to discuss the test result. If the MRO is unable to contact the driver directly, the MRO will contact a district official designated in advance by the district, who shall in turn contact the driver and direct the driver to contact the MRO. Upon being so directed, the driver shall contact the MRO immediately or, if after the MRO's business hours and the MRO is unavailable, at the start of the MRO's next business day. If required by DOT regulations, personal information collected and maintained pursuant to this policy shall be reported to the Clearinghouse by the MRO in the event of: (1) a verified positive, adulterated, or substituted drug test result; (2) an alcohol confirmation test with a concentration of 0.04 or higher; (3) a refusal to submit to any test required by this policy and the school district's drug testing program and procedures; (4) an employer's report of actual knowledge that a driver has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the driver's

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previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use; (5) on duty alcohol use as prohibited above; (6) pre-duty alcohol use as prohibited above; (7) alcohol use following an accident as prohibited above; (8) controlled substance use as prohibited above; (9) a substance abuse professional report of the successful completion of the return-to-duty process; (10) a negative return-to-duty test; and (11) an employer's report of completion of follow-up testing.

Confidentiality. Pursuant to DOT regulations, individual test results for applicants and drivers will be released to the district and will be kept confidential unless the tested individual consents to their release or release is required by law (such as the release of information to the Clearinghouse.) Any person who has submitted to drug testing in compliance with this policy is entitled to receive the results of such testing upon timely written request.

Retesting. An individual who tested positive for the presence of drugs may request that the original sample be retested. The request for a retest must be submitted in writing on a form provided by the district within 3 working days of the district's notification to the individual that he or she has a positive test result. The individual making the request must pay all costs associated with the retest and transfer of the sample to another laboratory before the retest will be performed.

Adopted on: _____

Revised on: _____

Reviewed on: _____

**4045
Milk Expression**

Except as otherwise provided by law, the district will provide reasonable break time for an employee who wishes to ~~breastfeed or~~ express breast milk for her nursing child each time such employee has the need to do so. The District will provide, a place, other than a bathroom, which is shielded from view and free from intrusion from co-workers and the public. These accommodations will be provided for one year after the child's birth, unless otherwise required by law.

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Adopted on: _____

Revised on: _____

Reviewed on: _____

4059

Behavioral and Mental Health Training

Deleted: Suicide Prevention

All public school employees who interact with students and any other appropriate personnel are required to complete at least one hour of behavioral and mental health training with a focus on suicide awareness and prevention training every year. The superintendent will determine the appropriate personnel required to receive the training. The training materials for this training must be included in the Nebraska Department of Education's list of approved training materials.

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These employees must complete the training designated by the school district or superintendent no later than October 31 of each school year or within 30 days of their initial employment, whichever is later. Failure to complete this training may subject the employee to employment-related discipline.

- Deleted: ¶
- school nurses ¶
- teachers ¶
- counselors ¶
- school psychologists ¶
- administrators ¶
- school social workers ¶
- community coaches ¶
- paraeducators ¶
- bus drivers ¶
- kitchen staff ¶
- custodians ¶
- secretarial and clerical staff

Adopted on: _____

Revised on: _____

Reviewed on: _____

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5003
Admission of Part-Time Students

A student may be permitted to enroll on a part-time basis pursuant to this policy and applicable curricular practices when enrollment is appropriate for reasons that include but are not limited to the following: the student attends another education institution on a part-time basis; is enrolled for a limited number of credit hours needed to graduate; has a modified schedule because of a disability or as part of an individualized education plan; or is a student who resides in the school district but attends a private, denominational, or parochial school or a school that elects not to meet accreditation or approval requirements (referred to herein as an exempt school student or an exempt school, respectively).

Application for Enrollment. The parent or guardian of an exempt school student who is of appropriate age to attend school, ~~is a resident of the school district,~~ has not graduated from high school, and has not received a graduate equivalency diploma must meet all of the district's admission requirements and file an application for enrollment on forms provided by the school district by _____ of the year of enrollment. For second semester high school courses, the application must be filed by _____. For students who move into the district mid-semester, the application must be filed within 20 days of moving into the district. The administration shall review the application, determine whether to approve or deny it, notify the parent or guardian, and schedule enrollment at an educationally appropriate time in the building or attendance center of the administration's choice. Enrollment does not carry over from one school year to the next, and the parent or guardian of an exempt school student must apply for enrollment each school year.

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Limitations Based on Resources. The enrollment of exempt school students is subject to limitations established by the district for grades, classes, courses, and programs based on the limited resources available to the school district. Full-time students shall be given priority for enrollment in grades, classes, courses, and programs.

Placement of Students. Exempt school students shall be placed in courses for which they have adequate preparation and which are determined to be educationally appropriate based on criteria that include, but are not limited to the student's age, achievement test scores, academic record, evaluation by school personnel and any other standards used by the district for the placement of students.

Grades and Academic Honors. Exempt school students shall receive grades, report cards, and transcripts, but shall not be eligible to graduate,

receive a diploma or qualify for class ranking unless they meet all district requirements for such including earning a sufficient number of credit hours and semesters of attendance.

Applicability of School Rules. Exempt school students are subject to all rules and standards of the board of education and administration as set forth in policy, handbooks or other communications, as well as the rules and directives of the building administration and teaching personnel. They must remain on the school campus during scheduled classes but must leave the school campus when not engaged in a course or course-related activity unless the course or course-activity requires their presence or the building principal approves their presence. Students who violate school policies, rules, or directives shall be subject to disciplinary procedures up to and including suspension and expulsion.

Extracurricular Sports and Activities. Students who are enrolled in a private, denominational or parochial school may not participate in extracurricular sports and activities sponsored by the public school district if they participate in extracurricular sports and activities offered by the private, denominational or parochial school. Exempt school students may participate in extracurricular sports and activities if they are enrolled in at least 20 credit hours per semester, with at least 5 credit hours of enrollment in the public school district. All part-time students must also meet all other eligibility requirements set by the board, administration and coach/sponsor prior to participating and for continued participation in the sport or activity. This includes all eligibility and other requirements of the Nebraska School Activities Association and any other governing bodies for the activity.

~~Deleted: 10~~
~~Deleted: per semester~~
~~Deleted: Exempt school students who are not enrolled in at least 10-credit hours may not participate in extracurricular sports and activities.~~

Transportation. Part-time school students are not entitled to transportation or reimbursement for transportation to and from the school for class attendance purposes, unless required by law. Eligible part-time students are entitled to transportation to and from practices and extracurricular events to the same extent as the school district's full-time students, but part-time students must arrange their own transportation and arrive timely to the designated pick-up point for such transportation.

~~Deleted: Exempt school students who transfer into the district will be considered a transfer student and shall be ineligible for varsity competition for ninety school days unless the home school is located in the same school district as the high school to which the student is transferring. ¶~~

~~Deleted: The school district will determine whether credits awarded to exempt transfer students will be accepted for the purpose of eligibility for extracurricular sports and activities pursuant to the board's policy on Grade Placement and Academic Credits of Transfer Students. ¶~~

~~Deleted: by virtue of their status as part-time students.~~

Option Enrollment. Students may not enroll on a part-time basis pursuant to the school's option enrollment program.

Adopted on: _____
Revised on: _____
Reviewed on: _____

5004
Option Enrollment

The board of education supports the concept embodied in the Enrollment Option Program that parents and legal guardians have the primary responsibility for insuring that their children receive the best education possible. Accordingly, the school district will participate in the option enrollment program and receive option students as provided herein.

1. Definitions

- a. Option Student Defined.** Option student shall mean a nonresident student who has chosen to attend the school district under the provisions of the option enrollment program.
- b. Resident School District Defined.** Resident school district shall mean the school district in which a student resides or in which the student is admitted as a resident of the school district pursuant to state law.
- c. Option School District Defined.** Option school district shall mean the school district that a student chooses to attend other than his or her resident school district.

2. Persons Entitled to Apply for Option Enrollment of Students. Only parents and legal guardians may apply for option enrollment of students. Applications filed by foster parents and adults acting *in loco parentis* are not authorized and will be automatically denied.

3. Duties, Entitlements and Rights of Option Students. Except as otherwise provided herein, once an option student's option enrollment application has been accepted he/she shall be treated as a resident student of the school district.

4. Standards for Acceptance or Rejection of Option Students.

- a. Special Education Capacity.** Capacity for special education services will be determined on a case-by-case basis. If an application for option enrollment received by the school district indicates that the student has an individualized education program under the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., or has been diagnosed with a disability as defined in section 79-1118.01, the application will be evaluated by the director of special education services or the director's

designee who must determine if the school district and the appropriate class, grade level, or school building has the capacity to provide the applicant the appropriate services and accommodations. The Federal Educational Rights and Privacy Rights Act (FERPA) (20 U.S.C. § 1232g) permits the release of education records when a student seeks or intends to enroll in a different school district.

b. Numeric Capacity. The board of education may set the numeric capacity of programs, classes, grade levels, or school buildings by operation of this policy or through freestanding action by the board. Numeric Capacity will be determined based upon available staff, facilities, projected enrollment of resident students, and projected number of students with which the option school district will contract based on existing contractual arrangements. Individuals seeking information about the numeric capacity set by the board may contact the superintendent for a copy of that resolution.

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c. Programmatic Capacity. In addition to the numeric capacity standards referred to above, the board may, by resolution, prior to October 15 of each school year, declare a program, a class, or a school unavailable for the next school year to option students due to lack of capacity. Individuals seeking information about the programs that have been declared to be unavailable due to lack of capacity may contact the superintendent for a copy of the board's resolution.

d. Other Standards for Acceptance or Rejection of Option Enrollment Applications. In addition to the numeric and programmatic capacity standards outlined above, the school district shall not accept an option student when acceptance of the student:

- i.** Would increase the operating costs of the school district, such as by requiring the hiring of new staff or contracting with outside entities to provide services to the student;
- ii.** Would require the procurement of new equipment, technology, or furnishings;
- iii.** Would cause or require the rearrangement of caseloads for staff and contracted professionals;
- iv.** Is reasonably deemed by appropriate school staff to pose a potential risk to the health or safety of students or staff;

v. ~~May pose a risk of adversely affecting the quality of educational services being provided to resident students, as determined by appropriate school staff.~~

e. **Prohibited Standards.** The school district shall not base the decision to accept or reject an option student on the student's previous academic achievement, athletic or other extracurricular ability, disabling condition(s), proficiency in the English language, or previous disciplinary proceedings.

f. **Order of Acceptance.** If there are more option student applicants for any program, class, grade level or school building than can be accepted into such program, class, grade level or school building, applicants shall be accepted in the following order:

i. students with brothers or sisters attending the school district, either as resident students or as option students, shall be granted first priority;

ii. thereafter, option students shall be accepted into such program, class, grade level or school building in the order in which written applications were received by the school district.

g. Maximum Capacity Report. The school district will annually establish, publish, and report the capacity for each school building under the district's control pursuant to procedures, criteria, and deadlines established by the Nebraska Department of Education.

5. **False or Misleading Option Applications.** If, prior to the student's attendance as an option student, the school district discovers that a previously accepted option application contained false or substantively misleading information, the option application will be rejected.

6. **Academic Credits and Graduation.** The school district shall accept credits toward graduation that were awarded by another school district, and shall award a diploma to an option student if the student meets the graduation requirements of the school district.

7. **Information Regarding Schools, Programs, Policies and Procedures.** The school district, its officers and employees, shall make

Deleted: <#>The school district shall accept an option student with a disability only to the extent that the school district's then current staff and facilities are sufficient to accommodate the student's needs without significantly increasing the operating costs of the school district, such as by requiring the hiring of new staff. ¶

information about the school district and its schools, programs, policies and procedures available to all interested people.

8. Procedure for Students Optioning Into or Out of the School District.

- a.** The parent or legal guardian of any student desiring to option into or out of the school district shall submit a proper and timely application to the board of education and the other affected school district for enrollment during the following and subsequent school years. Any application requiring the approval of the school district shall be deemed submitted when the application is actually received in the school district's business office.
- b.** On or before April 1st, the school district shall notify the parent or legal guardian of any student who has submitted an application to option into the school district and the resident school district, in writing, whether the application is accepted or rejected. If an application is rejected, the reason for such rejection shall be stated in the notification. This written notice shall be sent via certified mail to the address listed on the option application.

9. Late Applications and Requests for Release

- a.** The board of education may refuse a request of a student seeking to option out of the school district when the option application is submitted after March 15th under the following conditions:
 - i.** When the district has already entered into contracts with teaching staff for the following school year;
 - ii.** When the district has already contracted for the performance of specific services for the student;
 - iii.** When the release of the student would have a negative financial impact or loss of revenue for the district.
- b.** The board of education will approve late applications to option into the district under the following conditions:
 - i.** When the resident district has released the student;

- ii. When the student's late enrollment into the district meets the standards for acceptance or rejection of option students contained elsewhere in this policy;

OR

- b. The board of education will deny all applications to option into the district that are received by the district after March 15 of the school year prior to the student's requested enrollment.
- c. The superintendent will notify parents or guardians who have submitted properly completed option applications after March 15th no later than 60 days following submission of the application of the board's acceptance or rejection of the application.

10. Students Who Do Not Need a Release from the Resident District

- a. A student does not need to be released from his/her resident district under the following circumstances:
 - i. When the student has relocated to a different resident school district after February 1
 - ii. When a student's option school district merges with another district effective after February 1
- b. The school district shall accept or reject an application from a student under this paragraph using the criteria set forth in this policy and will accept or reject the application within forty-five days.

11. Cancellation of Option.

Students who option either into or out of the school district shall:

- a. Attend the option school district until graduation or relocation/re-option in a different resident school district unless the student chooses to return to the resident school district, in which case the student's parent or legal guardian shall timely submit a cancellation form to the school board or board of education of the option school district and the resident school district for approval for the following year.
- b. Attend an option school district for not less than one school year unless the student relocates to a different resident school district,

completes requirements for graduation prior to the end the school year, transfers to a parochial or private school, or upon mutual agreement of the resident and option school districts cancels the enrollment option and returns to the resident school district.

12. Authority of Superintendent.

The board of education authorizes the superintendent of schools to make decisions on its behalf pursuant to and to apply the criteria articulated by this policy in determining whether to grant or deny option enrollment applications.

Adopted on: _____

Revised on: _____

Reviewed on: _____

5035
Student Discipline

Administrative and teaching personnel may take actions regarding student behavior, other than those specifically provided in this policy and the Student Discipline Act, which are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include, but need not be limited to, counseling of students, parent conferences, referral to restorative justice practices or services, rearrangement of schedules, requirements that a student remain in school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling, psychological evaluation, or psychiatric evaluation upon the written consent of a parent or guardian to such counseling or evaluation. Disciplinary consequences may also include in-school suspension, Saturday School, and any other consequence authorized by law. District administrators may develop building-specific protocols for the imposition of student discipline.

In this policy, references to "Principal" shall include building principals, the principal's designee, or other appropriate school district administrators.

Any statement, notice, recommendation, determination, or similar action specified in this policy shall be effectively given at the time written evidence thereof is delivered personally to or upon receipt of certified or registered mail or upon actual knowledge by a student or his or her parent or guardian.

Any student who is suspended or expelled from school pursuant to this policy may not participate in any school activity during the duration of that exclusion including adjacent school holidays and weekends. The student activity eligibility of a student who is mandatorily reassigned shall be determined on a case-by-case basis by the principal of the building to which the student is reassigned.

Pre-Kindergarten through Second Grade Students

Notwithstanding any other provision of this policy, an elementary school shall not suspend a student in pre-kindergarten through second grade unless the student brings a deadly weapon as defined in section 28-109 on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event. As an alternative to suspension, the school district may take any action authorized by law, including those provided in section 79-258.

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Makeup Work for Suspended Students

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Any student who is suspended must be given an opportunity to complete any classwork and homework missed during the period of suspension, including, but not limited to, examinations ("makeup work"). Any makeup work must be completed and turned in within 2 school days after completion of the suspension. This makeup guideline shall be provided to the student and a parent or guardian at the time of suspension. Suspended students may not be required to attend the school's alternative program for expelled students in order to complete classwork or homework.

Short-Term Suspension

The Principal may exclude students from school or any school function for a period of up to five school days (short-term suspension) on the following grounds:

1. Conduct constituting grounds for expulsion as hereinafter set forth; or,
2. Other violations of rules and standards of behavior adopted by the Board of Education or the administrative or teaching staff of the school, that occur on or off school grounds, if such conduct interferes with school purposes or there is a connection between such conduct and school.

The following process applies to short-term suspension:

1. The Principal shall make a reasonable investigation of the facts and circumstances. Short-term suspension shall be imposed only after a determination that the suspension is necessary to help any student, to further school purposes, or to prevent an interference with school purposes.
2. Prior to commencement of the short-term suspension, the student will be given oral or written notice of the charges against the student. The student will be advised of what he or she is accused of having done, be given an explanation of the evidence the authorities have, and be given an opportunity to explain the student's version of the facts.
3. Within 24 hours or such additional time as is reasonably necessary, not to exceed an additional 48 hours, following the suspension, the Principal will send a written statement to the student, and the student's parent or guardian, describing the student's conduct, misconduct or violation of the rule or standard and the reasons for the action taken. An opportunity will be given to the student, and the student's parent or guardian, to have a conference with the Principal ordering the short-term suspension before or at the time the student returns to school and

shall document such effort in writing. The Principal shall determine who, in addition to the parent or guardian, is to attend the conference.

4. Students who are short-term suspended must be given the opportunity to complete classwork and homework missed during the period of suspension, including but not limited to examinations, as provided herein.

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Emergency Exclusion

Students may be emergency excluded from school pursuant to the board's separate policy on emergency exclusion or state law.

Weapons and/or Firearms

Students may be disciplined for the possession of weapons and/or firearms pursuant to the board's separate policy on weapons and firearms or state law.

Long-Term Suspension

Students may be excluded by the Principal from school or any school function for a period of more than five school days but less than twenty school days (long-term suspension) for any conduct constituting grounds for expulsion as hereinafter set forth. The process for long-term suspension is set forth below.

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Expulsion

1. **Meaning of Expulsion.** Expulsion means exclusion from attendance in all schools, grounds and activities of or within the system for a period not to exceed the remainder of the semester in which it took effect unless the misconduct occurred (a) 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 (b) 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, or (c) unless the expulsion is for conduct specified in these rules or in law as permitting or requiring a longer removal, in which case the expulsion shall remain in effect for the period specified therein. Such action may be modified or terminated by the school district at any time during the expulsion period.
2. **Summer Review.** Any expulsion that will remain in effect during the first semester of the following school year will be automatically scheduled for review before the beginning of the school year. The

review will be conducted by the hearing officer who conducted the initial expulsion hearing, or a hearing officer appointed by the Superintendent in the event no hearing was previously held or the initial hearing officer is no longer available or willing to serve, after the hearing officer 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 officer that the student be readmitted for the upcoming school year. If the school board or board of education or a committee of such board took the final action to expel the student, the student may be readmitted only by action of the board. Otherwise the student may be readmitted by action of the Superintendent.

3. **Suspension of Enforcement of an Expulsion:** Enforcement of an expulsion action may be suspended (i.e., "stayed") 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 as a condition of such suspended action, the student may be assigned to a school, class, or program/plan and to such other consequences which the school district deems appropriate.
4. **Alternative School or Pre-expulsion Procedures.** The school shall either provide an alternative school, class or educational program for expelled students, or shall follow the pre-expulsion procedures outlined in NEB. REV. STAT. 79-266.
5. **Conclusion of Expulsion.** At the conclusion of an expulsion, the school district will reinstate the student and accept nonduplicative, grade-appropriate credits earned by the student during the term of expulsion from any Nebraska accredited institution or institution accredited by one of the six regional accrediting bodies in the United States.

Grounds for Long-Term Suspension, Expulsion or Mandatory Reassignment:

The following conduct constitutes grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, NEB. REV. STAT. § 79-254 through 79-296, when such activity occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event:

1. Use of violence, force, coercion, threat, intimidation, or similar conduct in a manner that constitutes a substantial interference with school purposes;

2. 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;
3. Causing or attempting to cause personal injury to a school employee, to a school volunteer, or to any student. 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;
4. Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student;
5. Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon (*see also board policy on weapons and firearms*);
6. Engaging 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 53-103.02 or being under the influence of a controlled substance or alcoholic liquor (*note: the term "under the influence" for school purposes has a less strict meaning than it does under criminal law; for school purposes, the term means any level of impairment and includes even the odor of alcohol on the breath or person of a student; also, it includes being impaired by reason of the abuse of any material used as a stimulant*);
7. Public indecency as defined in section 28-806, except that this prohibition shall apply only to students at least twelve years of age but less than nineteen years of age;
8. Engaging in bullying as defined in section 79-2,137 and in these policies;
9. 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 off school grounds not at a school function, activity, or event. For purposes of this subdivision, sexual assault means sexual assault in the first degree as defined in section 28-319, sexual assault in the second degree as defined in section 28-320, sexual assault of a child in the second or third degree as defined in section 28-320.01, or sexual assault of a child in the first degree as defined in section 28-319.01, as such sections now provide or may hereafter from time to time be amended;
10. Engaging in any other activity forbidden by the laws of the State of Nebraska which activity constitutes a danger to other students or interferes with school purposes; or
11. A repeated violation of any of the following rules if such violations constitute a substantial interference with school purposes:

- a. The use of language, written or oral, or conduct, including gestures, which is profane or abusive to students or staff members. Profane or abusive language or conduct includes, but is not limited to, that which is commonly understood and intended to be derogatory toward a group or individual based upon race, gender, national origin, or religion;
- b. Dressing or grooming in a manner which violates the school district's dress code and/or is dangerous to the student's health and safety, a danger to the health and safety of others, or which is disruptive, distracting or indecent to the extent that it interferes with the learning and educational process;
- c. Violating school bus rules as set by the school district or district staff;
- d. Possessing, using, selling, or dispensing tobacco, drug paraphernalia, an electronic nicotine delivery system, or a tobacco imitation substance or packaging, regardless of form, including cigars, cigarettes, chewing tobacco, and any other form of tobacco, tobacco derivative product or imitation or electronic cigarettes, vapor pens, etc.;
- e. Possessing, using, selling, or dispensing any drug paraphernalia or imitation of a controlled substance regardless of whether the actual substance possessed is a controlled substance by Nebraska law;
- f. Possession of pornography;
- g. Sexting or the possession of sexting images (a combination of sex and texting - the act of sending sexually explicit messages or photos electronically);
- h. Engaging in hazing, defined as any activity expected of someone joining a group, team, or activity that humiliates, degrades or risks emotional and/or physical harm, regardless of the person's willingness to participate. Hazing activities are generally considered to be: physically abusive, hazardous, and/or sexually violating and include but are not limited to the following: personal servitude; sleep deprivation and restrictions on personal hygiene; yelling, swearing and insulting new members/newcomers; being forced to wear embarrassing or humiliating attire in public; consumption of vile substances or smearing of such on one's skin; branding; physical beatings; binge drinking and drinking games; sexual simulation and sexual assault;
- i. Bullying which shall include cyberbullying, defined as the use of the internet, including but not limited to social networking sites such as Facebook, cell phones or other devices to send, post or text message images and material intended to hurt or embarrass another person. This may include, but is not limited to; continuing

to send e-mail to someone who has said they want no further contact with the sender; sending or posting threats, sexual remarks or pejorative labels (i.e., hate speech); ganging up on victims by making them the subject of ridicule in forums, and posting false statements as fact intended to humiliate the victim; disclosure of personal data, such as the victim's real name, address, or school at websites or forums; posing as the identity of the victim for the purpose of publishing material in their name that defames or ridicules them; sending threatening and harassing text, instant messages or emails to the victims; and posting or sending rumors or gossip to instigate others to dislike and gang up on the target;

- j. Violations of the district's acceptable computer use policy;
- k. Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a simulated or "look-a-like" weapon;
- l. Using any object to simulate possession of a weapon;
- m. Knowingly making a false statement or knowingly submitting false information during the Title IX grievance process or any other school investigation or making a materially false statement in bad faith in the course of a Title IX grievance proceeding or any other school investigation;
- n. Violation of the school's audio and video recording policy; and
- o. Any other violation of any board policy, handbook provision, or rule or regulation established by a school district staff member pursuant to authority delegated by the board.

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Due Process Afforded to Students Facing Long-term Suspension or Expulsion

The following procedures shall be followed regarding any long-term suspension, expulsion, or mandatory reassignment:

1. The decision to recommend discipline shall be made within two school days after learning of the alleged student misconduct. On the date of the decision to discipline, the Principal shall file with the Superintendent a written charge and a summary of the evidence supporting such charge.
2. The Principal shall serve the student and the student's parents or guardian with a written notice by registered or certified mail or personal service within two school days of the date of the decision to recommend long-term suspension or expulsion. The notice shall include the following:

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- a. 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;
 - b. The penalty, if any, which the principal has recommended in the charge and any other penalty to which the student may be subject;
 - c. A statement that, before long-term suspension, expulsion, or mandatory reassignment can be invoked, the student has a right to a hearing, upon request, and that if the student is suspended pending the outcome of the hearing, the student may complete classwork and homework, including, but not limited to, examinations, missed during the period of suspension pursuant to district guidelines which shall not require the student to attend the school district's alternative programs for expelled students in order to complete classwork or;
 - d. A description of the hearing procedures provided by the act, along with procedures for appealing any decision rendered at the hearing;
 - e. A statement that the principal, legal counsel for the school, the student, the student's parent, or the student's representative or guardian has the right (i) to examine the student's academic and disciplinary records and any affidavits to be used at the hearing concerning the alleged misconduct and (ii) to know the identity of the witnesses to appear at the hearing and the substance of their testimony; and
 - f. A form 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 to the address provided on the form.
3. 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 the principal determines that the student must be suspended immediately to prevent or substantially reduce the risk of (a) interference with an educational function or school purpose or (b) a personal injury to the student himself or herself, other students, school employees, or school volunteers.
 4. Nothing in this policy shall preclude the student, student's parents, guardian or representative from discussing and settling the matter with appropriate school personnel prior to the time the long-term suspension, expulsion, or mandatory reassignment takes effect.

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5. If a hearing is requested within five days after receipt of the notice, the Superintendent shall recommend appointment of a hearing examiner within two school days after receipt of the hearing request. The student or the student's parent or guardian may request designation of a hearing examiner other than the hearing examiner recommended by the superintendent if notice of the request is given to the superintendent within two school days after receipt of the superintendent's recommended appointment. Upon receiving such request, the superintendent must provide one alternative hearing examiner who is not an employee of the school district or otherwise currently under contract with the school district and whose impartiality may not otherwise be reasonably questioned. The student or the student's parent or guardian must, within five school days, select a hearing examiner to conduct the hearing who was recommended or provided as an alternative hearing examiner, and shall notify the superintendent in writing of the selection. The superintendent must appoint the selected hearing examiner upon receipt of such notice.
6. The hearing examiner must, within two school days after being appointed, give written notice to the principal, the student, and the student's parent or guardian of the time and place for the hearing.
7. The hearing shall be held within a period of five school days after appointment of the hearing examiner, but such time may be changed by the hearing examiner for good cause with consent of the parties. No hearing shall be held upon less than two school days' actual notice to the principal, the student, and the student's parent or guardian, except with the consent of all the parties.
8. The principal or legal counsel for the school, the student, and the student's parent, guardian, or representative have the right to receive a copy of all records and written statements referred to in the Student Discipline Act as well as the statement of any witness in the possession of the school board or board of education no later than forty-eight hours prior to the hearing.
9. If a hearing is requested more than five school days following the receipt of the written notice, but not more than thirty calendar days after receipt, the Superintendent shall appoint a hearing examiner. The hearing will be held according to the requirements of section 79-269. The student shall be entitled to a hearing but the consequence imposed may continue in effect pending final determination.
10. If a request for hearing is not received within thirty calendar days following the mailing or delivery of the written notice, the student shall not be entitled to a hearing.

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Deleted: who shall follow the "hearing procedures" outlined below, except that the time constraints set forth may differ as provided by law and this policy

In the event a hearing is requested, the hearing, hearing procedures, the student's rights and any appeals or judicial review permitted by law shall

be governed by the applicable provisions of the Nebraska Student Discipline Act (NEB. REV. STAT. § 79-254 to 79-294).

~~Deleted: The school district will provide parents with copies of the relevant statutes upon request~~

Reporting Requirement to Law Enforcement

Moved up [1]: Makeup Work for Suspended Students

Violations of this section will result in a report to law enforcement if:

Any student who is suspended must be given an opportunity to complete any classwork and homework missed during the period of suspension, including, but not limited to, examinations ("makeup work"). Any makeup work must be completed and turned in within 2 school days after completion of the suspension. This makeup guideline shall be provided to the student and a parent or guardian at the time of suspension. Suspended students may not be required to attend the school's alternative program for expelled students in order to complete classwork or homework.

1. The violation includes possession of a firearm;
2. The violation results in child abuse;
3. It is a violation of the Nebraska Criminal Code that the administration believes cannot be adequately addressed solely by discipline from the school district;
4. It is a violation of the Nebraska Criminal Code that endangers the health and welfare of staff or students;
5. It is a violation of the Nebraska Criminal Code that interferes with school purposes;
6. The report is required or requested by law enforcement or the county attorney.

Adopted on: _____
 Revised on: _____
 Reviewed on: _____

5045
Student Fees

The school district shall provide free instruction in accordance with the Nebraska State Constitution and the Nebraska statutes. The district also provides activities, programs, and services that extend beyond the minimum level of constitutionally required free instruction. Under the Public Elementary and Secondary Student Fee Authorization Act, the district is permitted to charge students fees for these activities or to require students to provide specialized equipment and attire for certain purposes. This policy is subject to further interpretation or guidance by administrative or board regulations. Students are encouraged to contact their building administration, their teachers or their coaches, and sponsors for further specifics.

A. Definitions.

1. "Students" means students, their parents, guardians or other legal representatives.
2. "Extracurricular activities" means student activities or organizations that (1) are supervised or administered by the district; (2) do not count toward graduation or advancement between grades; and (3) are not otherwise required by the district.
3. "Post-secondary education costs" means tuition and other fees associated with obtaining credit from a post-secondary educational institution.

B. Listing of Fees Charged by this District.

1. Guidelines for Clothing Required for Specified Courses and Activities.

Students are responsible for complying with the district's grooming and attire guidelines and for furnishing all clothing required for any special programs, courses or activities in which they participate. The teacher, coach, or sponsor of the activity will provide students with written guidelines that detail any special clothing requirements and explain why the special clothing is required for the specific program, course or activity.

2. Safety Equipment and Attire.

The district will provide students with all safety equipment and attire that is required by law. Building administrators will assure that (a) such equipment is available in the appropriate classes and areas of the school buildings, (b) teachers are directed to instruct students in the use of such devices, and (c) students use the devices as required. Students are responsible for using the devices safely and as instructed.

3. Personal or Consumable Items.

The district does/does not provide students with personal or consumable items for participation in courses and activities including, but not limited to, pencils, paper, pens, erasers and notebooks. Students who wish to supply their own personal or consumable items may do so, as long as those items comply with the requirements of the district. The district will provide students with facilities, equipment, materials and supplies, including books. Students are responsible for the careful and appropriate use of such property. Students will be charged for damage to school property caused by the student and will be held responsible for the reasonable replacement cost of any school property that they lose.

4. Materials Required for Course Projects.

The district will provide students with the materials necessary to complete all basic curricular projects. In courses where students choose to produce a project that requires materials beyond the basic materials provided by the district, the students will furnish the materials, purchase the materials from the school, or purchase the materials from an outside vendor with an order form provided by the school.

5. Technological Devices

The district will provide students with the technological devices necessary to complete all basic curricular projects. To the extent that a student is not required by the district's curriculum to utilize a device off district property, the district may charge students a convenience fee to take the device off district property. The maximum dollar amount of this convenience fee charged by the district will be \$_____.

As with all school property, students may be charged for damage to such devices. To protect against such potential losses, students and parents may, but are not required, to purchase insurance coverage for the devices. The

maximum dollar amount of this insurance coverage facilitated by the district will be \$____. The district may also charge a damage deposit which will be returned or may be rolled to cover the damage deposit for the next year if it is not needed to cover the costs of any damage to the device. The maximum dollar amount of this damage deposit will be \$_____.

Additionally, the district may allow students to purchase technological devices by arranging for the students to purchase these devices through a single, or series of, payments.

6. Extracurricular Activities.

The district may charge students a fee to participate in extracurricular activities to cover the district's reasonable costs in offering such activities. The district may require students to furnish specialized equipment and clothing that is required for participation in extracurricular activities, or may charge a reasonable fee for the use of district-owned equipment or attire. Attached to this policy is a list of the fees charged for particular activities. The coach or sponsor will provide students with additional written guidelines detailing the fees charged, the equipment and/or clothing required, or the usage fee charged. The guidelines will explain the reasons that fees, equipment and/or clothing are required for the activity.

The following list details the maximum dollar amount of all extracurricular activities fees and the specifications for any equipment or attire required for participation in extracurricular activities:

- Student Activity Card: \$ ____
 - Covers admission to all extracurricular events
- Student Participation Fee: \$ ____
 - Required of all students who participate in athletics and/or other extracurricular activities
- Future Business Leaders of America: \$ ____
- DECA: \$ ____
- National Honor Society: \$ ____
- Cheerleading, Drill Team, Flag Corps: \$ ____
 - Students must purchase uniforms and shoes selected by the sponsor and/or student group. The maximum dollar amount charged by the school district for these items will be: \$ ____
- Football: \$ ____
 - Students must provide their own football shoes, undergarments, and mouthguards
- Golf: \$ ____

- Students must provide their own golf shoes, undergarments, and clubs
- Softball and Baseball: \$ ____
 - Students must provide their own shoes, gloves, and undergarments
- Track, Volleyball, and Wrestling: \$ ____
 - Students must provide their own shoes and undergarments
- Future Farmers of America: \$ ____
 - Students must purchase their own jackets and pay dues
- Rifle and Trap Teams: \$ ____
 - Students must provide their own weapons and ammunition
- Science Club: \$ ____
- FCCLA: \$ ____
- Spanish Club: \$ ____

7. Post-Secondary Education Costs.

Some students enroll in postsecondary courses while still enrolled in the district's high school. As a general rule, students must pay all costs associated with such post-secondary courses. However, for a course in which students receive high school credit or a course being taken as part of an approved accelerated or differentiated curriculum program, the district shall offer the course without charge for tuition, transportation, books, or other fees. Students who choose to apply for post-secondary education credit for these courses must pay tuition and all other fees associated with obtaining credits from a post-secondary educational institution. The costs of these items will naturally vary, but the maximum dollar amount of the fee is anticipated to be \$ _____ per course.

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8. Transportation Costs.

The district will charge students reasonable fees for transportation services provided by the district to the extent permitted by federal and state statutes and regulations.

The maximum dollar amount of the transportation fee charged by this district shall be \$ ____.

9. Copies of Student Files or Records.

The district will charge a fee for making copies of a student's files or records for the parents or guardians of such student. The Superintendent or the Superintendent's designee shall establish a schedule of student record

fees. Parents of students have the right to inspect and review the students' files or records without the payment of a fee, and the district shall not charge a fee to search for or retrieve any student's files or records.

The district will charge a fee of \$____ per page for reproduction of student records.

10. Participation in Before-and-After-School or Pre-Kindergarten Services.

The district will charge reasonable fees for participation in before-and-after school or pre-kindergarten services offered by the district pursuant to statute.

The maximum dollar amount charged by the district for these services shall be \$_____.

11. Participation in Summer School or Night School.

The district will charge reasonable fees for participation in summer school or night school and may charge reasonable fees for correspondence courses.

The maximum dollar amount charged by the district for summer and night school shall be \$_____.

12. Charges for Food Consumed by Students.

The district will charge for items that students purchase from the district's breakfast and lunch programs. The fees charged for these items will be set according to applicable federal and state statutes and regulations. The district will charge students for the cost of food, beverages, and the like that students purchase from a school store, vending machine, booster club or from similar sources. Students may be required to bring money or food for field trip lunches and similar activities.

The maximum dollar amount charged by the district for the breakfast and lunch programs is as follows:

- Breakfast Program – Grades K-8
 - Regular Price \$_____
 - Reduced Price \$_____
- Breakfast Program – Grades 9-12
 - Regular Price \$_____

- o Reduced Price \$_____
- Lunch Program – Grades K-8
 - o Regular Price \$_____
 - o Reduced Price \$_____
- Lunch Program – Grades 9-12
 - o Regular Price \$_____
 - o Reduced Price \$_____

13. Charges for Musical Extracurricular Activities.

Students who qualify for fee waivers under this policy will be provided, at no charge, the use of a musical instrument in optional music courses that are not extracurricular activities. The following list details the maximum dollar amount of all musical extracurricular activities fees and the equipment or attire required for participation in musical extracurricular activities:

- Band: \$_____
 - o Students must provide their own instruments and marching band shoes, which must be white, rubber-soled sneakers
- Swing Choir: \$_____
 - o Students must purchase outfits and shoes selected by the sponsor and/or student group. The maximum dollar amount charged by the district for these materials will be \$_____

14. Contributions for Junior and Senior Class Extracurricular Activities.

Students are eligible to participate in a number of unique extracurricular activities during their last two years in high school, including prom, various senior recognitions, and graduation. In order to fund these extracurricular activities, the school district will ask each student to make a contribution to their class's fund. This contribution is completely voluntary. Students who chose not to contribute to the class fund are still eligible to participate in the extra activities. The suggested donation to the class fund will be \$_____.

C. Waiver Policy.

Students who qualify for free or reduced-price lunches under United States Department of Agriculture child nutrition programs shall be provided a fee waiver or be provided the necessary materials or equipment without charge for (1) participation in extracurricular activities, (2) materials for course projects, and (3) the use of a musical instrument in optional music courses that are not extracurricular activities. Actual participation in the free or reduced-price lunch program is not required to qualify for the waivers

provided in this section. The district is not obligated to provide any particular type or quality of equipment or other material to eligible students. Students who wish to be considered for waiver of a particular fee must submit a completed fee waiver application to their building principal.

D. Distribution of Policy.

This policy will be published in the Student Handbook or its equivalent that will be provided to students at no cost.

E. Voluntary Contributions to Defray Costs.

The district will, when appropriate, request donations of money, materials, equipment or attire from parents, guardians and other members of the community to defray the costs of providing certain services and activities to students. These requests are not requirements and staff members of the district are directed to clearly communicate that fact to students, parents and patrons.

F. Fund-Raising Activities

Students may be permitted or required to engage in fund-raising activities to support various curricular and extracurricular activities in which they participate. Students who decline to participate in fund-raising activities are not eligible under this policy for waiver of the costs or fees which the fund-raising activity was meant to defray.

G. Student Fee Fund.

The school board hereby establishes a Student Fee Fund. The Student Fee Fund shall be a separate school district fund that will not be funded by tax revenue, and that will serve a depository for all monies collected from students for (1) participation in extracurricular activities, (2) post-secondary education costs, and (3) summer school or night school courses. Monies in the Student Fee Fund shall be expended only for the purposes for which they were collected from students.

Adopted on: _____
Revised on: _____
Reviewed on: _____

5049
Firearms and Weapons

Weapons. No student may possess, handle, or transmit any weapon while on school grounds or at any school activity or event off school grounds except as permitted by this policy. No visitor under the age of 18 may possess, handle, or transmit any weapon while on school grounds or at any school activity or event off school grounds except as permitted by this policy.

Definition of Weapon. The term "weapon" means any object, device, instrument, material, or substance which is capable of causing injury in the manner it is used or intended to be used.

Firearms. No person may bring, possess, handle or transmit a firearm on school grounds, in a school owned vehicle, or at a school activity or event off school grounds, except as permitted by this policy. **Definition of Firearm.** The term "firearm, as defined in 18 U.S.C. 921, means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or firearm silencer, or any destructive device (excluding an antique firearm).

Exceptions Regarding Firearms. The prohibition against firearms does not apply to:

1. The issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this State, or Reserve Officers Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training; or
2. Firearms that may lawfully be possessed by a person who is receiving instruction at the school under the immediate supervision of an adult instructor;
3. Firearms which may lawfully 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;
4. Firearms contained within a private vehicle **operated by a nonstudent adult** that are not loaded **and** are encased or are in a locked firearm rack that is on a motor vehicle; or

Deleted: who holds a valid permit issued under the Concealed Handgun Permit Act

5. A handgun carried as a concealed handgun by a nonstudent adult in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public and used by the school if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, a hardened compartment securely attached to the motorcycle while the vehicle is in or on such parking area, except as prohibited by federal law.

Definition of Encased. The term "encased" means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

Exceptions for Students. The only exceptions for a student to bring or possess a weapon, including a firearm, are as follows:

1. The firearm or weapon has been brought to school grounds or to an activity or event off school grounds for some educational purpose;
2. The person bringing the firearm or weapon has requested and received the prior approval of both the instructor and the building principal to do so; and
3. All arrangements to use and store the firearm or weapon safely while it is on school premises have been agreed to and carried out.

Consequences - Firearm. Any student who brings a firearm, as that term is defined in 18 United States Code 921, to school will be expelled from school for one calendar year. The superintendent of schools and the board of education shall have the authority to modify the expulsion requirement on a case-by-case basis.

Consequences - Weapon. State law and this policy provide that any student who violates this policy by knowingly bringing, possessing, handling or transmitting a weapon, other than a firearm, on school grounds, in a school owned vehicle, or at a school activity or event off school grounds may be suspended on a long-term basis, mandatorily reassigned, or expelled for the remainder of the school year in which the expulsion takes effect (if the misconduct occurs during the first semester) or the remainder of the second semester, summer school, and the first semester of the following school year (if the misconduct occurs during the second semester).

Confiscation of Firearms. Administrative and teaching personnel are statutorily authorized, without a warrant, to confiscate any firearm possessed in violation of this policy. By statute, any firearm that is confiscated by school personnel shall be delivered to a peace officer as soon as practicable. Such firearms are subject to being destroyed by law enforcement authorities.

Report to Law Enforcement Authorities. All school personnel are required to report any violation of this policy to a principal or the superintendent of schools. Pursuant to state and federal law, school personnel are required to report to law enforcement authorities when a student brings a firearm or weapon to school.

Adopted on: _____

Revised on: _____

Reviewed on: _____

NOTE TO BE DELETED: This policy satisfies the minimum requirements of the *Healthy, Hunger-Free Kids Act of 2010* and its final rule. Schools that wish to adopt a more "aggressive" policy with higher standards may do so and should contact KSB for policy language that is in-line with their goals.

**5052
School Wellness Policy**

The school district is committed to providing a school environment that enhances learning and the development of lifelong wellness. The goals outlined in this policy were determined and selected after reviewing and considering evidence-based strategies.*

1. Goals for Nutrition Promotion and Education

- a. The district will promote healthy food and beverage choices for all students, as well as encourage participation in school meal programs by such methods as implementing evidence-based healthy food promotion techniques through the school meal programs and promoting foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards.
- b. The health curriculum will include information on good nutrition and healthy living habits.
- c. Teachers will incorporate information on nutrition and wellness into the classroom curriculum as appropriate.
- d. The district will collaborate with public and private entities to promote student wellness.
- e. Water will be made available to students throughout the school day.

2. Goals for Physical Activity

- a. The school district's curriculums shall include instruction on physical activity and habits for healthy living.
- b. Students will be encouraged to engage in physical activities throughout the school day and will be provided with opportunities to do so.

- c. The district encourages parents and guardians to support their children's participation in physical activity, to be physically active role models, and to include physical activity in family events.

3. Goals for Other School-Based Activities Designed to Promote Student Wellness

- a. The district will participate in state and federal child nutrition programs as appropriate.
- b. The district will provide professional development, support, and resources for staff about student wellness.
- c. Students will be provided sufficient time in which to eat school-provided meals.
- d. The district's lunchrooms will be attractive and well-lighted.
- e. The district will allow other health-related entities to use school facilities for activities such as health clinics and screenings so long as the activities meet the district's requirements and criteria for the use of facilities.
- f. The district may partner with other individuals or entities in the community to support the implementation of this policy.
- g. The district will strive to provide physical activity breaks for all students, recess for elementary students, and before and after school activities, as well as encourage students to use active transport (walking, biking, etc.)
- h. The district will use evidence-based strategies to develop, structure, and support student wellness.

4. Standards and Nutrition Guidelines for All Foods and Beverages Sold to Students on the School Campus and During the School Day

- a. The district will ensure that student access to foods and beverages meet federal, state and local laws and guidelines including, but not limited to:

- i. USDA National School Lunch and School Breakfast nutrition standards
 - ii. USDA Smart Snacks in School nutrition standards.
- b. The district will offer students a variety of age-appropriate, healthy food and beverage selections with plenty of fruits, vegetables, and whole grains aimed at meeting the nutrition needs of students within their calorie requirements in order to promote student health and reduce childhood obesity.

5. Standards for All Foods and Beverages Provided, But Not Sold to Students During the School Day

The district may provide a list of healthy party ideas or food and beverage alternatives to parents, teachers, and students for classroom parties, rewards and incentives, or classroom snacks. The district discourages the use of food and beverages as a reward or incentive for performance or behavior.

6. Food and Beverage Marketing

Marketing and advertising is only allowed on school grounds or at school activities for foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards, except as follows:

- a. This requirement does not apply to marketing that occurs at events outside of school hours such as after school sporting or any other events, including school fundraising events.
- b. The district will not immediately replace menu boards, coolers, tray liners, beverage cups, and other food service equipment with depictions of noncompliant products or logos to comply with the new USDA Smart Snacks in Schools nutrition requirements. All previously purchased products will be used, and all existing contracts honored.
- c. All equipment that currently displays noncompliant marketing materials will not be removed or replaced (e.g., a score board with a Coca-Cola logo). However, as the district reviews and considers new contracts, and as scoreboards or other such durable equipment are replaced or updated over time, any products that are marketed and

advertised will meet or exceed the USDA Smart Snacks in School nutrition standards

7. Public Participation

Parents, students, representatives of the school food authority, teachers, school health professionals, board members, school administrators, and members of the general public shall be allowed to provide their input to the school district during the wellness policy adoption and review process.

8. Competitive Foods (Includes Food and Beverages Sold in Vending Machines, School Stores, Fundraisers or in Competition with the National School Lunch and Breakfast Programs)

- a. Except as otherwise allowed by the Nebraska Department of Education (NDE), all foods and beverages sold during the school day as part of a fundraiser or for any other purpose in competition with the National School Lunch and Breakfast Programs must meet the nutrition standards of those programs.
- b. Fundraiser food or beverages are NOT exempt from the USDA Smart Snacks in School nutrition standards. Therefore, if food is sold as a fundraiser:
 - (1) It shall not be sold in competition with school meals in the food service area during the meal service.
 - (2) It shall not be sold or otherwise made available to students anywhere on school premises during the period beginning one half hour prior to the serving period for breakfast and/or lunch and lasting until one half hour after the serving of breakfast and/or lunch.
 - (3) The sale of food items during the school day shall meet the USDA Smart Snacks in School nutrition requirements
 - (4) This restriction does not apply to food sold during non-school hours, weekends, and off-campus fundraising events such as concessions during after-school sporting events, school plays or concerts; or to

bulk food items that are sold for consumption at home. (Ex: frozen pizzas, cookie dough tubs, etc.)

9. Triennial Assessment

The school board shall assess and review this policy at least every three years to determine:

- a. Compliance with this policy;
- b. How this policy compares to NDE model wellness policies;
- c. Progress made in attaining the goals of this policy.

The school board will update or modify this policy as appropriate.

10. Public Notice

In addition to identifying the topic on its meeting agenda as required by the Open Meetings Act, the school district will provide notice of this policy at least annually to the public and other stakeholders identified in this policy by one or more of the following methods: on its webpage, in its newsletter, in the student and employee handbooks, newspaper advertisements, direct mailings, electronic mail, and public postings.

In addition to identifying the topic on its meeting agenda as required by the Open Meetings Act, the school district will provide notice of the Triennial Assessment and progress reports towards meeting the goals in this policy using one or more of those same methods.

11. Recordkeeping

The District will retain records to document compliance with the requirements of the wellness policy at its central office.

12. Operational Responsibility

The superintendent is responsible for coordinating the implementation of this policy and for monitoring the district's progress in meeting the goals established by this policy. The superintendent will periodically report to the board on the district's progress in implementing this policy.

* These strategies include, but are not necessarily limited to, those cited in the Alliance for a Healthier Generation's Model Wellness Policy (Updated June 2020 to Reflect the USDA Final Rule) found at <https://api.healthiergeneration.org/resource/2>.

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https://www.healthiergeneration.org/asset/wtqdwu/14-6372_ModelWellnessPolicy.doc

Adopted on: _____

Revised on: _____

Reviewed on: _____

5062
Lice and Nits

Upon discovering the presence of live lice or louse eggs, the school will notify the student's parent(s) or guardian(s). The student will be isolated from contact with other students and their belongings, and a parent or guardian must pick the child up from school immediately.

By Nebraska DHHS regulation, students are not permitted to return to school until the student is treated such that no live lice or louse eggs can be detected. The parent(s) or guardian(s) will be required to treat the student and accompany the student to school to be examined. The student cannot ride the school bus until the district has cleared the student to return to school.

Adopted on: _____

Revised on: _____

Reviewed on: _____

Deleted: Option A¶

¶ Students found to have head lice, louse eggs, or nits will not be permitted at school and will be sent home. Upon discovering the presence of any indication of lice, louse eggs, or nits, the student's parent(s) or guardian(s) will be notified, and if appropriate will be asked to pick up the student from school immediately.¶

¶ Students will not be permitted to return to school until the district finds that no live lice, eggs, or nits can be detected. The parent(s) or guardian(s) will be required to treat the student and accompany the student to school to be examined.¶

¶ The student cannot ride the school bus until the district has cleared the student to return to school.¶

Option B¶

Deleted: Students found to have live head lice or louse eggs will not be permitted at school and will be sent home.

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5064
Supplement, Not Supplant

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The district will use Title I, Title II, Title IV, and any other funds subject to Supplement, Not Supplant requirements as required by law. The district will use said funds to Supplement, Not Supplant, state and local funds that would, in the absence of such funds, be spent on Title programs. The district will ensure that Title funds will not be used to provide services which otherwise take the place of public education services that are to be provided to all students.

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The district maintains records of the professional development provided at the district level that is funded with Title funds. The Superintendent will ensure that professional development is aligned with the needs of the district's Title programs. Title professional development will not duplicate that which the district provides for non-Title purposes which, in the absence of Title funds, would be provided to all staff.

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Adopted on: _____
Revised on: _____
Reviewed on: _____

6003
Instructional Program

1. The minimum number of instructional hours in the school year will be 1,080 for grades 9 through 12, 1,032 for grades 1 through 8, and 400 for kindergarten, exclusive of lunchtime. ==

[NOTE TO BE DELETED: The hours shown above are the minimum number of instructional hours for each corresponding grade as required by Nebraska law and NDE regulation. They may be, but are not required to be, adjusted upward at the board's discretion.]

2. The district may establish special programs for individual students that may deviate from these requirements. All special programs must either be adopted pursuant to applicable law or approved by the superintendent in advance. Prior to the district's commencement of a specialized program, the district will provide the student's parents or guardians with notice of the program.
3. The board, acting with the advice of the administration and certificated staff, will adopt a curriculum and procure textbooks and materials to support that curriculum. The administration and certificated staff will design instructional strategies and assessments to implement the curriculum.
4. To the extent possible, practice for, travel to, and participation in activities sponsored by the Nebraska School Activities Association and the Nebraska Department of Education will be scheduled outside of instructional time. Individual student absences because of illness or family-centered activities will be governed by district attendance policies.
5. The board intends to strike a sensible balance between the time spent on academics and time spent on extra-curricular activities, acknowledging that both work and play are important in each student's total development and education.

Adopted on: _____
Revised on: _____
Reviewed on: _____

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6004

Curriculum Development

The board of education jealously guards its right, prerogative, and discretion to exercise local control of the curriculum development of the district to the greatest extent permitted by state and federal law, and has no intention of ceding such right, prerogative, or discretion.

The superintendent or his/her designee shall be responsible for providing and directing system-wide planning for curriculum, instruction, assessment and staff development.

The curriculum shall be standards-driven and accountability-based. The district's academic content standards shall be those required by the Nebraska State Board of Education in the subject areas of reading and writing (language arts), mathematics, and science only. The curriculum shall be articulated to include all programs and grade levels offered within the district, K-12 and, if applicable, shall include a preschool program. The curriculum shall reflect the comprehensive plan of the school district. All professional staff members are responsible for implementing the curriculum.

The superintendent or his/her designee will present this curriculum to the board for approval or modification.

The superintendent shall be responsible for establishing curriculum guides to articulate and coordinate the written curriculum, and to provide consistency of the written curriculum from one level of the district to the next. Curriculum guides shall provide for the development of the school district's curriculum and shall set academic standards, identify essential educational outcome criteria, and provide for the implementation, monitoring and evaluation of student learning.

Teachers are responsible for following the curriculum guides and teaching the written curriculum. Principals are responsible for monitoring the curriculum and evaluating teachers to ensure that they are teaching in compliance with the curriculum guides and written curriculum. The superintendent and his/her designee shall ensure that principals monitor the curriculum and evaluate teachers.

Curriculum and Textbook Adoption Schedule

The District will review curriculum and adopt associated textbooks on the following schedule.

Subject Area	K-12 REVIEW	TEXTBOOK ADOPTION
Foreign Language		
Fine Arts/Music		
K-12 Language Arts		
Math		
Technology		
Science		
Physical Ed/Health		
Vocational		
Social Studies		
Financial Literacy		
Computer Science and Technology		

Adopted on: _____

Revised on: _____

Reviewed on: _____

6038
Artificial Intelligence

As used in this policy, artificial intelligence tools (“AI Tools”) mean machine-based resources that use computer science, algorithms, large language models, and/or machine learning to perform tasks, answer questions, collect information, and respond to human-directed tasks, queries, and objectives. AI Tools include, but are not necessarily limited to, commercially-available resources like ChaptGPT, Google Bard, and other chatbots.

The board recognizes that among other resources, when properly used, AI Tools may provide valuable source information to students and teachers in relation to the district’s academic curriculum and assignments. Student use of AI Tools should focus on using such tools as a resource and for background material, rather than using the AI Tools to complete the assignment. Therefore, AI Tools may only be used by students in accordance with the following requirements:

1. Unless an individual teacher affirmatively communicates to students that AI Tools may be used for a specific assignment, then AI Tools may not be used. Individual teachers will decide for each individual assignment the extent to which students may use AI Tools for such assignment. Teachers are encouraged to make such a decision in advance of students being given the individual assignment in question.
2. Teachers will communicate to all students responsible for completing an assignment the extent to which such students may use AI Tools in connection with such assignment. Teachers will endeavor to include in such communications examples of permissible and impermissible uses of AI Tools.
3. If a student uses any AI Tools in connection with a school assignment, the student must comply with the following:
 - a. The student must explicitly disclose to the teacher in writing that the student used an AI Tool and the specific AI Tool used.
 - b. In any student work (whether hard copy, electronic, digital, or otherwise), the student shall give proper attribution to the AI Tool(s) used to the same extent that students are expected to give proper attribution to other sources of information such as books, texts, encyclopedias, secondary sources, and other traditional media. Such attribution may include, but is not

necessarily limited to, accurate quotations, citations, footnotes, endnotes, and/or bibliography entries.

- c. In no instance may the output from one or more AI Tools be copied and placed within a student's work as if the student wrote such section himself or herself. For example and not limitation, students may not outsource the organization or the writing of any written work to any AI Tool.
4. A student's failure to meet the requirements stated in this policy will constitute a violation of the district's prohibitions against cheating plagiarism and/or academic dishonesty, including but not necessarily limited to such prohibitions stated in the Student Handbook, which violation will subject the student to discipline up to and including expulsion.
5. The student requirements stated above are the minimum requirements for any student assignment. An individual teacher may impose more stringent requirements for any specific academic assignment or coursework.

Adopted on: _____

Revised on: _____

Reviewed on: _____

MADISON PUBLIC SCHOOLS



HANDBOOK FOR CERTIFICATED STAFF

2023-24

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FOREWORD

Intent of Handbook

Welcome to the Madison Public Schools! This handbook is intended to provide general information about the Madison Public Schools and to serve as a basic guide to many of the district's policies, rules, and regulations, benefits of employment, and performance expectations. Full copies of district policies are located on the district website.

References in this handbook to "teachers" are intended to apply to all certificated staff. This includes administrative staff to the extent the handbook deals with professional expectations and conduct.

Each teacher is responsible for becoming familiar with the handbook and knowing the information contained in it. Although the information found in this handbook is detailed and specific on many topics, the handbook is not intended to be all encompassing or to cover every situation and circumstance that may arise. This handbook is intended to supplement other documents that deal with your employment, including your employment contract, the negotiated agreement between the Madison Public Schools Board of Education and the Madison Education Association, and the policies and regulations of the Board of Education. In reading this handbook, please understand that where a direct conflict exists, state or federal law, the negotiated agreement, or Board policies and regulations will control.

This handbook does not create a "contract" of employment. Staff positions and assignments which do not legally require a certificate or are otherwise not protected by the teacher tenure laws may be ended or changed on an "at will" basis notwithstanding anything in this handbook or any other publication or statement, except for a contract approved by the Board of Education.

The administration will be responsible for interpreting the rules contained in the handbook and shall have the right to make decisions and make rule revisions at any time. Should a situation or circumstance arise that is not specifically covered in this handbook, the administration will make a decision based upon applicable school district policies, state and federal statutes and regulations, and the best interests of the district.

This handbook will be in effect for the 2023-24 and subsequent school years unless replaced by a later edition.

School Mission Statement

Preparing students to be competent, confident, productive, and responsible citizens.

The district seeks to provide an essential education by developing and maintaining:

- Qualified and competent administrative, teaching, paraprofessional, and operational staff;
- Integrated, planned curriculum that prepares students to achieve state standards and such additional standards as are established by the Board of Education and to reach the student outcomes identified above;
- Comprehensive support programs and services that meet the diverse needs of students;
- Safe, clean and supportive facilities and learning environments;
- Implementation of a curriculum that meets the following:
 - Is based on state standards in reading, writing, speaking, listening, mathematics, science and social studies/history and essential learnings in visual and performing arts, world languages, technology, health and physical education, and career and technical education and such additional standards; as are established by the Board of Education;
 - Is appropriate for the developmental level of the students;
 - Addresses diverse learning needs;
 - Instills a passion for learning and the importance of life-long learning;
 - Develops problem solving and critical thinking skills, decision making skills, data gathering, and critical use of information;
 - Develops expected work ethics, as well as group participation and leadership skills;
 - Incorporates character education and multicultural education, including respect for diversity;
 - Provides for application of technology in all learning areas;
 - Provides access to advanced courses; and
 - Is organized in a schedule that is functional and meets student needs in all curriculum areas.
- Providing a supportive learning environment that includes:
 - A welcoming and inviting environment that is emotionally safe, nurturing, supportive, and disciplined; that promotes respect, trust, integrity, and regard for self and others; and that honors diversity;
 - Learning as the central purpose with students engaged in meaningful, relevant, and productive learning experiences; and
 - Implementation of policies and practices that result in an orderly environment with emphasis on consistent school-wide positive behavior.

Board of Education

Harlow Hanson	President	Deb Neidig	Member
Jim Reeves	Vice-President	Kate Ebeling	Member
Steve Ruh	Secretary	Jim Knapp	Member

Administration

Justin Frederick	Interim Superintendent
Jim Crilly	Secondary Principal
Karla Kush	Elementary Principal
Reid Ehrisman	Middle School Principal/IPM/EL
Travis Jordan	Director of Curriculum, Assessment & Instruction
Landonn Mackey	Athletic Director/Assessment & Instruction

Teachers

Name	Position	Name	Position
Kayleen Amend	9-12 Science	David Kaps	Elementary PE
Trisha Braithwait	K-12 Media/Tech Coordinator	Amber Knight	5-12 Instrumental/6-12 Vocal Music
Brisa Calderon	EL	Garrett Koopman	New Directions/Sr English
Morgan Caspersen	Academic Support-Elem	Vanessa Lafleur	HS Language Arts
James Cooper	3 rd Grade	Jane Lewis	3 rd Grade
Collin Crilly	Ag Instructor	Erin Mackey	1 st Grade
Joe Crilly	Middle School	Leigh Ann McCartney	SpEd
Randi Ernest	Kindergarten	Josh McPhillips	7-12 Spanish/Business
Jonita Ferguson	MS Special Education	Bobbi Middleton	Middle School
Rob Fite	HS Social Studies	Chris Miller	6-12 PE
Kari Frauendofer	Kindergarten	Roberto Mora	MS Title I
Dan Fuhs	HS Social Studies	Ken Newcomb	HS Math
Lareesa Greunke	Middle School	Nixel Ortiz	MS EL/MS ASP
Rachel Harriman	PreK-3	Trent Osnes	HS/MS Business/CTE
Tom Harrington	Middle School	Audrey Pollreis	Elementary Special Education
Beth Hauger	4 th Grade	Morganne Randles	2 nd Grade
Lane Hegemann	Elementary School Counselor	Erin Reeves	Elem Title I
Samantha Henery	5 th Grade	Hannah Rice	1 st Grade
Kristen Herchenbach	FCCLA	Bradi Scott	2 nd Grade
Kayla Herfel	4 th Grade	Patrick Siemek	Industrial Tech
Paige Holub	7-12 Math	Carter Tegeler	HS Science
Katrina Hughes	6-12 EL	Jessica Ternus	Pre-Kindergarten
Samantha Jacobson	SpEd	Nicole Unkel	SpEd
Dawn Johnson	Middle School	Teresa Wagner	HS LA/Drama/Elem Vocal Music
Vicky Jones	5 th Grade	Casey Wolta	MS/HS Art
Lisa Jurries	MS/HS School Counselor		

Other Certificated Staff

Lisa Holoubek	Nurse
Makel Sazama	Nurse

Article 1 – SCHOOL CALENDAR AND SCHEDULES

School Calendar

The official school calendar is a Google Calendar maintained in the central office by Jackie Stueckrath that includes all school-related events for the entire school year and is available as a reference for all staff. Any staff member planning an activity that involves school students or school facilities should contact Jackie about putting that activity on the calendar after consulting with and receiving permission from the Building Principal. Wednesday night of each week is reserved for church night. No school activities may be planned after 6:00 this night. There will be no school activities, practices, workouts, rehearsals, etc. on Sunday without specific, prior permission from the Superintendent.

Daily Schedule

Building principals will provide daily class schedules.

Shortened Schedule

When it becomes necessary to adjust the length of a school day, instructional schedules will also need to be adjusted. Building principals will provide this schedule information.

Severe Weather and School Cancellations

The superintendent is authorized by the Board of Education to close public schools in case of severe weather. Representatives of the superintendent's staff will notify local news media when inclement weather warrants such action. Radio and television stations broadcast the information regularly.

Decision to Close Schools: A decision to close school is made when forecasts by the weather service and civil defense officials indicate that it would be unwise for students or staff to go to school. Decisions whether to have school will be made as early as possible. In any case, an announcement will be made to the news media when schools will be closed. In some instances, schools will be open, but certain activities may be cancelled or rescheduled. Some staff may be designated as being required to come to school even in the event of a school closing.

After School Starts: Every attempt will be made to avoid closing school once classes are in session. In some instances, closing school during the day is inevitable if children are to safely return home before the brunt of a major storm hits. In these cases, as much advance notice as possible will be given. If school is closed during the day staff will be notified and parents will be notified via media broadcast. Teachers will be responsible for remaining with students until all students have safely left school or the administration has made arrangements for remaining students.

Parental Decisions: Parents may decide to keep their children at home in inclement weather because of personal circumstances. Students absent because of severe weather when school is in session will be marked absent. You should treat the absence like any other absence for legitimate causes provided parents properly notify the school of their decision. Parents may pick up their children in inclement weather (except in case of a tornado) at any time during the school day. Students will not normally be dismissed from school during severe weather on the basis of a telephone request.

Emergency Conditions: The Madison Public Schools utilize auditory signals when it becomes necessary to either evacuate the building or to move to safer areas of the building. All regular drills are held as required by law through the school year. There are plans for Emergency Exit system, Tornado Warning System, and other critical incidents that are based on PA announcements of color codes. School officials are not permitted to release students from the school building during a tornado warning. In the event of an emergency exit alert or tornado warning, you should implement the school's established safety procedures.

Contract Days

Teachers are contracted for 185 contract days also referred to as the "contract year". Such contract days shall be serviced by individual teachers on varying schedules as established by the Board of Education and administration.

Make-Up Days

In the event teachers are not required to report for duty due to inclement weather conditions or other circumstance whereby a duty day is canceled, such days may not be credited as a contract day served. Make-up days may be scheduled by the administration during the contract year as needed to allow all teaching staff to fulfill the full number of contract days. This decision will be made and announced on or about April 15.

Article 2 – EMPLOYMENT, COMPENSATION AND BENEFITS

Employment

A teacher is employed by the Madison Public Schools when the teacher signs the specified contract and the Board of Education approves such contract of employment. The teacher's employment continues absent action by the administration or the Board of Education to non-renew, terminate, amend or cancel the teacher's employment contract with the school district, or action by the Board of Education to accept a resignation of employment.

On or after March 15 of each school year a teacher may be requested to accept employment for the next school year and shall be required to signify such acceptance on or before such date after March 15 as may be designated in the notice. It is important for teachers to respond to the request to signify acceptance as a failure to signify acceptance of employment by the designated date shall constitute cause for termination of the teacher's contract. If a teacher signifies acceptance of employment for the next school year the teacher may either be issued a new Teacher's Contract or a "Contract Renewal Agreement."

Should a teacher wish to resign from employment the teacher should give written notice of resignation to the superintendent. The request to resign will be acted upon by the Board of Education. Mid-year resignations and resignations given late in the spring for the following school year can present significant planning problems for the district. A staff member who submits their resignations to the Board of Education by April 14 will be released from the next school year's contract unless the resignation would occur during the contract year. Staff members who refuse to fulfill their contractual obligations will be reported to the Professional Practices Committee of the Nebraska Department of Education. The district will enforce the continuing contract of teachers accepting employment for the next school year under the provision of Neb Rev. Stat. §79-820.

Teaching Certificates and Transcripts

In order to include teachers in payroll action, it is required that a current teaching certificate be properly registered and filed in the superintendent's office. Transcripts of all your college work must also be filed in the superintendent's office. To receive advancement on the salary schedule, transcripts showing completed college courses toward a master's degree must be presented to the superintendent by September 1 of the current school year.

Assignments

The professional duties to be performed by a teacher with the district shall be subject to assignment by the superintendent and/or building principal. A teacher will be expected to devote full time during days of school to the teacher's position and to diligently and faithfully perform the assigned duties to the best of the teacher's professional ability. Job descriptions, where available, provide additional information about the position duties.

In addition to the normal duties traditionally required of teachers, a teacher may be assigned such "extra duty" assignments to support the cocurricular programs of the district, which shall be upon such terms and conditions and at such additional rate of compensation as set forth in the negotiated agreement. The cocurricular program of the school district is an integral part of the overall educational program of the school district. As such, a teacher shall not unreasonably refuse to accept such extra-duty assignments. In addition, performance in extra duty assignments will be considered when evaluating the teacher's overall performance to the district.

Personnel File

The district will follow the requirements of state and federal law and regulation with regard to a teacher's personnel file, including but not limited to Neb. Rev. Stat. § 79-8,109. Teachers may schedule a mutually agreeable time to review the contents of their personnel file in the superintendent's office.

Grievances and Complaints

Teacher grievances regarding wages, hours, and conditions of employment set forth in the negotiated agreement shall be governed by the grievance or complaint procedure in the negotiated agreement. All other employment related grievances or complaints should be addressed through the administrative chain of command following the process set forth in Board policy 3035.

Compensation

Regular Salary and Extra-Duty Compensation. Compensation is paid only as authorized by the Board of Education. Teachers are paid a salary based on placement on the salary schedule set forth in the collectively bargained negotiated agreement between the district and the collective bargaining agent for the certificated teaching staff (referred to in this handbook as the “negotiated agreement”), and the extra-duty salary schedule also incorporated into the negotiated agreement.

Changes in Salary Schedule Placement: the provisions of the negotiated agreement shall govern changes in a teacher's placement on the salary schedule. Teachers are expected to provide the superintendent with a transcript for all graduate hours earned for purposes of advancement on the salary schedule on or before September 1 of the school year in which such hours are to be credited for the teacher's placement on the salary schedule. Failure to timely provide an official transcript from the post-graduate institution of the graduate hours earned will result in a loss of such credit for such school year.

Salary Payments. Salary is payable over twelve equal installments. Teachers will be paid on or before the 20th of the month. In emergency cases exceptions may be made, subject to the approval of the board. In no case shall the board advance more than one month's salary.

Extended Duty Pay

Extended duty for any teacher beyond the number of contract days established by the Board of Education for the school year shall be paid at 1/185 of the base salary.

Benefits

Teachers are provided benefits in accordance with the negotiated agreement, group health insurance plan requirements, and the school district's Section 125 Plan document. Teachers shall make annual fringe benefit elections by August 31 of each school year. Should a teacher fail to make such election, the teacher election from the immediately preceding school and contract year shall be continued. Each teacher is responsible for informing the office of the superintendent in writing of any changes in benefit status.

The Health Insurance Portability and Accountability Act (HIPAA) provides rights and protections for participants and beneficiaries in group health plans. HIPAA includes protections for coverage under group health plans that limit exclusions for preexisting conditions; prohibit discrimination against employees and dependents based on their health status; and allow a special opportunity to enroll in a new plan to individuals in certain circumstances. HIPAA may also give you a right to purchase individual coverage if you have no group health plan coverage available and have exhausted COBRA or other continuation coverage. Further information may be obtained from the Plan Administrator of the group health plan.

Payroll and Payroll Deductions

Salary and benefits are paid in accordance with the individual employment contracts and negotiated agreement. Payroll deductions shall be made in accordance with law and the negotiated agreement.

Expense Reimbursement

Reimbursement for authorized expenses (mileage, food, fuel, etc.) will be paid to teachers traveling on school business. Claims for reimbursement should be submitted to your building principal on an Expense Disbursement Request form.

403(b) Salary Reduction Agreements

The district will cooperate with any teacher who chooses to participate in an investment program under an Internal Revenue Code Section 403(b) provided that the certificated employee executes a "Salary Reduction Agreement" provided by the district. Christensen Brozek Faltys has been secured by the district as the Third-Party Administrator for 403(b) plans.

Overtime

Teaching professionals are classified as exempt from overtime under the Fair Labor Standards Act (FLSA). The overtime exemption for teaching professionals is not dependent on whether the employee is paid on a "salary basis." Exempt employees are not eligible for overtime or compensatory time.

Teacher Evaluation

The Board of Education of Madison Public School District #1 is of the philosophy that the key to successful classroom instruction is the classroom teacher. The Board believes that every teacher is or should be capable of improving his or her performance. As such, the Board of Education directs the administrative staff to continuously evaluate the performance of the teaching staff in writing to the superintendent of schools.

Philosophy and General Procedures: Evaluation is a cooperative process wherein the individual being evaluated and the one responsible for making the evaluation feel a joint responsibility to focus upon performance areas needing improvement, and to work together to achieve the best results. Evaluation is a means, not an end in itself. It should motivate both self-improvement and assistance for the evaluator. Evaluation is more than mere inspection and rating. Performance guidelines and standards are available which employees may use in self-evaluation, and which evaluators may utilize as they counsel and assist. In addition, recognition should be given to employees who have received superior evaluation reports. It is also important that an evaluation conference is held between the evaluator and the employee, a documented record is maintained on the evaluation process and conferences, and a signed copy of all evaluation records is given to the employee.

Purposes of a Continuous Program of Teacher Evaluation:

1. Bring about improvement of teacher performance and, as a result, provide improved educational services for students.
2. Insure the best possible teaching staff so that the goals and objectives of the school may be achieved in the most effective and efficient manner.
3. Permit collection of group data about teachers for the purpose of identifying staff development and in-service training needs.
4. Provide for accurate and effective documentation of the performance of the teaching staff for use in making decisions about retention or dismissal.

Instructional Goals:

1. The Board of Education and the selected staff of Madison Public School will provide a comprehensive school program that meets the needs of each individual in a fair and impartial manner.
2. The curriculum will assure that the students have exposure to subjects that are common to all vocations. It will include courses relative to college preparatory and vocational programs. Programs will be designed to fit those students who have very special needs.
 - a. Each student will be instructed at a level of difficulty that considers the individual's capability to comprehend the material. Instructional methods and procedures will provide for varying rates of development in accordance with individual ability.
 - b. Each student will be given credit for grading consideration from a developmental pattern of daily work assignments. The instructor will consider the innate capability of the student.
 - c. The instructor will establish a pattern of testing that will illustrate that the students are gaining mastery in the subject area being taught. NOTE: There should be weekly grades recorded in the instructor's grade book.
 - d. The instructor should have techniques of instruction that key into the sensory learning experiences. Supposedly, the more senses used at one time the greater the chance of the learning experience to happen. Visual auditory, writing, touching, and smelling are types of sensory instructional techniques. The instructor should use appropriate audio-visual aids to help reinforce the learning concepts.
 - e. The instruction should be individualized enough to enable all students to experience academic growth and personal success. (Curriculum Modification.)
 - f. Self-discipline and citizenship will be illustrated by the students and encouraged by the instructors.
 - g. Each teacher is employed to provide instruction in any public school with an emphasis on common honesty, morality, courtesy, obedience to law, respect for the national flag, the constitution of the State on Nebraska, respect for parents and the home, the dignity and necessity of honest labor, and other lessons of a steadying influence which tend to promote and develop upright and desirable citizens. (School Law - 79-215)

Objectives of the Evaluation Process:

1. To improve instruction.
2. To upgrade the total educational program.
3. To clarify duties and responsibilities.
4. To enhance working relationships between employees.
5. To assess strengths and weaknesses.
6. To establish directions and guidelines.
7. To enhance communications.
8. To determine suitability for reemployment.

Evaluation Responsibility:

1. The Board of Education has primary responsibility for evaluating the superintendent.
2. The superintendent has the primary responsibility for the evaluation of the director of curriculum and assessment and building principals.
3. The Principal of the secondary school has the primary responsibility for the evaluation of all secondary staff.

4. The Principal of the elementary school has the primary responsibility for the evaluation of all elementary staff.
5. The Principal of the Middle School has the primary responsibility for the evaluation of the Middle School staff along with the cooperation of the secondary principal.
6. The superintendent shall review all evaluations carefully.

Additional information related to evaluation of certificated staff members is provided annually in a separate document.

Disciplinary Situations and Unpaid Leave

The district's policy is to authorize unpaid disciplinary suspensions of a full day or more for infractions of workplace conduct rules and to apply such policy uniformly to all similarly situated employees. Unpaid disciplinary suspensions of a partial day or of a full day or more may be implemented for infractions of safety rules or other issues of major significance. Deductions of pay of a partial day or of a full day or more may be made for FMLA leaves and in the first and last weeks of employment. In addition, based on principles of public accountancy, deductions from pay of a partial day or of a full day or more will be made for absences for illness, injury or personal reasons when accrued leave is not used or not available, and for absences due to any budget-required furlough.

Courtesy Passes

As a means to encourage teacher support for their students, all school personnel and Board members and their spouses along with school age children (K-12) will be provided courtesy passes to all school sponsored activities.

Article 3 – ABSENCES FROM WORK

Paid Sick and Personal Leave

Teachers are provided with various forms of paid leave as specified in the negotiated agreement. During such paid leaves, teachers shall continue to receive all salary and fringe benefits called for by the negotiated agreement. Leave provided by the district is to be used for the purpose intended. Abuse of leave privileges is fraud, affects the students, other staff, and the entire district and will not be tolerated.

Requests for Leave: Advance reporting of the need to take a leave and having effective lesson plans and materials prepared and readily available for the substitute are important. A teacher who becomes ill and is unable to work is to contact the building principal as directed by that principal. Before the end of the school day on the first day of the sick leave, and on each subsequent day of absence, a report should be made to the building principal as to whether the teacher will be able to return to duty on the next duty day. For illnesses or medical situations where the need for the leave can be determined in advance, the teacher is to make such advance report of need for leave as soon as possible.

Return from Leave: Upon return from leave, teachers are to review information supplied by the substitute teacher as to progress made in the class and any student behavior concerns. The substitute should be contacted directly if the written information supplied is not adequate.

Payroll Deductions for Absences in Excess of Paid Leave

Teachers are not entitled to unpaid leave beyond what is provided for in the teacher's individual contract, the negotiated agreement or the Family Medical Leave Act. Should a teacher be absent from work in excess of the teacher's accumulated sick leave or other leave, the teacher will be subject to employment-related discipline up to and including discharge from employment.

Emergency Medical and Maternity Leave Bank

An Emergency Medical and Maternity Leave Bank is provided to self-insure certificated staff members from financial loss due to extended absence from contractual duties, is provided in a separate document.

Jury Duty

A teacher who is summoned for jury service shall promptly notify the principal of such summons. The teacher's salary will continue during time spent in jury service, and no deduction of leave time shall occur, except that the district may reduce the pay by an amount equal to any compensation, other than expenses, paid by the court for jury duty. Teachers are to notify the principal of the amount received for such jury duty.

If a teacher, upon reporting for jury duty in the morning, is dismissed from jury duty for the remainder of the day, the teacher is to report for duty and resume duties for the balance of the day. When a teacher is entirely dismissed from jury duty, the teacher is directed to report for duty and the substitute will be dismissed.

Teachers are expected to promptly notify the principal of any other form of legal summons that may require an absence from duty. In the event the summons involves a school-related matter, the matter shall be treated similar to a jury duty absence. In the event the summons involves a personal matter, the teacher will be required to use available leave days.

Military Leave

Teachers who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve (hereinafter, "reserves"), are entitled to a military leave of absence from their respective duties, without loss of pay, when employed with or without pay under the orders or authorization of competent authority in the active service of the state or of the United States. Teachers who normally work or are normally scheduled to work 120 hours or more in three consecutive weeks shall receive a military leave of absence of 120 hours each calendar year. Teachers who normally work or are normally scheduled to work less than 120 hours in three consecutive weeks shall receive a military leave of absence each

calendar year equal to the number of hours they normally work or would normally be scheduled to work, whichever is greater, in three consecutive weeks. Such military leave of absence may be taken in hourly increments and shall be in addition to the teacher's regular annual leave.

When the governor of this state shall declare that a state of emergency exists, and any teacher who is a member of the reserves is ordered to active service of the state, the teacher shall be granted a state of emergency leave of absence until released from active service by competent authority. The leave of absence shall not be a military leave of absence; other forms of leave may be granted. The teacher shall receive normal salary or compensation minus the state active duty base pay the teacher receives in active service of the state.

Family and Medical Leave Act

The Family and Medical Leave Act (FMLA) provides for 12 weeks of job-protected unpaid leave in a 12-month period to eligible employees in specified circumstances. Some specifics regarding FMLA leave at Madison Public Schools:

1. The plan year for FMLA is a rolling year. A rolling year is a 12-month period measured backward from the date an employee last used any FMLA leave.
2. Employees will be required to substitute remaining applicable paid leave prior to using unpaid leave. In other words, the total of job-protected paid and unpaid leave is 12 weeks.

If you need to take an FMLA leave, or have any questions regarding an FMLA leave, please contact the superintendent.

Article 4 – DUTIES AND RESPONSIBILITIES

Hours of Work & Meetings

Regular, dependable attendance at work is an essential function of a teacher's employment position.

The Board of Education recognizes that teachers' responsibilities to their students and their profession generally involve the performance of duties and the commitment of time beyond the normal working day, but also recognizes that teachers and other educational professionals are entitled to regular time and work schedules on which they can rely in the ordinary course of events and which will be fairly and evenly maintained to the extent possible throughout the school system.

School buildings may have different starting and ending times for the student day. Certificated employees assigned to a building are to spend a minimum of eight hours on duty, including lunch break (30-minute lunch), except that duty-free lunchtime can be spent off-site. The building principal will determine the length of time prior to and after the student class schedule for staff to be on-site in order to meet the required duty time.

Certificated employees may be required to serve on playground, lunchroom, hall supervision, or other types of duties as designated by the building principal. The principal will attempt to make an equitable distribution of such assignments and professional staff shall assume such duties as part of their work and agreement of employment.

Teachers shall attend all meetings called by the administration, department heads, and team leaders, except those meetings that are designated for optional attendance.

Leaving School

Teachers are considered on duty at all times during the school day including during designated planning periods. An uninterrupted lunch period of not less than 30-minutes each day is provided to teachers during which they are not regularly assigned teaching, supervisory, or other duties. Teachers who leave the school during the designated lunch period must check out in a manner designated by the building principal.

Teachers may not leave school during duty hours without approval of the principal. If the absence has been approved, the teacher must check out with the principal's office when leaving and check back in with the principal's office upon return. Teachers who need to leave during the school day for reason of illness or emergency are to check out with the principal's office no earlier than proper student coverage has been provided.

Lesson Plans

Teachers will prepare written lesson plans in the plan book that outline class activities for the week. Please keep the lesson plan book, class rosters, etc. in an easily accessible location in the classroom. The lesson plan book and related materials should be kept in a place readily available in the teacher's absence.

Lesson plans must be sufficiently clear to establish objectives and related activities so that a substitute teacher or other staff member not familiar with previous classroom activities or progress easily uses them. The plan book must give specific reference to other instructional sources immediately available which will enhance the instructional lesson.

Class Records

Every teacher is required to keep a complete and easily understandable record of the attendance and achievement of every student in a class record book (sometimes referred to as the grade book) or electronic equivalent (such as Infinite Campus). This class record book must be kept current and include the following minimum information in a readily understandable fashion:

1. The names and any assigned student numbers of all students enrolled in the class at the beginning of the semester.
2. A complete record of the attendance of each student enrolled showing:
 - a. Days on which the student was tardy.
 - b. Days on which the student was absent, with a differentiation between excused and unexcused absences.
3. A complete report of all recorded grades for each student shall be recorded in the Daily Class Record and/or in Infinite Campus as directed by your building principal. Teachers should endeavor to measure student learning and understanding on a frequent basis during each quarter to provide an accurate evaluation of each student's academic achievement for that period. Teachers must be able to support and justify the grades that each individual student earns. A sufficient number of grades must be recorded in the grade book to justify all quarter and semester grades for each student. It is recommended that the teacher record at least two grades per week. It is generally preferable to give numerical grades for tests, quizzes, and daily work. Grades are to be recorded in all curricular areas.

Classroom and School Procedures

Teachers are expected to adhere to these classroom and school procedure in the performance of their duties:

Bulletin Boards: Each teacher shall be responsible for completing appropriate bulletin Board regarding curriculum related matters in their primary classroom. Bulletin Boards should be kept up to date with instructional issues covered during the school year.

Textbook and Room Inventory: All school purchased materials must be inventoried. Textbooks are to be numbered and either have cards in pockets or a form for writing the name of the student to whom the book is assigned. Teachers should keep good records of who has which book. At the start of the year, note condition of the textbook on the inventory sheet and keep this sheet. When a book is turned in, again note its condition, and if the book shows abuse (other than normal wear) assess a fine that you consider is fair. Insist that students put covers on their books by the end of the first week after receiving them.

Working with Paraeducators: Paraeducators provide valuable assistance in the educational process and allow teachers to carry out their responsibilities in a more efficient and effective manner. Paraeducators are not permitted to assume teaching responsibilities. The teacher must maintain the role of leadership and responsibility for the students, with the paraeducator in a supportive role. Paraeducators may be used to assist the teacher by, among other tasks, assisting with instructional activities under the direction of the teacher, helping to supervise students, copying tests and other written material, organizing class materials, preparing bulletin Boards, grading tests or class work, and calculating and recording grades. Paraeducators are to work only on their assigned workdays and within their assigned workday. If the teacher desires the aide to work hours other than the assigned work hours or assigned workday, contact the administration for approval.

Use of Student Aides: Student aides are to be directly supervised by the teacher and are not to leave the building or be in the halls or anywhere they are not being supervised. Student aides are not to be used to assist the teacher by helping supervise another student, grade objective tests or class work, calculate student grades or record grades. Keys should not be given to students, whether they are student aides or not. A student aide should not be present and assisting a teacher without another adult present after the end of regular teacher duty hours.

Checking Out Equipment: All equipment must be checked out through the building principal.

E-mail: Each teacher will be assigned a school e-mail address for purposes of intra-school and inter-school e-mail correspondence. Teachers should check for e-mail throughout the day, should respond in a timely manner to e-mails requiring a response, but should avoid checking and responding to e-mails during instructional time. Use of the district's e-mail system for personal communications should be limited, and is subject to the rules governing overall computer usage found in board policy and this handbook.

Teacher Mail Box: Each teacher will be assigned a mailbox located near the office. Teachers should check for mail each morning and also later in the school day, if possible. If something requires an answer, teachers are responsible for responding promptly. Teacher mailboxes are to be limited to communications regarding school business.

Teachers Meetings: Teachers' meetings will be held at times designated by the administration. All teachers are expected to be present for the meetings, unless they are absent from school for good cause or have made prior arrangements.

Supervision of Students

Proper supervision of students is an important responsibility for teachers and other adults responsible for our students. Teachers and other adults responsible for student supervision are expected to meet the four "P's" for student supervision and safety:

Proper Supervision

- Report to all duty assignments on time.
- Circulate through your duty area. Pay particular attention to areas and activities that pose an increased risk of injury.
- Be vigilant while supervising students. Never leave your classroom unattended; the need to make a copy is not greater than the need to supervise your students. If an emergency requires that you leave your classroom, request that another nearby staff member cover your class, or notify the office so someone can provide assistance. If you are on recess duty, your responsibility is to supervise the students in your assigned area. When talking with other adults or students, remember that your primary duty is supervision and make sure you are aware of what all students who you are to be supervising are doing.
- If you have seen or have been informed that a particular student has a propensity to act dangerously or in an unpredictable manner, your supervision of that student must increase with the known risk of injury. (Remember, though, that this type of information may be confidential—do not share confidential information about students except with other staff who need to know the information to perform their jobs).
- Be careful about physical contact with students. Use of corporal punishment is prohibited in the Madison Public Schools. Touching students should be limited to that necessary to protect the student from harm (e.g., falling from playground equipment) and that which professional educators determine appropriate for purposes of proper student relationships.
- Be careful with your language. Profanity or abusive language is not appropriate in any situation involving students. Be a good role model for students. If a student uses such language, you should correct the student and take such disciplinary action as is appropriate, which may include making a report to administration.

Proper Instructions

- Proper instructions are important to reduce the risk of injury when students undertake an activity, especially an activity that has an increased risk of harm to students.
- Repeat the instructions on how to complete a task that has a heightened risk of danger as often as needed. Do not assume because students heard the directions once that they will be remembered.
- When you go over safety rules with students note it in your written records (e.g., your lesson plan book or daily reports).
- Review playground and classroom safety rules with students at least once each semester and note when you do it in your written records. Also, if any students are absent when you review the rules contact the student(s) to review the same information and also note that contact in your written records.

Proper Maintenance of Buildings, Grounds, and Equipment

- Conduct periodic inspections of equipment under your control or in your area of supervision.
- If equipment is broken and presents a risk of injury, immediately take it out of service (if it can't be moved, tape a "Do Not Use" sign) and notify the office so those repairs may be undertaken.
- Check your communication device (whether it be a school phone in your supervision area, a walkie-talkie, or a cell phone) periodically to make sure you can communicate with the office immediately in the event of an emergency.

Proper Warnings

- If you have knowledge of a hazard that can likely cause injury, take steps to warn other staff and students. Tell the office so additional warnings may be given.

Contact the Office for Assistance

The office should be notified immediately when a situation exists which could cause injury to students or others.

Examples include:

- student fight
- student health problem (fainting, bleeding, high temperature, difficulty breathing, etc.)
- a report or a suspicion that a student has a weapon or other dangerous item or drugs, alcohol, or other illegal substances
- presence of an intruder (a non-student or staff member who is not wearing appropriate identification and/or refuses to go to the office).

Student Searches

Office administration should also be contacted before performing searches of students or their belongings. Direct a student suspected of having an item in violation of school rules to accompany you to the office if you can leave your assigned area without causing risk of harm to others. Do not use physical force to detain the student or to make the student accompany you except as reasonably necessary to protect the student or others.

Student Rights

Students should be treated fairly and given the same treatment without consideration of race, color, religion, gender, or disability. Students who need special accommodations (such as Special Education, ELL, etc.) must be given those accommodations as needed for them to participate in school and school activities. Further, students have the right to have their school records kept confidential. Such information should be shared only with other school staff with a need to know the information to perform their duties.

Managing Student Conduct

Discipline is everyone's responsibility. It begins with the student being responsible for his/her own behavior and understanding the consequences it may cause. The teacher is responsible for articulating classroom expectations at the beginning of the school year, implementing the classroom expectations on a consistent basis, and being familiar with the student handbook. All staff are responsible for all students in the hallways, in restrooms, at assemblies, at activities, at pep rallies, and during lunch. Consequences for inappropriate behavior may include students making up time before or after school, a student or a parent conference, or a referral to an administrator. The following guidelines will assist in maintaining appropriate student conduct and complying with the process required for student discipline.

1. On the first day of class make students aware of classroom expectations. Students will generally accept them if they know in advance and if they are fair and consistent. Students often appreciate giving input on classroom rules. These expectations should be in writing. Give one copy to the students, post one copy in the room and provide one copy for the principal.
2. It is important to document student behavior in your classroom, calls to parents, referrals, and/or communications with a student.
3. If, after attempts to improve student behavior, the problems continue, talk to the student's counselor or the principal about possible alternatives in discipline procedures. Be attentive and respond to "bullying."
4. If a student continues to cause problems, inform the administration for disciplinary action using the approved reporting forms. Be sure to state the problem clearly and expectations in terms of assistance, as at times the student's and teacher's stories are different. Be prepared to provide documentation of all actions you have taken to resolve the student's behavioral problem.
5. Follow up on any referral. The student may not go to the principal or the counselor when sent. The administrator will inform the teacher of the consequences.

6. Refer students with continued and significant behavioral problems to the student assistance team for a determination of whether the student is in need of special services. Contact the counselor if you have questions as to the procedure.
7. Talk with other teachers about the classroom management techniques they use to establish an atmosphere conducive to learning in their classroom. A large repertoire of classroom management techniques always enhances learning.
8. Read and understand the student handbook and the student conduct rules of the district.
9. Use good judgment when dealing with difficult situations involving students. Physical confrontation generally escalates tense situations. Corporal punishment is prohibited in our school district and is not to be used. Physical force may only be used to the extent reasonably necessary to protect the student, yourself and others, and to protect property as may be reasonable.
10. Violations of student rules that are also violations of state law are required to be reported to law enforcement. Make a report of such conduct to the principal so this law may be followed.

Dispensing Medication

Teachers are not permitted to give any medication to students unless trained under the Medication Aid Act, Neb. Rev. Stat. §71-6718 to 71-6743. Students who need to take prescription medicine must have a signed parent release form on file in the office. Medications are to be taken in the presence of the office staff, the nurse, or medication aide and are to be stored in the office. Medical procedures are not to be administered in the classroom except in accordance with the district's Safety and Security Management Plan and the district's Emergency Protocol (asthma/anaphylaxis protocol).

If students must take medication and/or perform medical procedures prescribed by a duly licensed physician during school hours, it is the responsibility of the parents or guardians to sign permission to dispense the medicine at the school and to submit a note or prescription from the physician authorizing the medicine and/or medical procedure. School district personnel will not administer medicine, including over the counter medicine, without this signed form and note or prescription. Any medication brought to school needs to be properly labeled. The label should include the following information: Student's name, name of medication, dosage needed, and time of dispensing the medication.

Reporting Child Abuse

Nebraska State Law and school policy mandates school officials to make a report to the proper law enforcement agency or the Department of Health and Human Services (Child Protective Services) when there is reasonable cause to believe that a child has been abused or neglected, or a child is in a situation that would reasonably result in abuse or neglect. According to Nebraska State Law, abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be:

- (a) Placed in a situation that endangers his or her life or physical or mental health;
- (b) Cruelly confined or cruelly punished;
- (c) Deprived of necessary food, clothing, shelter, or care;
- (d) Left unattended in a motor vehicle if such minor child is six years of age or younger;
- (e) Sexually abused; or
- (f) Sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions.

Teachers are to inform their principal in the event they believe a report should be made. Administrative staff will then report the situation to the proper authorities.

It is vital that the report be made as accurately and as soon as possible. To assure accuracy, you are encouraged to document the date of the incident and specific statements or explanations made by a child regarding an abuse/neglect concern. Timeliness in making a report will assist in minimizing further risk to the child by allowing the police or Child Protective Services workers to interview the child during the school day and prior to an evening or weekend. In cases of physical injury (e.g., bruising or other marks), it is essential the police observe and document the injury. A counselor, the school social worker or an administrator will help you.

Article 5 – PERSONAL AND PROFESSIONAL CONDUCT

Professional Ethics Standards

The Madison Public School District expects all employees to adhere to the professional ethics standards established by the Nebraska Department of Education as such standards may be modified from time to time. The professional ethics standards that certificated employees are expected to adhere to include those set forth below. References to “educator” shall include all employees of the district.

Preamble

The educator shall believe in the worth and dignity of human beings. Recognizing the supreme importance of the pursuit of truth, the devotion to excellence and the nurture of democratic citizenship, the educator shall regard as essential to these goals the protection of the freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator shall accept the responsibility to practice the profession to these ethical standards.

The educator shall recognize the magnitude of the responsibility he or she has accepted in choosing a career in education, and engages, individually and collectively with other educators, to judge his or her colleagues, and to be judged by them, in accordance with the provisions of this code of ethics. The standards listed in this section are held to be generally accepted minimal standards for public school certificate holders in the State of Nebraska and for all educators, including administrators, with respect to ethical and professional conduct.

Principle I - Commitment as a Professional Educator:

Fundamental to the pursuit of high educational standards is the maintenance of a profession possessed of individuals with high skills, intellect, integrity, wisdom, and compassion. The educator shall exhibit good moral character, maintain high standards of performance and promote equality of opportunity. In fulfillment of the educator's contractual and professional responsibilities, the educator:

- A. Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, colleagues, parents, school patrons, or school Board members.
- B. Shall not discriminate on the basis of race, color, creed, sex, marital status, age, national origin, ethnic background, or handicapping condition.
- C. Shall not use coercive means, or promise or provide special treatment to students, colleagues, school patrons, or school board members in order to influence professional decisions.
- D. Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible.
- E. Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school Board members for personal gain or private advantage.
- F. Shall not sexually harass students, parents or school patrons, employees, or Board members.
- G. Shall not have had revoked for cause in another state a teaching certificate, administrative certificate, or any certificate enabling a person to engage in any of the activities for which a special services counseling certificate is issued in Nebraska.
- H. Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.
- I. Shall report to the superintendent any known violation of paragraphs G, E, or B above.
- J. Shall seek no reprisal against any individual who has reported a violation of this rule.

Principle II - Commitment to the Student:

Mindful that a profession exists for the purpose of serving the best interests of the client, the educator shall practice the profession with genuine interest, concern, and consideration for the student. The educator shall work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. In fulfillment of the obligation to the student, the educator:

- A. Shall permit the student to pursue reasonable independent scholastic effort and shall permit the student access to varying points of view.
- B. Shall not deliberately suppress or distort subject matter for which the educator is responsible.
- C. Shall make reasonable effort to protect the student from conditions that interfere with the learning process or are harmful to health or safety.
- D. Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student.

- E. Shall keep in confidence personally identifiable information that has been obtained in the course of professional service, unless disclosure serves professional purposes, or is required by law.
- F. Shall not tutor for remuneration students assigned to his or her classes unless approved by the Board of Education.
- G. Shall not discipline students using corporal punishment.

Principle III - Commitment to the Public:

The magnitude of the responsibility inherent in the education process requires dedication to the principles of our democratic heritage. The educator bears particular responsibility for instilling an understanding of the confidence in the rule of law, respect for individual freedom, and a responsibility to promote respect by the public for the integrity of the profession. In fulfillment of the obligation to the public, the educator:

- A. Shall not misrepresent an institution with which the educator is affiliated and shall take added precautions to distinguish between the educator's personal and institutional views.
- B. Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.
- C. Shall neither offer nor accept gifts or favors that will impair professional judgment.
- D. Shall support the principle of due process and protect the political, citizenship, and natural rights of all individuals.
- E. Shall not commit any act of moral turpitude, nor commit any felony under the laws of the United States or any state or territory.
- F. Shall, with reasonable diligence, attend to the duties of his or her professional position.

Principle IV - Commitment to the Profession:

In belief that the quality of the services to the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to improve service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of the trust to careers in education. The educator shall believe that sound professional relationships with colleagues are built upon personal integrity, dignity, and mutual respect. In fulfillment of the obligation to the profession, the educator:

- A. Shall provide upon the request of an aggrieved party, a written statement of specific reasons for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.
- B. Shall not misrepresent his or her professional qualifications, nor those of colleagues.
- C. Shall practice the profession only with proper certification and shall actively oppose the practice of the profession by persons known to be unqualified.

Principle V - Commitment to Professional Employment Practices:

The educator shall regard the employment agreement as a pledge to be executed both in spirit and in fact. The educator shall believe that sound personnel relationships with governing Boards are built upon personal integrity, dignity, and mutual respect. In fulfillment of the obligation to professional employment practices, the educator:

- A. Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.
- B. Shall not knowingly withhold information regarding a position from an applicant or employer or misrepresent an assignment or conditions of employment.
- C. Shall give prompt notice to the employer of any change in availability of service.
- D. Shall conduct professional business through designated procedures, when available, that have been approved by the employing agency.
- E. Shall not assign to unqualified personnel, tasks for which an educator is responsible.
- F. Shall permit no commercial or personal exploitation of his or her professional position.
- G. Shall use time on duty and leave time for the purpose for which it is intended.

STANDARDS OF COMPETENCY

Administrative and Supervisory Requirements

Educators must possess the abilities and skills necessary to accomplish the designated task. Each educator shall:

- * Keep records for which he or she is responsible in accordance with law and policies of the school system,
- * Supervise others in accordance with law and policies of the school system,
- * Recognize the role and function of community agencies and groups as they relate to the school and to his or her position, including but not limited to health and social services, employment services, community teaching resources, cultural opportunities, educational advisory committees, and parent organizations.

Each teacher and special services counselor shall:

- * Utilize available instructional materials and equipment necessary to accomplish the designated task,
- * Adhere to and enforce written and dated administrative policy of the school that has been communicated to the teacher or special services counselor,
- * Use channels of communication when interacting with administrators, community agencies, and groups, in accordance with school policy.

Each administrator shall:

- * Use available instructional personnel, materials and equipment necessary to accomplish the designated task,
- * Adhere to and enforce school law, state Board regulation, and written and dated school Board policy which has been communicated to the administrator,
- * Use channels of communication when interacting with teachers, community agencies and groups in accordance with school policy.

Analysis of Individual Needs and Individual Potential

The educator shall utilize or promote the utilization of diagnostic techniques to analyze the needs and the potential of individuals. These may include but need not necessarily be limited to:

- * Personal observation,
- * Analysis of individual performance and achievement,
- * Specific performance testing.

Instructional Procedures

Each educator shall seek accomplishment of the designated task through selection and utilization of appropriate instructional procedures.

Each educator shall:

- * Create an atmosphere that fosters interest and enthusiasm for learning and teaching,
- * Use procedures appropriate to accomplish the designated task,

- * Encourage expressions of ideas, opinions and feelings.

Each teacher shall:

- * Create interest through the use of materials and techniques appropriate to the varying abilities and background of students,
- * Consider individual student interests and abilities when planning and implementing instruction.

Each administrator shall:

- * Support the creation of interest by providing the materials, equipment and encouragement necessary for the teacher to accomplish the designated task,
- * Make reasonable assignment of tasks and duties in light of individual abilities and specialties and available personnel resources.

Communication Skills

In communicating with students and other educators, each educator, within the limits prescribed by his or her assignment and role, shall:

- * Utilize information and materials that are relevant to the designated task;
- * Use language and terminology that are relevant to the designated task;
- * Use language that reflects an understanding of the ability of the individual or group;
- * Assure that the designated task is understood;
- * Use feedback techniques that are relevant to the designated task;
- * Consider the entire context of the statements of others when making judgments about what others have said; and,
- * Encourage each individual to state his ideas clearly.

Management techniques: The educator shall:

- * Resolve discipline problems in accordance with law, school Board policy, and administrative regulations and policies;
- * Maintain consistency in the application of policy and practice;
- * Use management techniques which are appropriate to the particular setting such as group work, seat work, lecture, discussion, individual projects and others; and,
- * Develop and maintain positive standards of conduct.

Competence in Specialization: Each educator shall:

- * Possess knowledge, within his or her area of specialization, consistent with his or her record of professional preparation;
- * Be aware of current developments in his or her field; and,
- * Possess knowledge of resources that may be utilized in improving instruction in his or her area of specialization.

Evaluation of Learning and Goal Achievement: An educator shall accept responsibility commensurate with delegated authority to evaluate learning and goals achievement. Each educator shall:

- * Utilize several types of evaluation techniques;
- * Provide frequent and prompt feedback concerning the success of learning and goal achievement efforts;
- * Analyze and interpret effectively the results of evaluation for judging instruction, the achievement of stated goals, or the need for further diagnosis;
- * Utilize the results of evaluation for planning, counseling and program modification; and,
- * Explain methods and procedures of evaluation to those concerned.

Human and Interpersonal Relationships: Educators shall possess effective human and interpersonal relations skills. Each educator shall:

- * Allow others who hold and express differing opinions or ideas to freely express such ideas;
- * Not knowingly misinterpret the statement of others;
- * Not show disrespect for or lack of acceptance of others;
- * Provide leadership and direction for others by appropriate example;
- * Offer constructive criticism when necessary;
- * Comply with reasonable request and orders given by and with proper authority;
- * Not assign unreasonable tasks; and,
- * Demonstrate self-confidence and self-sufficiency in exercising authority.

Personal Requirements: In assessing the mental or physical health of educators, no decision adverse to the educator shall be made except on the advice or testimony of personnel competent to make such judgment by reason of training, licensure and experience. However, certain behaviors are held to be probable cause to examine, and each educator within the scope of delegated authority shall:

- * Be able to engage in physical activity appropriate to the designated task except for temporary disability;
- * Be able to communicate so effectively as to accomplish the designated task;
- * Appropriately control his or her emotions; and,
- * Possess and demonstrate sufficient intellectual ability to perform designated tasks.

Individuals having questions about these standards may contact:

**Certification Counsel
Nebraska Department of Education
P. O. Box 94933
Lincoln, NE 68509-4933
Phone: (402) 471-0732**

Role Model

Teachers serve as role models for students and their actions and conduct reflect on the school as a whole. Teachers are in all respects to conduct themselves in a professional manner. In no situation should any student ever be present when teachers are discussing disagreements with school policy, administrative regulations, or other professionally- or personally-related issues.

Relationships

It is important for teachers to maintain an effective working relationship with the administration and all co-workers, including other teachers and support staff. Teachers are also to maintain appropriate relationships with students. Appropriate relationships are established by extending social courtesies, following through on commitments and promises, complying with administrative directives and board policies, being honest and consistent, and not intruding into personal matters outside the scope of duties or gossiping or spreading rumors about others.

Professional Attire

It is important for teachers to project a professional image to students, parents and co-workers. Appropriate attire and grooming are one of the means of projecting a professional image. Teachers are expected to maintain conservative and professional attire and grooming when on duty. As professionals, teachers are expected to be aware of the standard to be maintained. As a minimal guide, teachers should not wear clothing which students would not be permitted to wear at school. Building administrators may establish more detailed guidelines for individual teachers, individually or collectively, should that be necessary.

Private Tutoring

Teachers are employed to provide individual assistance to students as a regular part of their duties. Teachers who engage in private tutoring for pay (compensation of any kind from a source other than the district) are subject to the following rules:

1. The teacher may not arrange to provide private tutoring for any child enrolled in the teacher's class.
2. The teacher is not to provide private tutoring in a school building.
3. The teacher is not to provide private tutoring during duty time.
4. The teacher is not to advertise or promote the teacher's private tutoring services in the school or in the school's communications systems except with the express permission of the superintendent or designee.

Outside Employment

Teachers shall not perform duties unrelated to district employment during duty hours. In addition, teachers shall not engage in employment which conflicts with their school duties. Teachers are not required to notify the district of outside employment except: (1) teachers who are also employed by another Nebraska school district in order to comply with Nebraska State Retirement System regulations and (2) teachers who have a work-related injury in order to comply with workers' compensation requirements.

Board Meeting Protocol

Teachers are welcome to attend meetings of the Board of Education. As employees of the district, it is important to understand and observe proper protocol for such attendance and/or participation in board meetings:

1. According to state statute and Board policy, the Board meeting is a business meeting during which the Board conducts the official business of the district.
2. Each meeting has an agenda. Items may be placed on the agenda by contacting the superintendent. In order that Board members may have adequate notice of agenda items, please request inclusion on the agenda by the Wednesday of the week preceding the meeting.
3. Board meeting attendees may address the board during the public forum portion of the meeting or when invited to do so by the board president or other official leading a particular section of the meeting.
4. Teachers typically have input into the business of the meeting through their work on school committees.
5. Please follow the appropriate chain of command prior to bringing issues to the Board of Education. For instance, it is improper to address a concern at a board meeting if you have not utilized the proper channels in your building and district.

Article 6 – ACADEMIC MATTERS

Purpose and Goals of Academic Achievement

The Madison Public Schools Board of Education is committed to providing a quality education for all Madison Public Schools students consistent with the school's mission statement. Effective, quality instruction by teachers is an essential means of meeting the district's mission of providing a quality education.

Teaching to Student Understanding to Assure Learning

Each teacher is responsible for teaching in a manner to meet the mission of the district and to assure student understanding and learning of the principles and concepts presented to students within the curriculum adopted by the district. Teachers will model classroom instruction on the educational model implemented by the district and reflected in the teacher evaluation instrument adopted by the Board of Education. Teachers are responsible for familiarizing themselves with the instructional model and the principles of instruction set forth in the evaluation instrument. The administration may provide periodic in-services regarding the instructional model.

Teachers shall instruct students in the curriculum, including the use of curriculum materials, adopted and implemented by the Board of Education and as directed by the administration. In the event there is a desire to modify the approved curriculum of the district, the teacher should discuss such changes with the Curriculum and School Improvement Committee.

State and federal laws and regulations have been enacted which require that students with certain needs be provided instruction and services consistent with those special needs. Examples include students who have been verified as in need of special education, students with other disabilities that impact the educational program (504 students), and limited English proficient students (LEP or ELL students). The district's policy is to comply with the state and federal laws and regulations in all respects. Teachers who are assigned special education, 504, or LEP/ELL students are required to provide instruction and services consistent with legal requirements and the requirements of Board policy and regulation.

Measuring and Reporting Academic Achievement

Grades and Grading: Measuring and accurately reporting the level of each student's academic achievement is of critical importance to students, parents, staff, the Board of Education, and community. To this end, each teacher shall develop a variety of assessment instruments and techniques to measure student achievement in the curriculum adopted and implemented by the school District, record the results of such assessment, and report such results on Report Cards. Teachers should endeavor to measure student learning and understanding on a frequent basis during each semester to provide an accurate evaluation of each student's academic achievement for that period. It is recommended that the teacher record at least two grades per week. It is generally preferable to give numerical grades for tests, quizzes, and daily work. Grades are to be recorded in all curricular areas.

Recording Grades. Each teacher shall record grades in the Daily Class Record and/or in Infinite Campus as directed by your building principal. A sufficient number of grades must be recorded in the grade book to justify all semester grades for each student. Please keep consistent and complete records. Teachers must be able to support and justify the grades that each individual student earns.

Grading Scales. Teachers are to use only the grading scales set forth below. The building principal must approve any deviation from the approved grade scales.

Grades K-5

As shown on report cards used in primary and intermediate elementary grades.

Grades 6-12

A= 94%-100%

B= 86%-93%

C=78%-85%

D= 70%-77%

F= 0%-69%

The preceding grade scales are expected to be used according to the following guidelines:

1. No other grade scales may be used on official records or reports.
2. "Failing," "unsatisfactory" or equivalent terms indicate that student performance does not meet the minimum requirements established for the course. A final mark of "failing" or "unsatisfactory" in a credit-bearing course means that credit hours will not be granted.

3. The mark given at the end of each reporting period is considered an evaluation of the pupil's status at the time (for example, the final mark in a semester course is an evaluation of the pupil's status as of the close of the semester; not an average of two nine-week marks).
4. Teachers may exercise professional judgment in distributing marks. Marks are not expected to be distributed on a normal curve.

Questions raised concerning duly assigned grades will be resolved cooperatively in a conference that includes the teacher(s) involved and the principal. In the event parents or students question a grade, the parents/guardians and/or student may be included in the conference. Failure to resolve the issue will result in a second conference involving the superintendent or designee and the participants in the initial conference described above. The grades designated by teachers will not be changed unilaterally by the superintendent unless the superintendent determines that the grade is not consistent with the requirements of law, Board policy, or the best interests of the district.

A student transferring into the Madison Public Schools at the fifteen-to eighteen-week time period will have all grades on transcripts from an accredited school accepted for semester credit. The principal must approve grades for credit.

Grade reports are produced from information supplied by teachers and distributed to students at school or are mailed to parents at the close of each grading period during the school year.

The end-of-semester reports are directed to parents, not to students. Students probably know quite well how they stand in such areas as citizenship, attitude, cooperation, attendance, preparation of assignments, etc. The parents do not have this knowledge. If any such factors have significant bearing on the student's grades or their relationship with teachers, notes should be sent to parents. Arrangements will be made to place these teacher-written notes with the grade report forms. The notes may call attention to deficiencies, faults, or failures; or they may be commendatory in nature. If carefully prepared, they can be most valuable. Parents need to have information about areas of strengths and areas needing improvement and progress being made by their child. For their instruction, and for our ultimate well being, if and when problems arise, it is essential that the reports be as informative as possible. Teachers should, in all cases, plan to keep on file duplicate copies of the notes that are sent to parents.

Please accept, cooperatively and professionally, the responses that parents may make subsequent to the distribution of term or mid-quarter reports. Parents may not always be helpful or reasonable under these circumstances, but they do need information and direction. Please encourage parents to discuss their student-centered problems with you and give them all possible assistance.

Mid-Semester Progress Reports To Parents. Mid-quarter progress reports are prepared at or near the middle of each grading period. These reports will be mailed to all parents.

Parent-Teacher Conferences

Parent-Teacher conferences are a critical opportunity for teachers to dialogue with parents (or guardians) of students regarding student achievement and learning. To this end, Parent-Teacher conferences will be scheduled and held during the first and second semesters.

Teachers are expected to be prepared for such conferences. Being prepared includes having completed grade books that include all student assignments, work, or tests completed within five (5) days of the date of the Parent-Teacher conference.

Use of Audio-Visual Materials

All ESU #8 materials should be ordered through the library media center.

1. Pursuant to the U.S. copyright law, teachers may not request the taping of TV programs for which there are no videotape and reuse rights for educational use. Teachers will be held personally liable for such acts.
2. Library media center videotape recordings will be used solely for viewing in the course for classroom instruction or related educational activities.
3. Educational films and videos make a unique contribution to the classroom. They make complex processes clear. They make people and events come alive. They can provide a vicarious experience where real experience is impossible. They provide a means of reaching students with verbal and visual learning styles. They have unquestioned appeal for today's students. Consider the selection of these materials carefully before they are used in the classroom. If you have not previewed the material, it should not be shown in your classroom. There are times when video materials represent the true historic events of a violent nature. The school neither condones nor promotes violent behavior. Educators do, however, want to provide the students with an accurate picture of such events, at an appropriate developmental level.
4. Madison Elementary School will not show a movie with a more mature rating than PG. If a PG movie is to be shown, parents will be notified in advance and have the option to remove their child from class for an alternative assignment.
5. Madison Jr.-Sr. High School will not show any movie with a more mature rating than PG-13. When a PG-13 movie is to be shown, parents will be notified in advance and have the option to remove their child from the class for an alternative assignment. Rented movies may be used in the classroom only if they meet all of the following guidelines:
 - a. All videos must be previewed and shown by the teacher.
 - b. All videos must be shown within the school day.
 - c. All videos must be shown in a classroom or place devoted to instructional activity.
 - d. All videos must be part of a regular instructional activity and must enhance the learning activities and work toward identified curriculum standards.
 - e. Use a lawfully made copy.
 - f. Movies shown for entertainment at either the elementary or high school must meet the same rating requirements listed above and must have proper license to be shown.
6. If it is necessary to send more than 4 students from a single classroom to the library media center at one time, the whole class should be scheduled to meet in the library media center with the teacher responsible for supervision of the class. The teacher should schedule the class meeting in the library media center at least one day in advance. Elementary classes will be scheduled for library time. Additional periods need to be scheduled through the office.
7. The use of school equipment for a teacher's own personal use will be kept at a minimum and used only upon permission of the superintendent.
8. Teachers are not to use school equipment and material to help them out in some position they might hold in an organization outside of school unless the school is reimbursed for the material used.
9. Materials (transparencies, etc.) prepared with school supplies, or prepared by the library media center or ESU #8 become the property of the Madison Public Schools library media center.

Field Trips

The principal may authorize field trips and excursions when such events contribute to the achievement of education goals of the school District. The school District will provide transportation for field trips and excursions. Excursions are defined as brief educational trips beyond the boundaries of the school grounds beginning and ending in a single class period.

In authorizing field trips and excursions, the principal shall consider the financial condition of the school District, the educational benefit of the activity, the inherent risks or dangers of the activity, and other factors deemed relevant by the superintendent. Written parental permission will be required prior to the student's participation in field trips. The superintendent's approval will be required for field trips outside the state. Board approval will be required for field trips which involve unusual length or expense.

Field trips and excursions are to be arranged with the principal well in advance. A detailed schedule and budget must be submitted by the employee. The school District will be responsible for obtaining a substitute teacher if one is needed. Following field trips and excursions, the teacher may be required to submit a written summary of the event.

All field trips are to be completed before May 1.

Article 7 – USE OF SCHOOL FACILITIES AND EQUIPMENT

Drug-Free Workplace

The district has established the school as a drug-free workplace. The drug-free workplace for this purpose includes school grounds, school utilized vehicles, and places in which school activities are held.

The unlawful manufacture, distribution, disposition, possession, or use of a controlled substance is prohibited in the work place. The possession, use or distribution of illicit drugs or alcohol, the use of glue or aerosol paint or any other chemical substance for inhalation, and being under the influence of illicit drugs, alcohol, or inhalants, is prohibited in any place while teachers are on duty time. Any level of impairment from illicit drugs, alcohol, or inhalants, and the presence of any odor of illicit drugs (such as marijuana) or alcohol on a teacher in the work place or on duty time shall be a violation of the drug-free workplace. The possession or distribution of a look-alike drug or look-alike-controlled substance is prohibited. In addition, teachers are expected to serve as role models for students and will be considered to have violated the district's expectations in the event the teacher commits a criminal drug or alcohol offense off the work place or off duty time.

As a condition of employment teachers will abide by the district's drug-free workplace policies and notify the superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction. Disciplinary sanctions up to and including termination of employment and referral for prosecution will be imposed for violations of the district's drug-free workplace policies. Sanctions may include the requirement that the teacher complete an appropriate rehabilitation program, a reprimand, and termination of employment. Drug and alcohol counseling and rehabilitation and reentry programs are available through local health agencies.

Smoke and Tobacco-Free Workplace

The use of tobacco products in the district's buildings and on school grounds, all owned or leased facilities and vehicles is prohibited.

Weapon-Free Workplace

The district prohibits any person from being in possession of a weapon at a school attendance facility, on school property, at a school-supervised activity, or at a school-sponsored function. Any teacher found to be in violation of this policy shall be subject to disciplinary action, up to and including termination. The phrase "possession of a weapon" includes, without limitation, a weapon in a teacher's personal possession, as well as in a teacher's motor vehicle, desk, locker, briefcase, backpack, or purse. The term "weapon" means an instrument or object used or which may be used as a means of attack, defense, or destruction, including, without limitation:

- a. Any object which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive or other means;
- b. The frame or receiver of any object described in the preceding example;
- c. Any firearm muffler or silencer;
- d. Any explosive, incendiary or gas (a) bomb, (b) grenade, (c) rocket, (d) missile, (e) mine, or similar device;
- e. Any bludgeon, sand club, metal knuckles, or throwing star;
- f. Any knife other than as used for strictly instructional or personal care or eating purposes. A pocketknife with a blade of 2-1/2 inches or more is a prohibited weapon. A switchblade knife is prohibited regardless of size of the blade. A switchblade knife is defined as a knife with a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of a knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement;
- g. Any electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun; and
- h. A teacher may possess mace or other similar chemical agents in quantity and/or concentration typically designed for individual personal defensive purposes shall not be considered as possession of a weapon. Possession of larger quantities and/or concentrations of mace or other similar chemical agents than is typically designed for individual personal defensive purposes will be considered as possession of a weapon. Usage of mace or other similar chemical agents will be considered as usage of a weapon if the

usage is found to be for non-defensive purposes. A teacher who is negligent in their possession of mace or other similar chemical agents will be subject to disciplinary action.

- i. A teacher may possess an item which may be considered a weapon where such item is used for instructional purposes and the teacher has received prior approval of the administration to possess the item, provided it is used in the manner approved and is maintained in such manner as the administration has directed.
- j. Any other object that is designed for or intended for use as a destructive or injurious device.

Use of District Computer Network and Internet

Teachers have access to the district's computer network and the Internet for the enhancement and support of student instruction. It is important to remember that the equipment and the software are the property of the school district. In using the computers and the Internet, teachers are agreeing to the following:

1. Since copyright laws protect software, teachers will not make unauthorized copies of software found on school computers by any means. Teachers will not give, lend, or sell copies of software to others unless the original software is clearly identified as shareware or in the public domain.
2. If a teacher downloads public domain programs for personal use or non-commercially redistributes a public domain program, the teacher assumes all risks regarding the determination of whether a program is in the public domain.
3. Teachers shall not access material that is obscene, child pornography or otherwise inappropriate matter for educational or work-related uses or contrary to the district's mission. Teachers are not permitted to knowingly access information that is profane, obscene or offensive toward a group or individual based upon race, gender, national origin, sexual orientation, or religion. Further, teachers are prohibited from placing such information on the Internet.
4. Teachers will protect the privacy of other computer users' areas by not accessing their passwords without written permission. Teachers will not copy, change, read, or use another person's files. Teachers will not engage in "hacking" or otherwise attempt to gain unauthorized access to system programs or computer equipment.
5. Teachers will not use computer systems to disturb or harass other computer users by sending unwanted mail or by other means.
6. Teachers will not disclose their passwords and account names to anyone or attempt to ascertain or use anyone else's password and account name.
7. Teachers will not attempt to login to the system as a system administrator.
8. Teachers understand that the intended use of all computer equipment is to meet instructional objectives.
9. Teachers will not waste or take supplies, such as paper, printer ribbons, toner, and diskettes that are provided by the district.
10. Teachers will not use the network for financial gain or for any commercial or illegal activity.
11. Attempts to bypass security systems on computer workstations or servers, or vandalism will result in cancellation of privileges and may result in further consequences. Malicious attempts to harm or destroy data of another teacher, or data that resides anywhere on the network or on the Internet, or the uploading or creation of computer viruses are forbidden.
12. The district will not be responsible for any liabilities, costs, expenses, or purchases incurred by the use of the district's telecommunications systems such as the Internet. This includes, but is not limited to, the purchase of on line services or products. The teacher is solely responsible for any such charges. The teacher's acceptance of an email account is an acceptance of the teacher's agreement to indemnify the district for any expenses, including legal fees, arising out of the teacher's use of the system in violation of the agreement.
13. The internet will be supplied for your use on an "as is, as available" basis. The district does not imply or expressly warrant that any information you access will be valuable or fit for a particular purpose or that the system will operate error free.
14. The district is not responsible for the integrity of information accessed, or software downloaded from the internet.
15. The district reserves the right to refuse posting of files, and to remove files.
16. The district further reserves the right to inspect a teacher's computer and computer usage at any time. Teachers have no privacy rights or expectations of privacy with regard to use of the district's computers or Internet system.

17. The computer system is not a public forum. It is provided for the limited purpose of advancing the district's mission.
18. A technology protection measure is in place that blocks and/or filters Internet access to prevent access to Internet sites that are not in accordance with policies and regulations. In addition to blocks and/or filters, the district may also use other technology protection measures or procedures as deemed appropriate. The technology protection measure that blocks and/or filters Internet access may be disabled only by an authorized staff member for bona fide research or educational purposes: (a) who has successfully completed district training by the on proper disabling circumstances and procedures, (b) with permission of the immediate supervisor of the staff member requesting said disabling, or (c) with the permission of a building administrator. An authorized staff member may override the technology protection measure that blocks and/or filters Internet access for a minor to access a site for bona fide research or other lawful purposes provided the minor is monitored by an authorized staff member.

Any violation of any part of this agreement or any other activity which school administrators deem inappropriate will be subject to disciplinary action. Discipline could include but would not be limited to, the immediate suspension or termination of the teacher's Internet account and computer privileges, reprimand, suspension, or termination.

Use of School Facilities

Teachers will be issued keys to the school. Teachers are expected to not lose their keys and to not allow others to have access to or to use their keys. Teachers are permitted to have access to school facilities during non-school time provided such access is for work-related purposes. When teachers leave the building, they are to close all windows, lock their classroom door, arm the security system, and make sure that the entry door is fully closed and locked. This is especially important when teachers are using the school facilities prior to the beginning of the school year and during any weekend or evening usage.

School property is to be used for approved work-related purposes and not for personal purposes or for personal gain or benefit. Use of school supplies (paper, staples, etc.), school equipment (copiers, fax machines, telephones, etc.), and school postage is to be used for approved school-related purposes only. Excess or surplus supplies or equipment, including items that have been placed in the trash, should not be removed for non-school use without approval from the administration.

Care of School Property

Teachers are responsible for the proper care of all books, equipment, supplies and furniture supplied by the school. If an item is in need of maintenance or repair, report it to the principal. If you learn that a student has damaged school property or equipment, or if you are responsible for damage to school property, promptly report it to the principal so the item may be replaced or repaired if possible and appropriate responsibility for the cost of replacement or repair may be determined. Do not permit students to sit on desks or tables.

Use of School and Personal Telephones

Professional calls: Teachers may use the telephone for professional reasons at any time they are not responsible for teaching or supervising students. All long-distance calls will require a four-digit access code. These codes will be provided at the beginning of the year.

Personal calls: Please make personal calls outside of school time or to a minimum if necessary, during duty time. No long-distance personal calls are to be charged to district phones. Rather, please use your own cell phone or charge the call via a calling credit card.

Student use of phones: Students are not to be allowed to use school phones unless the teacher or office dials the call and the teacher or office supervises the call. Students may not use classroom or public phones during class time.

Visitors

Teachers are not to have visitors on school property except on a short-term basis and only with permission of the principal. Included in the definition of visitors are family members of the teacher. Visitors should follow posted procedures for being on school property. With certain limited exceptions, teachers are not to bring their children to school with them in lieu of taking them to childcare.

Salespersons

Teachers need not allow, and should not permit, any salesperson or representative or agent of any commercial enterprise or theatrical presentation to contact the teacher while engaged in the teacher's duties except for planning time or at such other times as may be designated by the building principal or superintendent.

Teachers shall not use classrooms, buildings or other school property for personal use or profit without specific prior approval from the superintendent. Teachers shall not use time for which the teacher is on duty or paid by the district to engage in any activity for personal financial profit.

Security of Desks and Lockers

Offices, teacher desks, lockers, file cabinets and other such storage devices ("storage devices") are owned by the school and are to be properly cared for and maintained. Appropriate security measures should be used to protect school and personal property kept in storage devices from theft or vandalism and to protect confidential student records.

The school exercises exclusive control over school property and reserves the right to search offices and storage devices provided to or used by employees where permitted by law, such as where reasonable grounds exist for suspecting that a search will turn up evidence that the employee has committed work-related misconduct, or that a search is necessary for a non-investigatory work-related purpose, such as to retrieve a file. School-related documents or records must remain readily available to administration and other appropriate school staff. Any personal items a teacher wants to have kept private should be kept in a separate personal storage device, such as a brief case, purse or backpack.

The district is not responsible for any personal property teachers may bring to school. Teachers are cautioned not to bring large amounts of money or items of significant value to school.

Bulletins and Announcements

Bulletin Boards and display cases are available for school-related and approved materials to be posted and displayed. Posters to be used in the halls or materials for distribution will need to be approved by the principal's office. Posters are not to be attached to any painted wall surfaces. The person or organization responsible for distributing the posters is responsible to see that all posters are removed within 48 hours after the event.

Copyright and Fair Use Policy

It is the school's policy to follow the federal copyright law. Staff are reminded that, when using school equipment and when completing course work, they also must follow the federal copyright laws. The federal copyright law governs the reproduction of works of authorship. Copyrighted works are protected regardless of the medium in which they are created or reproduced; thus, copyright extends to digital works and works transformed into a digital format. Copyrighted works are not limited to those that bear a copyright notice.

The "fair use" doctrine allows limited reproduction of copyrighted works for educational and research purposes. The relevant portion of the copyright statute provides that the "fair use" of a copyrighted work, including reproduction "for purposes such as criticism, news reporting, teaching (including multiple copies for classroom use), scholarship, or research" is not an infringement of copyright. The law lists the following factors as the ones to be evaluated in determining whether a particular use of a copyrighted work is a permitted "fair use," rather than an infringement of the copyright:

- The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- The nature of the copyrighted work;
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and,
- The effect of the use upon the potential market for or value of the copyrighted work.

Although all of these factors will be considered, the last factor is the most important in determining whether a particular use is “fair.” Students should seek assistance from a faculty member if there are any questions regarding what may be copied.

Lost and Found

Teachers who find lost articles are asked to take them to the office, where the owner can claim the articles.

Safety

Safety Program

The district has established a Safety and Security Management Plan that includes safety and security plans and procedures, including plans and procedures to address emergency and crisis situations. Teachers are expected to be familiar with and to comply with the Safety and Security Management Plan. The plan may be obtained for review or copy from the principal or the superintendent.

Safety Practices

Guidelines for safe work practices that teachers should follow include the following:

1. Never stand on chairs, counters, tables, etc. Only use step stools, ladders and locking stools to stand, climb, etc., to reach high places, put things on bulletin Boards, etc.
2. Always wear protective equipment (i.e., goggles, aprons, gloves, and ear protection).
3. Wipe up spills or report promptly to appropriate personnel. Do not assume someone else will do it.
4. Be aware of your surroundings. Pick up clutter, keep your work area or room clean and free of clutter, debris, etc.
5. Identify and report all hazards (i.e., broken equipment, broken or uneven floor surfaces, non-operating tools, windows, doors, etc.). Follow up if not repaired.
6. Do not use equipment if you are not familiar with it or operate machinery without proper training.
7. Do not carry heavy or bulky objects. Get a cart, dolly or assistance. Know how to properly lift.
8. Report any injuries or medical problems to your supervisor immediately and complete the employee accident report.
9. Wear seatbelts when in vehicles where provided.
10. Do not do repetitive tasks for long periods of time (i.e., keyboarding, dipping cookies, cutting out things, filing, typing, etc.). Take breaks, learn and do stretching exercises, etc. Every accident in the school building, on the school grounds, at practice sessions, or at any athletic event sponsored by the school must be reported immediately to the principal.

As required by law, approved safety glasses will be required of every student and teacher while participating in or observing vocational, technical, industrial technology, science, and art classes. All visitors to these areas must check out a pair of safety glasses when entering any of these areas.

Use of School Vehicles

School vehicles may be used only for approved school activities. Teachers who have occasion to transport students are encouraged to do so in school vehicles. Check with the central office to determine whether a school vehicle is available for planned trips. Reserve use of the vehicle by completing the scheduling form located in the school office. Vehicle keys are located in the building office and are to be returned at the conclusion of the trip. The fuel tank will generally be filled prior to all trips scheduled as described. In the event that additional fuel is needed during the trip, submit a reimbursement request when you return. When the vehicle is returned at the end of the trip, be sure to fill the fuel tank according to the rotation schedule posted in the vehicle or in the school office and submit the charge slip to the business manager. Be sure to complete the vehicle use form at the beginning and end of each trip with all requested information. Finally, be sure that the vehicle is left in good condition for its next user.

Use of Personal Vehicles

Teachers who have occasion to transport students are encouraged to do so in school vehicles. Check with the central office to determine whether a school vehicle is available for planned trips. In the event a school vehicle

is not available, please obtain permission from your building principal to use your personal vehicle. Staff will be reimbursed at the government rate for properly approved use of personal vehicles.

Accidents

Every accident that results in a personal injury must be reported to the principal and school nurse immediately. In the event the injury involves a student, the teacher responsible for the student either as teacher, coach or sponsor is responsible for making the report. If the injury occurs in the presence of the teacher, the teacher is also responsible for making a report.

Staff Parking Areas

Please use school-provided parking lots to park personal vehicles. On-street parking is discouraged because of its effect on traffic flow and the potential to inhibit easy access by emergency personnel. Staff are not allowed to park in Visitor Parking spots. Any questions, please refer to your building Principal.

Workers Compensation

Teachers are required to immediately report any work-related injury and/or work-related medical condition to their supervisor and complete all appropriate paperwork.

Purchasing Supplies, Materials, Equipment, or Other Items for Instruction or Activities/Athletics

General Information: The Board of Education sets the official budget for each school year and delegates certain budgetary responsibilities to District administrators. District administrators allocate budgetary amounts to teachers/departments/programs and provide information about processes and allowable expenses to staff.

Procedures: Proper planning is necessary to order materials for timely delivery. Staff desiring to purchase items are advised to discuss such purchases with their supervisor. Staff may request consideration to purchase items through the completion of requisition forms (spring) or purchase orders (during the school year) which do not exceed amounts allocated by the principal, activities director, or athletic director. Completed requisitions or purchase orders for instructional materials are to be submitted to the teacher's principal for initial approval and coding by Wednesday of the week. Orders for activities or athletic items are to be submitted for initial approval to the activities director or athletic director, respectively, by Wednesday of the week. The principal, activities director, and athletic director will then submit tentatively-approved requisitions or purchase orders for final approval to the superintendent by Thursday of each week. Items ordered on approval such as textbook examination copies should be requested via the purchase order process. Please note: items costing over \$5000 must be based on a minimum of 2 quotes and must then receive board of education approval prior to ordering. Properly submitted and approved orders will generally be placed by the business manager, generally on Fridays. Staff members who do not follow these approved procedures may not be reimbursed the cost of items ordered or purchased.

Petty Cash Account: Items of minimal value or of more immediate need may be purchased through the petty cash account. To utilize the petty cash account, please contact your building principal prior to making the purchase. Use of the petty cash account is not intended to circumvent the normal requisition/purchase order procedures described above.

Purchasing Locally: Staff are requested to obtain pricing information from and to purchase from local vendors when items are comparable in terms of quality and cost. Also, please contact the business manager when planning to purchase from Hobby Lobby, Menards, Shopko, Target, or WalMart as we have tax-free certificates that need to accompany the purchase order.

Printer cartridges and office supplies: we typically order these items from Eakes because of various discount and incentive programs. Please contact Mrs. Filsinger when these supplies are needed.

Article 8 – STATE AND FEDERAL PROGRAMS

Notice of Nondiscrimination

The Madison Public Schools do not discriminate on the basis of race, color, national origin, gender, marital status, disability, religion, sexual orientation, or age in admission or access to, or treatment of employment, in its programs and activities. The coordinators listed below have been designated to handle inquiries regarding complaints, grievance procedures or the application of these policies of nondiscrimination.

Local complaint or grievance procedures are provided for by the district and set forth in this handbook. If an employee does not feel that a complaint of nondiscrimination has been satisfactorily resolved at the school level, the employee may file a complaint with the appropriate federal or state agency. Complaints are to be filed with the regional Department of Education, Office for Civil Rights where the complaint relates to Title IX (discrimination, harassment or lack of equity based on gender), Title VI (discrimination or harassment based on race, color, or national origin) or Section 504 (discrimination, harassment or failure to accommodate a disability). Complaints are to be filed with the regional U.S. Equal Employment Opportunity Commission (EEOC) if the complaint relates to Title VII (discrimination or harassment based on race, color, gender, national origin, or religion), the Americans with Disabilities Act (discrimination, harassment or failure to accommodate a disability), or the Age Discrimination in Employment Act (discrimination based on age). Contact information for the OCR and the EEOC are:

Office for Civil Rights
U.S. Dept of Education
Email: OCR.KansasCity@ed.gov
PHONE: 816-268-0550
FAX: 816-268-0599

The U.S. Equal Employment Opportunity Commission (EEOC)
1801 L Street, N.W.
Washington, D.C. 20507
(800) 669-4000; TDD: (800) 669-6820

Designation of Coordinators

Any person having inquiries concerning The district's compliance with anti-discrimination laws or policies or other programs should contact or notify the following person(s) who are designated as the coordinator for such laws, policies or programs. The contact address for the coordinator is: Superintendent, Madison Public Schools, Box 450, Madison, NE 68748, 402-454-3336.

<u>Law, Policy or Program</u>	<u>Issue or Concern</u>	<u>Coordinator</u>
Title VI	Discrimination or harassment based on race, color, or national origin; harassment	Superintendent
Title IX	Discrimination or harassment based on sex; gender equity	Secondary Principal
Section 504 of the Rehabilitation Act and the Americans with Disability Act (ADA)	Discrimination, harassment or reasonable accommodations of persons with disabilities	Superintendent
Homeless student laws	Children who are homeless	Superintendent
Safe and Drug Free Schools and Communities	Safe and drug free schools	Superintendent

Anti-discrimination & Harassment Policy

Elimination of Discrimination: The Madison Public School District provides this statement of compliance and intent to comply with all state and federal laws prohibiting discrimination or harassment and requiring accommodations. This school District intends to take necessary measures to assure compliance with such laws against any prohibited form of discrimination or harassment or which require accommodations.

Preventing Harassment and Discrimination: The Madison Public Schools are committed to offering employment and educational opportunity to its employees and students in a climate free of discrimination. Accordingly, unlawful discrimination or harassment of any kind by administrators, teachers, co-workers,

students or other persons is prohibited. In addition, the Madison Public Schools will try to protect employees and students from reported discrimination or harassment by non-employees or others in the work place and educational environment. For purposes of this policy, discrimination or harassment based on a person's race, color, national origin, gender, marital status, disability, sexual orientation, religion or age is prohibited. The following are general definitions of what might constitute prohibited harassment:

- In general, ethnic or racial slurs or other verbal or physical conduct relating to a person's race, color, religion, disability, or national origin constitute harassment when they unreasonably interfere with the person's work performance or create an intimidating work, instructional or educational environment.
- Age harassment (40 years of age and higher) has been defined by federal regulations as a form of age discrimination. It can consist of demeaning jokes, insults or intimidation based on a person's age.
- Sexual harassment is defined by federal and state regulations as a form of sex discrimination. It can consist of unwelcome sexual advances, requests for sexual favors, or physical or verbal conduct of a sexual nature by supervisors or others in the work place, classroom or educational environment. Sexual harassment may exist when:
 - a. Submission to such conduct is either an explicit or implicit term and condition of employment or of participation and enjoyment of the school's programs and activities;
 - b. Submission to or rejection of such conduct is used or threatened as a basis for employment related decisions, such as promotion, performance, evaluation, pay adjustment, discipline, work assignment, etc., or school program or activity decisions, such as admission, credits, grades, school assignments or playing time;
 - c. The conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working, classroom or educational environment.
 - d. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching or brushing against another's body.

Complaint and Grievance Procedures: Employees or students should initially report all instances of discrimination or harassment to their immediate supervisor or classroom teacher. However, if the employee or student is uncomfortable in presenting the problem to the supervisor or teacher, or if the supervisor or teacher is the problem, the employee or student is encouraged to go to the next level of supervision. In the case of a student, the principal would be the next or alternative person to contact. If the employee or student's complaint is not resolved to his or her satisfaction within five (5) to ten (10) calendar days, or if the discrimination or harassment continues, or if you need immediate help for any reason, please report your complaint to the superintendent. If a satisfactory arrangement cannot be obtained through the superintendent, the complaint may be processed to the Board of Education. The supervisor, teacher or the superintendent will thoroughly investigate all complaints. These situations will be treated with the utmost confidence, consistent with resolution of the problem. Based on the results of the investigation, appropriate corrective action, up to and including discharge of offending employees, and disciplinary action up to expulsion against a harassing student, may be taken. Under no circumstances will any threats or retaliation be permitted to be made against an employee or student for alleging in good faith a violation of this policy.

Grievance Procedure for Persons with a Disability

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act address discrimination, harassment or failure to provide reasonable accommodations to persons with a disability. The following grievance procedure shall be used for resolution of complaints of alleged violations of the ADA or Section 504:

1. Complaints shall be filed with the ADA and Section 504 Coordinator. Complaints shall be made in writing, unless the Complainant's disability prevents such, in which event the complaint can be made verbally.
2. Complaints shall set forth: (a) the name of the complainant, (b) the address and telephone number or other such information sufficient to enable the coordinator to contact the complainant, (c) a brief description of the alleged violation, and (d) the relief requested by the complainant.

3. Complaints shall be investigated by the coordinator or the coordinator's designee. Investigations shall be thorough, but informal, and the complainant shall be given a full opportunity to submit evidence relevant to the complaint.
4. The coordinator shall make a decision on the complaint within thirty (30) days of the filing of the complaint, unless such time period is extended by agreement of the complainant. The decision shall be made in writing, shall set forth the coordinator's proposed resolution of the complaint, and shall be forwarded to the complainant.
5. The complainant shall have ten (10) days from the date the coordinator's decision is sent to the complainant to accept or reject the coordinator's proposed resolution and shall be deemed to have accepted the proposed resolution unless the complainant rejects the proposed resolution within such time period. In the event the complainant rejects the proposed resolution, the complainant shall be given the opportunity to file a request for reconsideration within the ten (10) days from the date the coordinator's division is sent to the complainant. The request for reconsideration shall be filed with the coordinator. The coordinator shall consider any additional information provided in the request for reconsideration and make a decision on the request for reconsideration within 10 (ten) days after the request for reconsideration was filed.

Confidentiality of Student Records (FERPA)

The Family Educational Rights and Privacy Act (FERPA) gives parents and students over 18 years of age rights of access and confidentiality with respect to education records. Employees are expected to provide access rights and maintain the confidentiality of education records in accordance with FERPA and board policy. Further information about FERPA and the district's policies under FERPA are found in board policy and in the student handbook.

Disclosure of Student Information to Military Recruiters and Colleges

The No Child Left Behind Act of 2001 requires the district to provide military recruiters and institutions of higher education access to secondary school students' names, addresses, and telephone listings. Parents and secondary students have the right to request that the school not provide this information (i.e., not provide the student's name, address, and telephone listing) to military recruiters or institutions of higher education, without their prior written consent. Employees are expected to follow these requirements.

Disclosure of Staff Qualifications

The No Child Left Behind Act of 2001 gives parents/guardians the right to get information about the professional qualifications of their child's classroom teachers. The district designates the following information as "directory information" and will give parents/guardians such information upon request:

1. Whether the teacher has met state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
2. Whether the teacher is teaching under an emergency or provisional teaching certificate.
3. The baccalaureate degree major of the teacher, along with information about other graduate certification or degrees held by the teacher, and the field of discipline of the certification or degree.
4. Whether the parent/guardian's child has been assigned, or has been taught for four or more consecutive weeks, by a teacher who does not meet the requirements of the NCLB.

Student Privacy Protection

The No Child Left Behind Act of 2001 requires the district to protect the privacy of students. Further information about student privacy and the district's policies with regard to student privacy are found in board policy and in the student handbook. In general, employees are expected to comply with these provisions of the NCLB and related board policy, as follows:

1. Student surveys created by and administered by either the United States Department of Education or a third party (a group or person other than the district)—give parent/guardian the opportunity to inspect the survey upon request before the survey is administered or distributed to the students;

2. Student surveys that involve “sensitive” matters—make suitable arrangements to protect student privacy (that is, do not include the name or other identifying information about a particular student) and give parents the opportunity, in advance, to “opt-out” their child from the survey. Sensitive matters include:
 - a. Political affiliations or beliefs of the student or the student’s parent;
 - b. Mental or psychological problems of the student or the student’s parent;
 - c. Sexual behavior or attitudes;
 - d. Illegal, anti-social, self-incriminating or demeaning behavior;
 - e. Critical appraisals of other individuals with whom the student has close family relationships;
 - f. Legally-recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
 - g. Religious practices, affiliations, or beliefs of the students or the student’s parent;
 - h. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
3. Instructional materials—permit parents upon reasonable request to inspect any instructional material used as part of the educational curriculum for their child. The term “instructional materials” does not include academic tests or academic assessments for purposes of this parent inspection requirement. If you receive such a request, direct the parent to contact your building principal and also inform the building principal yourself about the request to get instructions.
4. Collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information. District policy is to not gather such information for such purposes.

Parental Involvement

The district’s policy is to welcome parental involvement in the education of their children. As a part of this policy, employees are expected to:

1. Provide parents timely information about their child’s progress, including use of quarterly report cards, active and constructive attendance at parent-teacher conferences, and more frequent parent contacts where warranted by the student’s academic and behavioral needs;
2. Make textbooks, completed tests and other curriculum materials available for review by parents upon request;
3. Permit parents access to their child’s records according to law and school policy;
4. Encourage parents to attend courses, assemblies, counseling sessions and other instructional activities with prior approval of the proper teacher, counselor or administrator, provided that such parent attendance is educationally appropriate and not disruptive to the educational program;
5. Assure that testing occurs to assure proper measurement of each child’s educational progress and achievement;
6. Permit parents to excuse their child from testing, classroom instruction and other school experiences when possible and educationally appropriate;
7. Notify parents of student surveys in accordance with district policy, obtain parental permission for surveys where required by district policy or law, and allow parents to opt-out of such surveys in accordance with district policy and law; and
8. Encourage parents to express their concerns, share their ideas and advocate for their child’s education.

Title I Parental Involvement

The district has a separate policy established pursuant to the No Child Left Behind Act of 2001 relating to parental involvement applicable to parents of children enrolled in Title I programs. The policy requires that parents of Title I children been given the opportunity to participate in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring:

1. that parents play an integral role in assisting their child’s learning;
 2. that parents are encouraged to be actively involved in their child’s education at school;
 3. that parents are full partners in their child’s education and are included, as appropriate, in decision making and on advisory committees to assist in the education of their child; and,
 4. the carrying out of other activities, such as those described in the parental involvement policy.
- Employees are expected to comply with the Title I parental involvement policy.

Homeless Students

The No Child Left Behind Act of 2001 requires that homeless students not be stigmatized or segregated on the basis of their status as homeless. Homeless children generally include children who lack a fixed, regular, and adequate nighttime residence. The superintendent serves as the district’s designated Homeless Coordinator and should be contacted for questions relating to a homeless student.

School Nutrition Programs (Breakfast and Lunch)

The district participates in the National School Nutrition Program. Employees are expected to keep information about the participation of students in the program confidential.

Confidentiality of Protected Health Information

It is the policy of the district to develop and implement all necessary practices, policies, and procedures to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) where and to the extent applicable and to maintain the privacy of protected health information (PHI), as that term is defined by HIPAA, that it receives, obtains, or transmits for employees and students. The district designates the superintendent as its HIPAA privacy officer. Student and employee records containing PHI shall be accessible only to those who require such information to carry out their duties.

Madison Public Schools

Justin Frederick
Interim Superintendent

Jim Crilly

HS Principal

Reid Ehrisman

MS Principal/EL

Karla Kush

Elementary Principal

700 So Kent St.

P.O. Box 450

Madison, NE 68748

District Phone (402) 454-3336 Fax (402) 454-2238

Elementary Phone (402) 454-2656 Fax (402) 454-3978

Travis Jordan
Director of CAI

Landon Mackey

Athletic Director

Celine Filsinger

Office Manager

The mission of Madison Public Schools is to prepare students to be competent, confident, productive, and responsible citizens.

Date: 8/1/2023

Re: **Notice of Title IX Policy**

From: **Justin Frederick, Interim Superintendent**

Dear Madison Public Schools Employees:

The Madison Board of Education has adopted policy 3057 regarding Title IX, the prohibition against discrimination on the basis of sex, and grievance procedures for complaints. This policy is attached to this Memo.

Pursuant to this policy, the district does not discriminate on the basis of sex in any education programs, which extends to admission and employment. Inquiries about the application of Title IX and 34 C.F.R. part 106 to the district may be referred to the district’s Title IX Coordinator, the assistant Secretary for Civil Rights of the United States Department of Education, or both.

The Title IX Coordinator is Secondary Principal, **Jim Crilly** who may be contacted in person, by mail, by telephone, or by electronic mail at P.O Box 450 Madison, NE 68748, (402)-454-3336, jcrilly@esu8.org

The assistant Secretary for Civil Rights of the United States Department of Education may be contacted at: U.S. Department of Education, Office for Civil Rights, Washington, D.C. 20202-1100.

Sincerely,

Interim Superintendent Frederick

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Title IX Policy

It is the policy of the school district that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any of the school district's programs or activities. The district is required by Title IX (20 U.S.C. § 1681) and 34 C.F.R. part 106 to not discriminate in such a manner.

1. **Title IX Coordinator**

1.1. **Designation.** The district will designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under this policy, who will be referred to as the "**Title IX Coordinator.**" The district will notify applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district, of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment). This report may be made by any means, including but not limited to, 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. Such a report may be made at any time (including during non-business hours).

2. **Definitions.** As used in this policy, the following terms are defined as follows:

2.1. **Actual knowledge** means notice of sexual harassment or allegations of sexual harassment to any district employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only district employee with actual knowledge is the respondent (as that term is defined below). "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in subsection 1.1 above.

2.2. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

2.3. **Formal complaint** means 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. The only district official who is authorized to initiate the Grievance Process for Formal Complaints of Sexual Harassment against a respondent is the Title IX Coordinator (by signing a formal complaint). At the time of filing a formal complaint with the district, a complainant must be participating in or attempting to participate in the district's education program or activity. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact

information required to be listed for the Title IX Coordinator under subsection 1.1 above, and by any additional method designated by the district. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the district) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this policy or under 34 C.F.R. part 106, and will comply with the requirements of this policy and 34 C.F.R. part 106, including subsections 5.1.3–5.1.4 and 34 C.F.R. § 106.45(b)(1)(iii).

2.4. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

2.5. **Consent** for purposes of this policy means the willingness in fact for conduct to occur. An individual may, as a result of age, incapacity, disability, lack of information, or other circumstances be incapable of providing consent to some or all sexual conduct or activity. Neither verbal nor physical resistance is required to establish that an individual did not consent. District officials will consider the totality of the circumstances in determining whether there was consent for any specific conduct. Consent may be revoked or withdrawn at any time.

2.6. **Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

2.6.1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual’s participation in unwelcome sexual conduct;

2.6.2. 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;

2.6.3. **Sexual assault**, as defined in 20 U.S.C. § 1092(f)(6)(A)(v), which means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation:

2.6.3.1. **Sex Offenses, Forcible**—Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

2.6.3.1.1. **Rape**—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent

because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

2.6.3.1.2. **Sodomy**—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

2.6.3.1.3. **Sexual Assault With An Object**—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

2.6.3.1.4. **Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

2.6.3.2. **Sex Offenses, Non-forcible**—(Except Prostitution Offenses) Unlawful, non-forcible sexual intercourse.

2.6.3.2.1. **Incest**—Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

2.6.3.2.2. **Statutory Rape**—Non-Forcible sexual intercourse with a person who is under the statutory age of consent

2.6.4. **Dating violence**, as defined in 34 U.S.C. § 12291(a), which means violence committed by a person—

2.6.4.1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and

2.6.4.2. where the existence of such a relationship shall be determined based on a consideration of the following factors:

2.6.4.2.1. The length of the relationship.

2.6.4.2.2. The type of relationship.

2.6.4.2.3. The frequency of interaction between the persons involved in the relationship.

2.6.5. **Domestic violence**, as defined in 34 U.S.C. § 12291(a), which includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who—

2.6.5.1. is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;

2.6.5.2. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

2.6.5.3. shares a child in common with the victim; or

2.6.5.4. commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

2.6.6. **Stalking**, as defined in 34 U.S.C. § 12291(a), which means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

2.6.6.1. fear for his or her safety or the safety of others; or

2.6.6.2. suffer substantial emotional distress.

2.7. **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such 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, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations,

leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

3. Discrimination Not Involving Sexual Harassment.

3.1. General Prohibition. Except as provided elsewhere in Title IX, 34 C.F.R. part 106, or this policy, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the district.

3.2. Specific Prohibitions. Except as provided elsewhere in Title IX, 34 C.F.R. part 106, or this policy, in providing any aid, benefit, or service to a student, the district will not on the basis of sex:

- 3.2.1. Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
- 3.2.2. Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
- 3.2.3. Deny any person any such aid, benefit, or service;
- 3.2.4. Subject any person to separate or different rules of behavior, sanctions, or other treatment;
- 3.2.5. Apply any rule concerning the domicile or residence of a student or applicant;
- 3.2.6. Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;
- 3.2.7. Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

3.3. Complaint Procedure. All complaints regarding any alleged discrimination on the basis of sex, including without limitation violations of this policy, 34 C.F.R. part 106, Title IX, Title VII, or other state or federal law—when the alleged discrimination does not arise from or relate to an allegation of sexual harassment

as defined in subsection 2.6 above—shall be addressed pursuant to the district’s general complaint procedure, Board Policy 2006.

4. **Response to Sexual Harassment**

4.1. Reporting Sexual Harassment. Any person who witnesses an act of unlawful sexual harassment is encouraged to report it to the District’s Title IX Coordinator. No person will be retaliated against based on any report of suspected sexual harassment or retaliation. Any District employee who receives a report of sexual harassment or has actual knowledge of sexual harassment must convey that information to the Title IX Coordinator as soon as reasonably practicable, but in no case later than the end of the following school day.

4.2. General Response to Sexual Harassment. When the district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, the district will respond promptly in a manner that is not deliberately indifferent. The district will be deemed to be deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For the purposes of this policy “education program or activity” includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs. The district’s response will treat complainants and respondents equitably by offering supportive measures as defined in subsection 2.7 above to a complainant, and by following the grievance process described in section 5 below before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent. The Title IX Coordinator will 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.

4.3. Emergency Removal. 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, and 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. In the event that the district so removes a respondent on an emergency basis, then the district will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. 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.

4.4. Administrative Leave. Nothing in this policy precludes the district from placing a non-student employee respondent on administrative leave during the

pendency of a grievance process that complies with section 5 below. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

4.5. **General Response Not Conditioned on Formal Complaint.** With or without a formal complaint, the district will comply with the obligations and procedures described in this section 4.

5. **Grievance Process for Formal Complaints of Sexual Harassment.**

5.1. **General Requirements.**

5.1.1. **Equitable Treatment.** The district will treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following the grievance process described in this section 5 before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies will be designed to restore or preserve equal access to the district's education program or activity. Remedies may include the same individualized services described in subsection 2.7 as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

5.1.2. **Objective Evaluation.** This grievance process requires an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence. Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

5.1.3. **Absence of Conflicts of Interest or Bias.** The district will require that any individual designated by a recipient as a Title IX Coordinator, investigator, decision-maker, or any person designated by a recipient to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

5.1.4. **Training.** The district will ensure that all individuals or entities described in this Training section 5.1.4 receive training as provided below. Any materials used to train these individuals will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment.

5.1.4.1. **All District Employees and Board Members.** All district employees and board members will be trained on how to identify and report sexual harassment.

- 5.1.4.2. **Title IX Coordinators, Investigators, Decision-Makers, or Informal Resolution Facilitators.** The district will ensure that Title IX Coordinators, investigators, decision-makers, or any person designated by the district to facilitate an informal resolution process receive training on:
- 5.1.4.2.1. The definition of sexual harassment in subsection 2.6;
 - 5.1.4.2.2. The scope of the district's education program or activity;
 - 5.1.4.2.3. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and
 - 5.1.4.2.4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- 5.1.4.3. **Decision-Makers.** The district will ensure that decision-makers 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 subsection **Error! Reference source not found.**
- 5.1.4.4. **Investigators.** The district will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in subsection 5.5.8.
- 5.1.5. **Presumption.** It is presumed that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- 5.1.6. **Reasonably Prompt Time Frames.** This grievance process shall include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes. The process shall also allow for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. 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.

- 5.1.7. **Range of Possible Sanctions and Remedies.** Following a determination of responsibility, the district may impose disciplinary sanctions and remedies in conformance with this and the district's student discipline policy, and other state and federal laws. Depending upon the circumstances, these policies provide for disciplinary sanctions and remedies up to and including expulsion.
- 5.1.8. **Range of Supportive Measures.** The range of supportive measures available to complainants and respondents include those listed in subsection 2.7.
- 5.1.9. **Respect for Privileged Information.** The district will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

5.2. **Notice of Allegations.**

- 5.2.1. **Initial Notice.** Upon receipt of a formal complaint, the district will provide the following written notice to the parties who are known:
 - 5.2.1.1. A copy of this policy.
 - 5.2.1.2. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in subsection 2.6, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, under subsection 5.5.5, and may inspect and review evidence under subsection 5.5.5. The written notice will inform the parties of any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- 5.2.2. **Supplemental Notice.** If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the Initial Notice described above,

the district will provide notice of the additional allegations to the parties whose identities are known.

5.3. **Dismissal of Formal Complaint.**

5.3.1. The district will investigate the allegations in a formal complaint.

5.3.2. **Mandatory Dismissals.** The district **must** dismiss a formal complaint if the conduct alleged in the formal complaint:

5.3.2.1. Would not constitute sexual harassment as defined in subsection 2.6 even if proved;

5.3.2.2. Did not occur in the district's education program or activity; or

5.3.2.3. Did not occur against a person in the United States.

5.3.3. **Discretionary Dismissals.** The district **may** dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:

5.3.3.1. The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;

5.3.3.2. The respondent is no longer enrolled in or employed by the district; or

5.3.3.3. Specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

5.3.4. Upon a dismissal required or permitted pursuant to subsections 5.3.2 or 5.3.3 above, the district will promptly send written notice of the dismissal and an explanation of that action simultaneously to the parties.

5.3.5. Dismissal of a formal complaint under this policy does not preclude the district from taking action under another provision of the district's code of conduct or pursuant to another district policy.

5.4. **Consolidation of Formal Complaints.** 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. Where a grievance process involves more than one complainant or more than one respondent,

references in this policy to the singular "party," "complainant," or "respondent" include the plural, as applicable.

5.5. Investigation of Formal Complaint. When investigating a formal complaint and throughout the grievance process, the district will:

- 5.5.1. Designate and authorize one or more persons (which need not be district employees) as investigator(s) to conduct the district's investigation of a formal complaint;
- 5.5.2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties provided that the district cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so for a grievance process under this section (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the district will obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);
- 5.5.3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- 5.5.4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- 5.5.5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, 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;
- 5.5.6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

- 5.5.7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the district will 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, and the parties will have at least 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report; and
- 5.5.8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 calendar days prior to the time of determination regarding responsibility, 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.

5.6. **Determination Regarding Responsibility**

- 5.6.1. **Decision-Maker(s).** The decision-maker(s) cannot be the same person as the Title IX Coordinator or the investigator(s).
- 5.6.2. **Exchange of Written Questions.** After the district has sent the investigative report to the parties pursuant to subsection 5.5.8, but before reaching a determination regarding responsibility, the decision-maker(s) will 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. The decision-maker(s) will explain to the party proposing the questions any decision to exclude a question as not relevant.
- 5.6.3. **Written Determination.** The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) will apply the preponderance of the evidence standard. The written determination will include:

- 5.6.3.1. Identification of the allegations potentially constituting sexual harassment as defined in subsection 2.6;
 - 5.6.3.2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - 5.6.3.3. Findings of fact supporting the determination;
 - 5.6.3.4. Conclusions regarding the application of the district's code of conduct to the facts;
 - 5.6.3.5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and
 - 5.6.3.6. The district's procedures and permissible bases for the complainant and respondent to appeal.
- 5.6.4. The district will provide the written determination to the parties simultaneously. 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.
 - 5.6.5. The Title IX Coordinator is responsible for effective implementation of any remedies.

5.7. **Appeals.** The district will offer both parties the opportunity to appeal from a determination regarding responsibility, and from the district's dismissal of a formal complaint or any allegations therein, on the grounds identified below.

- 5.7.1. **Time for Appeal.** Appeals may only be initiated by submitting a written Notice of Appeal to the Office of the Superintendent of Schools within ten (10) calendar days of the date of the respective written determination of responsibility or dismissal from which the appeal is taken. The Notice of Appeal must include (a) the name of the party or parties making the appeal, (b) the determination, dismissal, or portion thereof being appealed, and (c) a concise statement of the specific

grounds (from subsection 5.7.2 below) upon which the appeal is based. A party's failure to timely submit a Notice of Appeal will be deemed a waiver of the party's right to appeal under this policy, 34 C.F.R. part, 106, and Title IX.

5.7.2. **Grounds for Appeal.** Appeals from a determination regarding responsibility, and from the district's dismissal of a formal complaint or any allegations therein, are limited to the following grounds:

5.7.2.1. Procedural irregularity that affected the outcome of the matter;

5.7.2.2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

5.7.2.3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

5.7.3. As to all appeals, the district will:

5.7.3.1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;

5.7.3.2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;

5.7.3.3. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in subsections 5.1.3–5.1.4.

5.7.3.4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;

5.7.3.5. Issue a written decision describing the result of the appeal and the rationale for the result; and

5.7.3.6. Provide the written decision simultaneously to both parties.

5.8. **Informal Resolution.** The district will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the district will not require the parties to participate in an informal resolution process under this section and may not offer an informal

resolution process unless a formal complaint is filed. However, at any time 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 adjudication, provided that the district:

5.8.1. Provides to the parties a written notice disclosing:

5.8.1.1. The allegations;

5.8.1.2. 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;

5.8.1.3. 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 grievance process with respect to the formal complaint; and

5.8.1.4. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

5.8.2. Obtains the parties' voluntary, written consent to the informal resolution process; and

5.8.3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

5.9. **Recordkeeping.**

5.9.1. The district will maintain for a period of seven years records of:

5.9.1.1. 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;

5.9.1.2. Any appeal and the result therefrom;

5.9.1.3. Any informal resolution and the result therefrom; and

5.9.1.4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The district will make these training materials publicly available on its website, or if the district does

not maintain a website then the district will make these materials available upon request for inspection by members of the public.

- 5.9.2. For each response required under section 4, the district will 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 will 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. If the district does not provide a complainant with supportive measures, then the district will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

6. Superintendent Authorized to Contract. The board authorizes the Superintendent to contract for, designate, and appoint individuals to serve in the roles of the district's investigator(s), decision-maker(s), informal resolution facilitator(s), or appellate decision-maker(s) as contemplated by this policy.

7. Access to Classes and Schools.

7.1. General Standard. Except as provided in this section or otherwise in 34 C.F.R. part 106, the district will not provide or otherwise carry out any of its education programs or activities separately on the basis of sex, or require or refuse participation therein by any of its students on the basis of sex.

- 7.1.1. **Contact sports in physical education classes.** This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.
- 7.1.2. **Ability grouping in physical education classes.** This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.
- 7.1.3. **Human sexuality classes.** Classes or portions of classes that deal primarily with human sexuality may be conducted in separate sessions for boys and girls.

7.1.4. **Choruses.** The district may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.

7.2. **Classes and Extracurricular Activities.** The district may provide nonvocational single-sex classes or extracurricular activities as permitted by 34 C.F.R. part 106.

8. **Athletics.** It is the policy of the district that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, club, or intramural athletics offered by the district, and that the district will not provide any such athletics separately on such basis.

8.1. **Separate Teams.** Notwithstanding the foregoing paragraph, the district may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport.

8.2. **Equal opportunity.** The district will provide equal athletic opportunity for members of both sexes. Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams will not constitute noncompliance with this section.

9. **Certain Different Treatment on the Basis of Sex Permitted.** Nothing herein shall be construed to prohibit the district from treating persons differently on the basis of sex as permitted by Title IX or 34 C.F.R. part 106. For example, and without limiting the foregoing, the district may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

10. **Retaliation Prohibited.** Neither the district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. part 106, 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 under this policy. The district will 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 complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. § 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to shall be addressed pursuant to Board Policy 2006 (Complaint Procedure).

10.1. **Specific Circumstances.**

- 10.1.1. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this section.
- 10.1.2. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited under this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

11. **Notification of Policy.** The district will notify applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the existence of this policy. The requirement to not discriminate, as stated in Title IX and 34 C.F.R. part 106, in the district's education program(s) or activities extends to admission and employment, and inquiries about the application of Title IX and 34 C.F.R. part 106 to the district may be referred to the district's Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

12. **Publication of Policy.** The district will prominently display on its website, if any, and in each handbook that it makes available to applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district, the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator(s).

13. **Application Outside the United States.** The requirements of this policy apply only to sex discrimination occurring against a person in the United States.

14. **Scope of Policy.** Nothing herein shall be construed to be more demanding or more constraining upon the district than the requirements of Title IX (20 U.S.C. § 1681) and 34 C.F.R. part 106. To the extent that the district is in compliance with Title IX and 34 C.F.R. part 106, then all of the district's obligations under this policy shall be deemed to be fulfilled and discharged.

Adopted on:6-13-22

Reviewed on: _____

Revised on: _____

RECEIPT OF 23-24 MADISON PUBLIC SCHOOLS CERTIFICATED STAFF HANDBOOK

This signed receipt acknowledges receipt of the 2023-24 Certificated Staff Handbook of the Madison Public Schools. This receipt further acknowledges that:

- I understand I am to read and be familiar with the handbook;
- I will seek answers to any question I may have about information contained in the handbook;
- I understand the handbook contains a disclaimer of contract;
- I understand that the handbook includes the district’s policies of non-discrimination and equity, and that specific complaint and grievance procedures exist in the handbook which should be used for responding to harassment or discrimination; and,
- I understand that that the facilities, grounds, and vehicles owned and operated by the Madison Public Schools are tobacco-, alcohol-, weapon-, and drug-free locations.

Date: _____

Teacher’s Signature

Return on or before Monday, August 14, 2023 to your building principal.

MADISON PUBLIC SCHOOLS



HANDBOOK FOR CLASSIFIED STAFF

2023-24

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FOREWORD

Intent of Handbook

Welcome to the Madison Public Schools! This handbook is intended to provide general information about the Madison Public Schools and to serve as a guide to many of the District's policies, rules, and regulations, benefits of employment, and performance expectations. Full copies of district policies are located in each building.

References in this handbook to "Classified Employees" or "staff members" are intended to apply to all staff who are not required by their position to hold a teaching or administrative certificate.

Each staff member is responsible for becoming familiar with the handbook and knowing the information contained in it. Although the information found in this handbook is detailed and specific on many topics, the handbook is not intended to be all encompassing or to cover every situation and circumstance that may arise. In reading this handbook, please understand that where a direct conflict exists, state or federal law, the negotiated agreement, or Board policies and regulations will control.

This handbook does not create a "contract" of employment. Staff positions and assignments which do not legally require a certificate or are otherwise not protected by the teacher tenure laws may be ended or changed on an "at will" basis notwithstanding anything in this handbook or any other publication or statement, except for a contract approved by the Madison Public Schools Board of Education.

The administration will be responsible for interpreting the rules contained in the handbook and shall have the right to make decisions and make rule revisions at any time. Should a situation or circumstance arise that is not specifically covered in this handbook, the administration will make a decision based upon applicable school district policies, state and federal statutes and regulations, and the best interests of the District.

This handbook will be in effect for the 2023-24 school year and subsequent school years unless replaced by a later edition.

School Mission Statement

Preparing students to be competent, confident, productive, and responsible citizens.

The District seeks to provide an essential education by developing and maintaining:

- Qualified and competent administrative, teaching, paraprofessional, and operational staff;
- Integrated, planned curriculum that prepares students to achieve state standards and such additional standards as are established by the Board of Education and to reach the student outcomes identified above;
- Comprehensive support programs and services that meet the diverse needs of students;
- Safe, clean and supportive facilities and learning environments;
- Implementation of a curriculum that meets the following:
 - Is based on state standards in reading, writing, speaking, listening, mathematics, science and social studies/history and essential learnings in visual and performing arts, world languages, technology, health and physical education, and career and technical education and such additional standards; as are established by the Board of Education;
 - Is appropriate for the developmental level of the students;
 - Addresses diverse learning needs;
 - Instills a passion for learning and the importance of life-long learning;
 - Develops problem solving and critical thinking skills, decision making skills, data gathering, and critical use of information;
 - Develops expected work ethics, as well as group participation and leadership skills;
 - Incorporates character education and multicultural education, including respect for diversity;
 - Provides for application of technology in all learning areas;
 - Provides access to advanced courses; and
 - Is organized in a schedule that is functional and meets student needs in all curriculum areas.
- Providing a supportive learning environment that includes:
 - A welcoming and inviting environment that is emotionally safe, nurturing, supportive, and disciplined; that promotes respect, trust, integrity, and regard for self and others; and that honors diversity;
 - Learning as the central purpose with students engaged in meaningful, relevant, and productive learning experiences; and
 - Implementation of policies and practices that result in an orderly environment with emphasis on consistent school-wide positive behavior.

Board of Education

Harlow Hanson	President	Deb Neidig	Member
Jim Reeves	Vice-President	Kate Ebeling	Member
Steve Ruh	Secretary	Jim Knapp	Member

Administration

Justin Frederick	Interim Superintendent
Jim Crilly	Secondary Principal
Karla Kush	Elementary Principal
Reid Ehrisman	Middle School Principal/IPM/EL
Travis Jordan	Director of Curriculum, Assessment & Instruction
Landonn Mackey	Athletic Director, Assessment & Instruction

Classified Staff

<u>Name</u>	<u>Position</u>	<u>Name</u>	<u>Position</u>
Roger Acklie	Van Driver	Rebecca Leyva	Custodian
Brad Claus	Custodian	Jennifer Lopez	Paraeducator
Kerry Crilly	Paraeducator	Crystal Maldonado	Coach (Asst. Soccer)
Denise Ehlers	Grant Coordinator/Bus Driver	Esperanza Marquez	English Acquisition
Lisa Ehrisman	Admin. Assistant	Lauren McDonald	Paraeducator
Jesus Espinoza	Custodian	Mariela Millan	Dragons Childcare
Celine Filsinger	Business Manager	Tracy Nelson	Paraeducator
Robin Flaugh	Paraeducator	Becky Newcomb	Paraeducator
Jayne Freudenburg	Paraeducator	Marilu Orozco	Paraeducator
Melissa Freudenburg	Paraeducator	Guadalupe Rodriguez	Custodian
Elba Gomez	Custodian	Leticia Rodriguez	Migrant Recruiter
Niko Gronenthal	ASP	Enriqueta Saldana	Admin. Assistant
Brooke Hanson	Paraeducator	Jackie Stueckrath	Admin. Assistant
Sharilyn Heller	Admin. Assistant - Library	Lydia Tinajero	Paraeducator
Kyle Jackson	Transportation	Jim Thornburg	Maintenance
Cindy Lafleur	Paraeducator	Rosa Uribe	Paraeducator
Cara Lapor	Paraeducator	Jayna Wells	Paraeducator
Colby Legate	Coach (Asst. Wrestling)	Susana Yanez	Paraeducator

Article 1 – SCHOOL CALENDAR AND SCHEDULES

School Calendar

The official school calendar is a Google Calendar maintained in the central office by Jackie Stueckrath that includes all school-related events for the entire school year and is available as a reference for all staff. Any staff member planning an activity that involves school students or school facilities should contact Jackie about putting that activity on the calendar after consulting with and receiving permission from the Building Principal. Wednesday night of each week is reserved for church night. No school activities may be planned after 6:00 this night. There will be no school activities, practices, workouts, rehearsals, etc. on Sunday without specific, prior permission from the Superintendent.

Daily Schedule

Building principals will provide daily class schedules.

Shortened Schedule

When it becomes necessary to adjust the length of a school day, instructional schedules will also need to be adjusted. Building principals will provide this schedule information.

Severe Weather and School Cancellations

The Superintendent is authorized by the Board of Education to close public schools in case of severe weather. Representatives of the Superintendent's staff will notify local news media when inclement weather warrants such action. Radio and television stations broadcast the information regularly.

Decision to Close Schools. A decision to close school is made when forecasts by the weather service and civil defense officials indicate that it would be unwise for students or staff to go to school. Decisions whether to have school will be made as early as possible. In any case, an announcement will be made to the news media when schools will be closed. In some instances, schools will be open, but certain activities may be cancelled or rescheduled. Some staff may be designated as being required to come to school even in the event of a school closing.

After School Starts: Every attempt will be made to avoid closing school once classes are in session. In some instances, closing school during the day is inevitable if children are to safely return home before the brunt of a major storm hits. In these cases, as much advance notice as possible will be given. If school is closed during the day staff will be notified and parents will be notified via media broadcast. Teachers will be responsible for remaining with students until all students have safely left school or the administration has made arrangements for remaining students.

Parental Decisions. Parents may decide to keep their children at home in inclement weather because of personal circumstances. Students absent because of severe weather when school is in session will be marked absent. You should treat the absence like any other absence for legitimate causes provided parents properly notify the school of their decision. Parents may pick up their children in inclement weather (except in case of a tornado) at any time during the school day. Students will not normally be dismissed from school during severe weather on the basis of a telephone request.

Emergency Conditions. The Madison Public Schools utilize auditory signals when it becomes necessary to either evacuate the building or to move to safer areas of the building. All regular drills are held as required by law through the school year. There are plans for Emergency Exit system, Tornado Warning System, and other

critical incidents that are based on PA announcements of color codes. School officials are not permitted to release students from the school building during a tornado warning. In the event of an emergency exit alert or tornado warning, you should implement the school's established safety procedures.

Article 2 – EMPLOYMENT, COMPENSATION AND BENEFITS

Employment

Employment occurs when the employee is hired and continues until resignation or release.

Classified employees may be asked in the spring whether they wish to continue in employment during the following school year. This is done for staff planning purposes and does not constitute an offer of employment.

Should an employee wish to resign from employment the employee should give two weeks' written notice of resignation to the Superintendent.

Classified employees are "at-will" employees and may be terminated at any time by the school district. Notice of termination may be delivered by the administration or Board of Education. The termination of employment will be acted upon by the Board of Education at a regular or special meeting.

Assignments

The duties to be performed by a classified staff member with the District shall be subject to assignment by the superintendent and/or building principal. The staff member shall devote full time during days of school to the position and to diligently and faithfully perform the assigned duties to the best of the staff member's ability. Job descriptions, where available, provide additional information about the position duties.

Personnel File

The District will follow the requirements of state and federal law and regulation with regard to employee personnel files. Employees are to notify the Superintendent's office of any changes in contact information (address/telephone). For a name change, provide your new social security card. Employees may contact the Superintendent to request a review of their personnel file.

Grievances and Complaints

Employment related grievances or complaints shall be addressed through the administrative chain of command following the process set forth in board policy.

Time Cards

Each classified employee shall indicate their time of arrival to work and time of departure from work by clocking in or out on the Time Card Plus system provided for that purpose. Once notified by your supervisor of the regular schedule of hours to be worked, please clock in and clock out within 5 minutes of the designated times. Be sure to clock out and back in when you have lunch. The schedule for submitting logging time onto our system time for payroll purposes will be posted near each time clock.

Compensation

Compensation is paid only as authorized by the Board of Education. Salary is payable on a once per month basis for those months when services are performed. Employees will be paid on or about the 20th of the month. In emergency cases exceptions may be made, subject to the approval of the Board. Employees shall not be paid in advance under any circumstances. Upon separation of an employee's employment, or upon fulfillment of the contract, the employee may, at the option of the Board, be paid all wages due in one lump sum. Reimbursements for mileage or other expenses will be considered separate from compensation.

Benefits

Classified employees are provided benefits in accordance with board policy and employment law.

The Health Insurance Portability and Accountability Act (HIPAA) provides rights and protections for participants and beneficiaries in group health plans. HIPAA includes protections for coverage under group health plans that limit exclusions for preexisting conditions; prohibit discrimination against employees and dependents based on their health status; and allow a special opportunity to enroll in a new plan to individuals in certain circumstances. HIPAA may also give you a right to purchase individual coverage if you have no group health plan coverage available and have exhausted COBRA or other continuation coverage. Further information may be obtained from the Plan Administrator of the group health plan.

Payroll and Payroll Deductions

Salary and benefits are paid in accordance with the individual employment contracts and negotiated agreement, if any. Payroll deductions shall be made in accordance with law and the negotiated agreement, if any.

All required deductions, such as for federal, state, and local taxes, retirement contributions, and all authorized voluntary deductions, such as for insurance or union dues, will be withheld automatically from your paychecks. Garnishments are legal proceedings imposed by a court of law upon the school district requiring payment to a third party of monies earned by district employees. The school district will accept all legal garnishments and tax levies against wages in compliance with state and federal law. An employee's pay will be held upon receipt of a garnishment until a court order is issued indicating satisfaction of the indebtedness or until ordered to surrender the monies to the court or its agent. The school district prohibits improper pay deductions, and employees shall be reimbursed for any improper pay deductions. If you believe that an improper deduction has been made to your pay, you should immediately report this information to your direct supervisor, payroll personnel, or the Superintendent.

Staff members, by their signature on the acknowledgement page of this handbook, authorize the school district to withhold such sums from their paychecks as necessary to cover property damage, cash shortages or other amounts owed to the school district by the employee.

Expense Reimbursement

Reimbursement for authorized expenses (mileage, food, fuel, etc.) will be paid to employees traveling on school business. Claims for reimbursement should be submitted to your building principal on an Expense Disbursement Request form.

Budgeted Hours of Employment

In order to develop an accurate budget for the school year, it is necessary to specify the number of hours employees are allowed to work each week as shown on the chart below:

<u>Employment Category</u>	<u>Regular Hours per Week</u>	<u>Overtime Hours per Week</u>
Administrative Assistants	40	0
Business Manager	40	0
Head of Maintenance	40	0
Custodians	40	0
Migrant Recruiter	40	0
English Acquisition	40	0
Paraeducators	40	0

All overtime beyond that noted above is to be approved in advance by the Superintendent

Overtime

Overtime is paid to classified employees in accordance with the Fair Labor Standards Act (FLSA). Further information about the FLSA is available in the Superintendent's office. Classified employees may be classified as either "exempt" or "non-exempt" for overtime purposes. Employees who are classified as exempt employees are not eligible for overtime, while those who are "non-exempt" are eligible for overtime. Non-exempt employees shall accurately report hours worked. Falsification of time cards is a serious offense. Non-exempt employees must receive prior approval from their supervisor to work additional hours beyond their regular work schedule. Non-exempt employees will be paid for each hour worked in excess of 40 hours in a workweek and are expected to accurately and timely report overtime hours to their supervisor. The regular workweek for overtime purposes is from 12:00 a.m. on Monday through 11:59 p.m. on Sunday. The administration may establish a different 7-day period workweek from time to time for specified employees or employee groups. Overtime pay for non-exempt employees will be paid at the rate of not less than 1½ times the employee's regular rate of pay for hours worked in excess of the 40 hour workweek. Employees with two or more non-exempt positions may be eligible for overtime pay based upon the total number of hours worked in one workweek. If applicable, the employee and the Superintendent will agree upon the overtime rate, in compliance with FLSA regulations. A non-exempt employee may request compensatory time in lieu of overtime pay, with approval of the employer, with the rate figured as 1½ times the number of hours worked in excess of 40 hours in any work week. Compensatory time may be accumulated up to 40 hours upon approval by their supervisor. Any accumulation of compensatory time over 40 hours must be approved by the Superintendent. The FLSA limits the accumulation of compensatory time to 240 hours.

Disciplinary Situations and Unpaid Leave

The District's policy is to authorize unpaid disciplinary suspensions of a full day or more for infractions of workplace conduct rules and to apply such policy uniformly to all similarly situated employees, including exempt employees who are required to meet a "salaried basis" test for the exemption to be applicable. Unpaid disciplinary suspensions of a partial day or of a full day or more may be implemented for infractions of safety rules of major significance. Deductions of pay of a partial day or of a full day or more may be made for FMLA leaves and in the first and last weeks of employment. In addition, based on principles of public accountancy, deductions from pay of a partial day or of a full day or more will be made for absences for illness, injury or personal reasons when accrued leave is not used or not available, and for absences due to any budget-required furlough.

Courtesy Passes

As a means to encourage support for students, all school personnel and Board members and their spouses along with school age children (K-12) will be provided courtesy passes to all school sponsored activities.

Article 3 – ABSENCES FROM WORK

Paid Sick and Personal Leave

Classified employees are provided with paid sick and personal leaves in accordance with the employee's individual contract or negotiated agreement, if any. During such paid leaves, classified employees shall continue to receive all wages/salary and fringe benefits called for by the individual contract or negotiated agreement, if any. The leaves provided by the District are to be used for the purpose intended. Abuse of leave privileges affects the students, other staff, and the entire District and will not be tolerated.

Requests for Leave

Advance reporting of the need to take a leave is important. A classified employee who becomes ill and is unable to work is to contact the building administrator or his/her supervisor no later than 6:30 a.m. Before the end of the school day on the first day of the sick leave, and on each subsequent day of absence, a report should be made to the building administrator or his/her supervisor as to whether the classified employee will be able to return to duty on the next duty day. For illnesses or medical situations where the need for the leave can be determined in advance, the classified employee is to make such advance report of need for leave as possible.

Payroll Deductions for Absences in Excess of Paid Leave

Should an employee be absent from work in excess of the employee's accumulated sick leave or other paid leaves, the employee's salary and fringe benefits (including the cost of premiums for group health insurance) shall be reduced by the day or days or work missed. In the case of hourly employees, the reduction will be made on an hourly basis. In the case of salaried employees, the reduction will be made on a per diem basis calculated using the number of days missed as the numerator, and the number of total contract days for the school year as the denominator. Staff are not entitled to unpaid leave beyond what is provided for in the staff's individual contract, the negotiated agreement or the Family Medical Leave Act. Should a staff member be absent from work in excess of their accumulated sick leave or other leave, the staff member will be subject to employment-related discipline up to and including discharge from employment. Staff are not entitled to unpaid leave beyond what is provided for in their contract, the negotiated agreement or the Family Medical Leave Act. Should a staff member be absent from work in excess of the accumulated sick leave or other leave, the staff member will be subject to employment-related discipline up to and including discharge from employment.

Jury Duty

An employee who is summoned for jury service shall promptly notify the employee's immediate supervisor of such summons. The employee's salary will continue during time spent in jury service, and no deduction of leave time shall occur. Any payment for jury duty shall be paid to the school district.

If an employee, upon reporting for jury duty in the morning, is dismissed from jury duty for the remainder of the day, the employee is to report for duty within one hour of being released and resume duties for the balance of the day. When an employee is entirely dismissed from jury duty, the employee is directed to report for duty.

Employees shall promptly notify the employee's immediate supervisor of any other form of legal summons which may require an absence from duty. In the event the summons involves a school-related matter, the matter shall be treated similar to a jury duty absence. In the event the summons involves a personal matter, the employee will be required to use available leave days.

Military Leave

Employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve (hereinafter, “reserves”), are entitled to a military leave of absence from their respective duties, without loss of pay, when employed with or without pay under the orders or authorization of competent authority in the active service of the state or of the United States. Employees who normally work or are normally scheduled to work 120 hours or more in three consecutive weeks shall receive a military leave of absence of 120 hours each calendar year. Employees who normally work or are normally scheduled to work less than 120 hours in three consecutive weeks shall receive a military leave of absence each calendar year equal to the number of hours they normally work or would normally be scheduled to work, whichever is greater, in three consecutive weeks. Such military leave of absence may be taken in hourly increments and shall be in addition to the classified employee’s regular annual leave.

When the governor of this state shall declare that a state of emergency exists, and any employee who is a member of the reserves is ordered to active service of the state, the employee shall be granted a state of emergency leave of absence until released from active service by competent authority. The leave of absence shall not be a military leave of absence; other forms of leave may be granted. The employee shall receive normal salary or compensation minus the state active duty base pay the employee receives in active service of the state.

Family and Medical Leave Act

The Family and Medical Leave Act (FMLA) provides for 12 weeks of job-protected unpaid leave in a 12-month period to eligible employees in specified circumstances. Some specifics regarding FMLA leave at Madison Public Schools:

- a. The plan year for FMLA is a rolling year. A rolling year is a 12-month period measured backward from the date an employee uses any FMLA leave.
- b. Employees will be required to substitute remaining applicable paid leave prior to using unpaid leave. In other words, the total of job-protected paid and unpaid leave is 12 weeks.

If you need to take an FMLA leave, or have any questions regarding an FMLA leave, you should contact the Superintendent.

Article 4 – DUTIES AND RESPONSIBILITIES

Hours of Work

Regular, dependable attendance at work is an essential function of a classified employee's employment position. Please refer to Budgeted Hours of Employment in Article 2.

Arrival to Duty Assignments

Schools may have differing starting and ending times for the student day. Classified employees' work assignments may or may not be related to the regular school day. District or building administrators or the employee's supervisor will explain work schedules. Classified employees shall know their duty dates and times, and to be on time for work. It is expected that classified employees will clock in and clock out no more than 5 minutes earlier or later than their assigned times.

Leaving School

Employees are to be on duty at all times during the assigned workday. Employees may not leave school or their assigned area during duty hours without approval of the building administrator or their supervisor. Employees who leave the school during their designated lunch period must check out with the Principal's office. Employees who leave during their work hours for an approved absence must check out in a manner designated by the building principal. Employees who need to leave during the school day for reason of illness or emergency are to check out with the Principal's office or their supervisor and make sure that a responsible person has been notified of their unexpected absence so work coverage may be provided.

School Procedures

Employees shall adhere to the following procedures in the performance of their duties:

1. Checking Out of Equipment: All equipment must be checked out through the building principal.
2. Requisition of Equipment and Supplies: Equipment and supplies which are needed for work duties should be requested through the Principal's office. No equipment or supplies ordered through the District may be directed to the personal use of an employee or another District employee.
3. E-mail: Employees may be assigned a school e-mail address for purposes of intra-school and inter-school e-mail correspondence. Employees should check for e-mail throughout the day and should timely respond to e-mails which require a response. Paraeducators and other staff assigned to work with students should avoid checking and responding to e-mails during instructional or supervisory time. Use of the District's e-mail system for personal communications should be limited and is subject to the rules governing overall computer usage found in Board policy and this handbook.
4. Employee Mail Box: Employees may be assigned a mailbox located near the office. Employees should check for mail each morning and also later in the school day, if possible. If something requires an answer, employees are responsible for responding promptly. Employee mailboxes are to be limited to communicate regarding school business.
5. Record Keeping: Duties of classified employees may involve keeping detailed records. Make sure to complete these records as directed by your supervisor.
6. Staff Meetings: Staff meetings will be held at times designated by the building principal and/or superintendent. All staff members shall be present for the meetings, unless they are absent from school for good cause or have made prior arrangements.

Supervision of Students

Proper supervision of students is an important responsibility for employees. Employees who have responsibilities for student supervision shall meet the four “P’s” for student supervision and safety. All employees of the school should be familiar with these principles, to the extent they may be involved in supervision of students or interacting with students.

Proper Supervision

- Report to all duty assignments on time.
- Circulate through your duty area. Pay particular attention to areas and activities that pose an increased risk of injury.
- Be vigilant while supervising students. Never leave your classroom unattended; the need to make a copy is not greater than the need to supervise your students. If an emergency requires that you leave your classroom, request that another nearby staff member cover your class, or notify the office so someone can provide assistance. If you are on recess duty, your responsibility is to supervise the students in your assigned area. When talking with other adults or students, remember that your primary duty is supervision and make sure you are aware of what all students who you are to be supervising are doing.
- If you have seen or have been informed that a particular student has a propensity to act dangerously or in an unpredictable manner, your supervision of that student must increase with the known risk of injury. (Remember, though, that this type of information may be confidential—do not share confidential information about students except with other staff who need to know the information to perform their jobs).
- Be careful about physical contact with students. Use of corporal punishment is prohibited in the Madison Public Schools. Touching students should be limited to that necessary to protect the student from harm (e.g., falling from playground equipment) and that which professional educators determine appropriate for purposes of proper student relationships.
- Be careful with your language. Profanity or abusive language is not appropriate in any situation involving students. Be a good role model for students. If a student uses such language, you should correct the student and take such disciplinary action as is appropriate, which may include making a report to administration.

Proper Instructions

- Proper instructions are important to reduce the risk of injury when students undertake an activity, especially an activity that has an increased risk of harm to students.
- Repeat the instructions on how to complete a task that has a heightened risk of danger as often as needed. Do not assume because students heard the directions once that they will be remembered.
- When you go over safety rules with students note it in your written records (e.g., your lesson plan book or daily reports).
- Review playground and classroom safety rules with students at least once each semester and note when you do it in your written records. Also, if any students are absent when you review the rules contact the student(s) to review the same information and also note that contact in your written records.

Proper Maintenance of Buildings, Grounds, and Equipment

- Conduct periodic inspections of equipment under your control or in your area of supervision.
- If equipment is broken and presents a risk of injury, immediately take it out of service (if it can’t be moved, tape a “Do Not Use” sign) and notify the office so those repairs may be undertaken.

- Check your communication device (whether it be a school phone in your supervision area, a walkie-talkie, or a cell phone) periodically to make sure you can communicate with the office immediately in the event of an emergency.

Proper Warnings

- If you have knowledge of a hazard that can likely cause injury, take steps to warn other staff and students. Tell the office so additional warnings may be given.

Contact the Office for Assistance

The office should be notified immediately when a situation exists which could cause injury to students or others. Examples include:

- student fight
- student health problem (fainting, bleeding, high temperature, difficulty breathing, etc.)
- a report or a suspicion that a student has a weapon or other dangerous item or drugs, alcohol, or other illegal substances
- presence of an intruder (a non-student or staff member who refuses to go to the office).

Student Searches

Office administration should also be contacted before performing searches of students or their belongings. Direct a student suspected of having an item in violation of school rules to accompany you to the office if you can leave your assigned area without causing risk of harm to others. Do not use physical force to detain the student or to make the student accompany you except as reasonably necessary to protect the student or others.

Student Rights

Students should be treated fairly and given the same treatment without consideration of race, color, religion, gender, or disability. Students who need special accommodations must be given those accommodations as needed for them to participate in school and school activities. Further, students have the right to have their school records kept confidential. Such information should be shared only with other school staff with a need to know the information to perform their duties.

Managing Student Conduct

Discipline is everyone's responsibility. It begins with the student being responsible for his/her own behavior and understanding the consequences it may cause. The teacher is responsible for articulating classroom expectations at the beginning of the school year, implementing the classroom expectations on a consistent basis, and being familiar with the student handbook. All staff are responsible for all students in the hallways, in restrooms, at assemblies, at pep rallies, and during lunch. Consequences for inappropriate behavior may include students making up time before or after school, a student or a parent conference, or a referral to an administrator.

Dispensing Medication

Employees are not permitted to give any medication to students unless trained under the Medication Aid Act, Neb. Rev. Stat. §71-6718 to 71-6743. Students who need to take prescription medicine must have a signed parent release form on file in the office. Medications are to be taken in the presence of the office staff, the nurse, or medication aide and are to be stored in the office. Medical procedures are not to be administered in

the classroom except in accordance with the District's Safety and Security Management Plan and the District's Emergency Protocol (asthma/anaphylaxis protocol).

If students must take medication and/or perform medical procedures prescribed by a duly licensed physician during school hours, it is the responsibility of the parents or guardians to sign permission to dispense the medicine at the school and to submit a note or prescription from the physician authorizing the medicine and/or medical procedure. School district personnel will not administer medicine, including over the counter medicine, without this signed form and note or prescription. Any medication brought to school needs to be properly labeled. The label should include the following information: Student's name, name of medication, dosage needed, and time of dispensing the medication.

Reporting Child Abuse

Nebraska State Law and school policy mandates school officials to make a report to the proper law enforcement agency or the Department of Health and Human Services (Child Protective Services) when there is reasonable cause to believe that a child has been abused or neglected, or a child is in a situation that would reasonably result in abuse or neglect. According to Nebraska State Law, abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be:

- (a) Placed in a situation that endangers his or her life or physical or mental health;
- (b) Cruelly confined or cruelly punished;
- (c) Deprived of necessary food, clothing, shelter, or care;
- (d) Left unattended in a motor vehicle if such minor child is six years of age or younger;
- (e) Sexually abused; or
- (f) Sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions.

Employees are to inform their principal in the event they believe a report should be made. Administrative staff will then the report the situation to the proper authorities.

It is vital that the report be made as accurately and as soon as possible. To assure accuracy, you are encouraged to document the date of the incident and specific statements or explanations made by a child regarding an abuse/neglect concern. Timeliness in making a report will assist in minimizing further risk to the child by allowing the police or Child Protective Services workers to interview the child during the school day and prior to an evening or weekend. In cases of physical injury (e.g., bruising or other marks), it is essential the police observe and document the injury. A counselor, the school social worker or an administrator will help you.

Article 5 – CLASSIFIED STAFF CONDUCT AND PERFORMANCE

Professional Ethics Standards

The Madison Public School District expects all employees to adhere to a set of professional ethics standards established by the Nebraska Department of Education as such standards may be modified from time to time. The professional ethics standards that classified employees shall adhere to include those set forth below. References to “educator” shall include all employees of the District.

Preamble: The educator shall believe in the worth and dignity of human beings. Recognizing the supreme importance of the pursuit of truth, the devotion to excellence and the nurture of democratic citizenship, the educator shall regard as essential to these goals the protection of the freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator shall accept the responsibility to practice the profession to these ethical standards.

The educator shall recognize the magnitude of the responsibility he or she has accepted in choosing a career in education, and engages, individually and collectively with other educators, to judge his or her colleagues, and to be judged by them, in accordance with the provisions of this code of ethics.

The standards listed in this section are held to be generally accepted minimal standards for public school certificate holders in the State of Nebraska and for all educators, including administrators, with respect to ethical and professional conduct.

Principle I - Commitment as a School Employee:

Fundamental to the pursuit of high educational standards is the maintenance of a profession possessed of individuals with high skills, intellect, integrity, wisdom, and compassion. The educator shall exhibit good moral character, maintain high standards of performance and promote equality of opportunity. In fulfillment of the educator's contractual and professional responsibilities, the educator:

- A. Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, colleagues, parents, school patrons, or school board members.
- B. Shall not discriminate on the basis of race, color, creed, sex, marital status, age, national origin, ethnic background, or handicapping condition.
- C. Shall not use coercive means, or promise or provide special treatment to students, colleagues, school patrons, or school board members in order to influence professional decisions.
- D. Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible.
- E. Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage.
- F. Shall not sexually harass students, parents or school patrons, employees, or board members.
- G. Shall not have had revoked for cause in another state a teaching certificate, administrative certificate, or any certificate enabling a person to engage in any of the activities for which a special services counseling certificate is issued in Nebraska.
- H. Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.
- I. Shall report to the Superintendent any known violation of paragraphs G, E, or B above.
- J. Shall seek no reprisal against any individual who has reported a violation of this rule.

Principle II - Commitment to the Student:

Mindful that a profession exists for the purpose of serving the best interests of the client, the educator shall practice the profession with genuine interest, concern, and consideration for the student. The educator shall work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. In fulfillment of the obligation to the student, the educator:

- A. Shall permit the student to pursue reasonable independent scholastic effort and shall permit the student access to varying points of view.
- B. Shall not deliberately suppress or distort subject matter for which the educator is responsible.
- C. Shall make reasonable effort to protect the student from conditions that interfere with the learning process or are harmful to health or safety.
- D. Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student.
- E. Shall keep in confidence personally identifiable information that has been obtained in the course of professional service, unless disclosure serves professional purposes, or is required by law.
- F. Shall not tutor for remuneration students assigned to his or her classes unless approved by the Board of Education.
- G. Shall not discipline students using corporal punishment.

Principle III - Commitment to the Public:

The magnitude of the responsibility inherent in the education process requires dedication to the principles of our democratic heritage. The educator bears particular responsibility for instilling an understanding of the confidence in the rule of law, respect for individual freedom, and a responsibility to promote respect by the public for the integrity of the profession. In fulfillment of the obligation to the public, the educator:

- A. Shall not misrepresent an institution with which the educator is affiliated and shall take added precautions to distinguish between the educator's personal and institutional views.
- B. Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.
- C. Shall neither offer nor accept gifts or favors that will impair professional judgment.
- D. Shall support the principle of due process and protect the political, citizenship, and natural rights of all individuals.
- E. Shall not commit any act of moral turpitude, nor commit any felony under the laws of the United States or any state or territory.
- F. Shall, with reasonable diligence, attend to the duties of his or her professional position.

Principle IV - Commitment to the Profession:

In belief that the quality of the services to the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to improve service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of the trust to careers in education. The educator shall believe that sound professional relationships with colleagues are built upon personal integrity, dignity, and mutual respect. In fulfillment of the obligation to the profession, the educator:

- A. Shall provide upon the request of an aggrieved party, a written statement of specific reasons for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.
- B. Shall not misrepresent his or her professional qualifications, nor those of colleagues.
- C. Shall practice the profession only with proper certification and shall actively oppose the practice of the profession by persons known to be unqualified.

Principle V - Commitment to Professional Employment Practices:

The educator shall regard the employment agreement as a pledge to be executed both in spirit and in fact. The educator shall believe that sound personnel relationships with governing boards are built upon personal integrity, dignity, and mutual respect. In fulfillment of the obligation to professional employment practices, the educator:

- A. Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.
- B. Shall not knowingly withhold information regarding a position from an applicant or employer or misrepresent an assignment or conditions of employment.
- C. Shall give prompt notice to the employer of any change in availability of service.
- D. Shall conduct professional business through designated procedures, when available, that have been approved by the employing agency.
- E. Shall not assign to unqualified personnel, tasks for which an educator is responsible.
- F. Shall permit no commercial or personal exploitation of his or her professional position.
- G. Shall use time on duty and leave time for the purpose for which intended.

STANDARDS OF COMPETENCY**Administrative and Supervisory Requirements**

Educators must possess the abilities and skills necessary to accomplish the designated task. Each educator shall:

- * Keep records for which he or she is responsible in accordance with law and policies of the school system,
- * Supervise others in accordance with law and policies of the school system,
- * Recognize the role and function of community agencies and groups as they relate to the school and to his or her position, including but not limited to health and social services, employment services, community teaching resources, cultural opportunities, educational advisory committees, and parent organizations.

Communication Skills

In communicating with students and other educators, each educator, within the limits prescribed by his or her assignment and role, shall:

- * Utilize information and materials that are relevant to the designated task;
- * Use language and terminology which are relevant to the designated task;
- * Use language which reflects an understanding of the ability of the individual or group;
- * Assure that the designated task is understood;
- * Use feedback techniques which are relevant to the designated task;
- * Consider the entire context of the statements of others when making judgments about what others have said; and,
- * Encourage each individual to state his ideas clearly.

Management techniques: The educator shall:

- * Resolve discipline problems in accordance with law, school board policy, and administrative regulations and policies;
- * Maintain consistency in the application of policy and practice;
- * Use management techniques which are appropriate to the particular setting such as group work, seat work, lecture, discussion, individual projects and others; and,
- * Develop and maintain positive standards of conduct.

Human and Interpersonal Relationships: Educators shall possess effective human and interpersonal relations skills. Each educator shall:

- * Allow others who hold and express differing opinions or ideas to freely express such ideas;
- * Not knowingly misinterpret the statement of others;
- * Not show disrespect for or lack of acceptance of others;
- * Provide leadership and direction for others by appropriate example;
- * Offer constructive criticism when necessary;
- * Comply with reasonable request and orders given by and with proper authority;
- * Not assign unreasonable tasks; and,
- * Demonstrate self-confidence and self-sufficiency in exercising authority.

Personal Requirements: In assessing the mental or physical health of educators, no decision adverse to the educator shall be made except on the advice or testimony of personnel competent to make such judgment by reason of training, licensure and experience. However, certain behaviors are held to be probable cause to examine, and each educator within the scope of delegated authority shall:

- * Be able to engage in physical activity appropriate to the designated task except for temporary disability;
- * Be able to communicate so effectively as to accomplish the designated task;
- * Appropriately control his or her emotions; and,
- * Possess and demonstrate sufficient intellectual ability to perform designated tasks.

Individuals having questions about these standards may contact:

Certification Counsel
Nebraska Department of Education
P. O. Box 94933
Lincoln, NE 68509-4933
Phone: (402) 471-0732

Evaluations

Evaluations of employees will be conducted in accordance with the Board policy and will be based on job descriptions. Supervisors reserve the right to observe, appraise or evaluate employees more frequently than required by policy on an as-needed basis. Employees shall participate constructively and positively in the evaluation process and to accept and implement constructive suggestions and improvement strategies developed by the administration.

Role Model

Employees serve as role models for students and their actions and conduct reflect on the school as a whole. Employees are in all respects to conduct themselves in a manner supportive of the mission of the school.

Relationships

It is important for employees to maintain an effective working relationship with the administration, co-workers, students and parents. Appropriate relationships are established by extending social courtesies, following through on commitments and promises, complying with administrative directives and Board policies, being honest and consistent, and not intruding into personal matters outside the scope of duties or gossiping or spreading rumors about others.

Attire

It is important for employees to project a responsible, adult image to students, parents and co-workers. Appropriate attire and grooming are one of the means of projecting such an image. Employees shall maintain

conservative attire and grooming when on duty. As a minimal guide, employees should not wear clothing which students would not be permitted to wear at school. Employees should wear clothing that is safe and suitable for their work assignments; and avoid clothing which may be caught in machinery. Building administrators may establish more detailed guidelines for individual teachers, individually or collectively, should that be necessary.

Outside Employment

Employees shall not perform other work or engage in activities unrelated to District employment during duty hours. In addition, employees shall not engage in employment which conflicts with their school duties. Employees are not required to notify the District of outside employment except: (1) employees who are also employed by another Nebraska school district in order to comply with Nebraska State Retirement System regulations and (2) employees who have a work-related injury in order to comply with workers' compensation requirements.

Board Meeting Protocol

Employees are welcome to attend meetings of the board of education. As employees of the district, it is important to understand and observe proper protocol for such attendance and/or participation in board meetings:

1. According to state statute and board policy, the board meeting is a business meeting during which the board conducts the official business of the District.
2. Each meeting has an agenda. Items may be placed on the agenda by contacting the Superintendent. In order that board members may have adequate notice of agenda items, please request inclusion on the agenda by the Wednesday of the week preceding the meeting.
3. Board meeting attendees may address the board during the public forum portion of the meeting or when invited to do so by the board president or other official leading a particular section of the meeting.
4. Employees may have input into the business of the meeting through work on school committees.
5. Please follow the appropriate chain of command prior to bringing issues to the board of education. For instance, it is improper to address a concern at a board meeting if you have not utilized the proper channels in your building and district.

Professional Boundaries Between Staff and Students

All district employees must follow board policy when interacting with students in any way. School district employees are responsible for conducting themselves professionally and for teaching and modeling high standards of behavior and civic values, both at and away from school. District employees must be aware of professional boundaries between students and staff, and they must never blur the boundaries. These standards of behavior apply to social networking sites, such as Facebook, MySpace, and Twitter, along with communications and interactions of any kind between staff and students.

Examples of unprofessional misconduct include: inappropriate sexual communications or interactions with students, meeting with students in private outside of school, and intruding on a student's personal space. These are a few examples of inappropriate behavior, not an exhaustive list. For further guidance, refer to the district's policies regarding professionalism and staff-student interactions.

Any teacher or student who witnesses or knows information about a district employee violating board policy should report the violation to the district administration *immediately*. Minor violations and questionable violations should be reported within 24 hours.

A violation of board policies for professionalism will form the basis for employee discipline up to and including termination or cancellation of employment, filing a report with law enforcement officials, and filing a report with the Commissioner of Education.

Article 6 – USE OF SCHOOL FACILITIES AND EQUIPMENT

Drug-Free Workplace

The District has established the school as a drug-free workplace. The drug-free workplace for this purpose includes school grounds, school utilized vehicles, and places in which school activities are held.

The unlawful manufacture, distribution, disposition, possession, or use of a controlled substance is prohibited in the work place. The possession, use or distribution of illicit drugs or alcohol, the use of glue or aerosol paint or any other chemical substance for inhalation, and being under the influence of illicit drugs, alcohol, or inhalants, is prohibited in any place while employees are on duty time. Any level of impairment from illicit drugs, alcohol, or inhalants, and the presence of any odor of illicit drugs (such as marijuana) or alcohol on a employee in the work place or on duty time shall be a violation of the drug-free workplace. The possession or distribution of a look-alike drug or look-alike-controlled substance is prohibited. In addition, employees are expected to serve as role models for students and will be considered to have violated the District's expectations in the event the employee commits a criminal drug or alcohol offense off the work place or off duty time.

As a condition of employment employees will abide by the District's drug-free workplace policies and notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction. Disciplinary sanctions up to and including termination of employment and referral for prosecution will be imposed for violations of the District's drug-free workplace policies. Sanctions may include the requirement that the employee complete an appropriate rehabilitation program, a reprimand, and termination of employment. Drug and alcohol counseling and rehabilitation and reentry programs are available through local health agencies.

Smoke and Tobacco-Free Workplace

The use of tobacco products in the District's buildings and on school grounds, all owned or leased facilities and vehicles is prohibited.

Weapon-Free Workplace

The District prohibits any person from being in possession of a weapon at a school attendance facility, on school property, at a school-supervised activity, or at a school-sponsored function. Any employee found to be in violation of this policy shall be subject to disciplinary action, up to and including termination.

The term "weapon" means an instrument or object used, or which may be used, as a means of attack, defense, or destruction, including, without limitation:

- a. Any object which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive or other means;
- b. The frame or receiver of any object described in the preceding example;
- c. Any firearm muffler or silencer;
- d. Any explosive, incendiary or gas (a) bomb, (b) grenade, (c) rocket, (d) missile, (e) mine, or similar device;
- e. Any bludgeon, sandclub, metal knuckles, or throwing star;
- f. Any knife other than as used for strictly instructional or personal care or eating purposes. A pocket knife with a blade of 2-1/2 inches or more is a prohibited weapon. A switch-blade knife is prohibited regardless of size of the blade. A switch-blade knife is defined as a knife with a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of a knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement;

- g. Any electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun; and
- h. An employee may possess mace or other similar chemical agents in quantity and/or concentration typically designed for individual personal defensive purposes shall not be considered as possession of a weapon. Possession of larger quantities and/or concentrations of mace or other similar chemical agents than is typically designed for individual personal defensive purposes will be considered as possession of a weapon. Usage of mace or other similar chemical agents will be considered as usage of a weapon if the usage is found to be for non-defensive purposes. An employee who is negligent in their possession of mace or other similar chemical agents will be subject to disciplinary action.
- i. A employee may possess an item which may be considered a weapon where such item is used for instructional purposes and the employee has received approval of the administration to possess the item, provided it is used in the manner approved and is maintained in such manner as the administration has directed.
- j. Any other object that is designed for or intended for use as a destructive or injurious device.

The phrase "possession of a weapon" includes, without limitation, a weapon in a employee's personal possession, as well as in a employee's motor vehicle, desk, locker, briefcase, backpack, or purse.

Use of District Computer Network and Internet

Employees have access to the District's computer network and the Internet for the enhancement and support of student instruction and performance of their duties. It is important to remember that the equipment and the software are the property of the school district. In using the computers and the Internet, employees are agreeing to the following:

1. Since copyright laws protect software, employees will not make unauthorized copies of software found on school computers by any means. Employees will not give, lend, or sell copies of software to others unless the original software is clearly identified as shareware or in the public domain.
2. If a employee downloads public domain programs for personal use or non- commercially redistributes a public domain program, the employee assumes all risks regarding the determination of whether a program is in the public domain.
3. Employees shall not access material that is obscene, child pornography or otherwise inappropriate matter for educational or work-related uses or contrary to the District's mission. Employees are not permitted to knowingly access information that is profane, obscene or offensive toward a group or individual based upon race, gender, national origin or religion. Further, employees are prohibited from placing such information on the Internet.
4. Employees will protect the privacy of other computer users' areas by not accessing their passwords without written permission. Employees will not copy, change, read, or use another person's files. Employees will not engage in "hacking" or otherwise attempt to gain unauthorized access to system programs or computer equipment.
5. Employees will not use computer systems to disturb or harass other computer users by sending unwanted mail or by other means.
6. Employees will not disclose their passwords and account names to anyone or attempt to ascertain or use anyone else's password and account name.
7. Employees will not attempt to login to the system as a system administrator.
8. Employees understand that the intended use of all computer equipment is to meet instructional objectives.
9. Employees will not waste or take supplies, such as paper, printer ribbons, toner, and diskettes that are provided by the District.
10. Employees will not use the network for financial gain or for any commercial or illegal activity.

11. Attempts to bypass security systems on computer workstations or servers, or vandalism will result in cancellation of privileges and may result in further consequences. Malicious attempts to harm or destroy data of another employee, or data that resides anywhere on the network or on the Internet, or the uploading or creation of computer viruses are forbidden.
12. The District will not be responsible for any liabilities, costs, expenses, or purchases incurred by the use of the District's telecommunications systems such as the Internet. This includes, but is not limited to, the purchase of on line services or products. The employee is solely responsible for any such charges. The employee's acceptance of an email account is an acceptance of the employee's agreement to indemnify the District for any expenses, including legal fees, arising out of the employee's use of the system in violation of the agreement.
13. The Internet will be supplied for your use on an "as is, as available" basis. The District does not imply or expressly warrant that any information you access will be valuable or fit for a particular purpose or that the system will operate error free.
14. The District is not responsible for the integrity of information accessed, or software downloaded from the Internet.
15. The District reserves the right to refuse posting of files, and to remove files.
16. The District further reserves the right to inspect a employee's computer and computer usage at any time. Employees have no privacy rights or expectations of privacy with regard to use of the District's computers or Internet system.
17. The computer system is not a public forum. It is provided for the limited purpose of advancing the District's mission.
18. A technology protection measure is in place that blocks and/or filters Internet access to prevent access to Internet sites that are not in accordance with policies and regulations. In addition to blocks and/or filters, the District may also use other technology protection measures or procedures as deemed appropriate. The technology protection measure that blocks and/or filters Internet access may be disabled only by an authorized staff member for bona fide research or educational purposes: (a) who has successfully completed district training by the on proper disabling circumstances and procedures, (b) with permission of the immediate supervisor of the staff member requesting said disabling, or (c) with the permission of a building administrator. An authorized staff member may override the technology protection measure that blocks and/or filters Internet access for a minor to access a site for bona fide research or other lawful purposes provided the minor is monitored directly by an authorized staff member.

Any violation of any part of this agreement or any other activity which school administrators deem inappropriate will be subject to disciplinary action. Discipline could include but would not be limited to, the immediate suspension or termination of the employee's Internet account and computer privileges, reprimand, suspension, or termination.

Use of School Facilities

Employees who are issued keys to the school shall not lose their keys and to not allow others to have access to or to use their keys. Employees are permitted to have access to school facilities during non-school time provided your Principal or supervisor has given permission and such access is for work-related purposes. When employees leave the building, they are to close all windows, lock doors, arm the security system, and make sure that the entry door is fully closed and locked. This is especially important when employees are using the school facilities prior to the beginning of the school year and during any weekend or evening usage.

School property is to be used for approved work-related purposes and not for personal purposes or for personal gain or benefit. Use of school supplies (paper, staples, etc.), school equipment (copiers, fax machines, telephones, etc.), and school postage is to be used for approved school-related purposes only. Excess or surplus

supplies or equipment, including items that have been placed in the trash, should not be removed for non-school use without approval from the administration.

Care of School Property

Employees are responsible for the proper care of all books, equipment, supplies and furniture supplied by the school. If an item is in need of maintenance or repair, report it to the Principal. If you learn that a student or staff member has damaged school property or equipment, or if you are responsible for damage to school property, promptly report it to the Principal so the item may be replaced or repaired if possible and appropriate responsibility for the cost of replacement or repair may be determined. Please do not permit students to sit on desks or tables.

Use of School and Personal Telephones

Professional calls: Employees may use the telephone for professional reasons at any time they are not responsible for supervising students. All long-distance calls will require a four-digit access code. These codes will be provided at the beginning of the year.

Personal calls: Please make personal calls outside of school time or to a minimum if necessary, during duty time. No long-distance personal calls are to be charged to district phones. Rather, please use your own cell phone or charge the call via a calling credit card.

Student use of phones: Students are not to be allowed to use classroom phones unless the teacher dials the call and the teacher supervises the call. Students may not use classroom or public phones during class time.

Visitors

Employees are not to have visitors on school property except on a short-term basis and only with permission of the principal. Included in the definition of visitors are family members of the employee. Visitors should follow posted procedures for being on school property. With certain limited exceptions, employees are not to bring their children to school with them in lieu of taking them to childcare.

Salespersons

Employees need not allow, and should not permit, any salesperson or representative or agent of any commercial enterprise or theatrical presentation to contact the employee while engaged in the employee's duties except for such times as may be designated by the Superintendent or designee.

Employees shall not use classrooms, buildings or other school property for personal use or profit without specific approval from the Superintendent or designee. Employees shall not use time for which the employee is on duty or paid by the District to engage in any activity for personal financial profit. Any violation of this policy will be held to be willful insubordination.

Security of Desks and Lockers

Offices, employee desks, lockers, file cabinets and other such storage devices (“storage devices”) are owned by the school and are to be properly cared for and maintained. Appropriate security measures should be used to protect school and personal property kept in storage devices from theft or vandalism and to protect confidential student records.

The school exercises exclusive control over school property and reserves the right to search offices and storage devices provided to or used by employees where permitted by law, such as where reasonable grounds exist for suspecting that a search will turn up evidence that the employee has committed work-related misconduct, or that a search is necessary for a non-investigatory work-related purpose, such as to retrieve a file. School-related documents or records must remain readily available to administration and other appropriate school staff. Any personal items an employee wants to have kept private should be kept in a separate personal storage device, such as a brief case, purse or backpack.

The District is not responsible for any personal property employees may bring to school. Employees are cautioned not to bring large amounts of money or items of significant value to school.

Bulletins and Announcements

Bulletin boards and display cases are available for school-related and approved materials to be posted and displayed. Posters to be used in the halls or materials for distribution will need to be approved by the Principal’s office. Posters are not to be attached to any painted wall surfaces. The person or organization responsible for distributing the posters is responsible to see that all posters are removed within 48 hours after the event.

Copyright and Fair Use Policy

It is the school’s policy to follow the federal copyright law. Employees are reminded that, when using school equipment, they also must follow the federal copyright laws. The federal copyright law governs the reproduction of works of authorship. Copyrighted works are protected regardless of the medium in which they are created or reproduced; thus, copyright extends to digital works and works transformed into a digital format. Copyrighted works are not limited to those that bear a copyright notice.

The “fair use” doctrine allows limited reproduction of copyrighted works for educational and research purposes. The relevant portion of the copyright statute provides that the “fair use” of a copyrighted work, including reproduction “for purposes such as criticism, news reporting, teaching (including multiple copies for classroom use), scholarship, or research” is not an infringement of copyright. The law lists the following factors as the ones to be evaluated in determining whether a particular use of a copyrighted work is a permitted “fair use,” rather than an infringement of the copyright:

- the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- the nature of the copyrighted work;
- the amount and substantiality of the portion used in relation to the copyrighted work as a whole, and
- the effect of the use upon the potential market for or value of the copyrighted work.

Although all of these factors will be considered, the last factor is the most important in determining whether a particular use is “fair.” Employees should seek assistance from their immediate supervisor or the Principal if there are any questions regarding what may be copied.

Lost and Found

Employees who find lost articles are asked to take them to the office, where the owner can claim the articles.

Safety

Safety Program: The District has established a Safety and Security Management Plan which includes safety and security plans and procedures, including plans and procedures to address emergency and crisis situations. Employees shall be familiar with and to comply with the Safety and Security Management Plan. The Plan may be obtained for review or copy from the Principal or the Superintendent.

Safety Practices: Guidelines for safe work practices which employees should follow include the following:

1. Never stand on chairs, counters, tables, etc. Only use step stools, ladders and locking stools to stand, climb, etc., to reach high places, put things on bulletin boards, etc.
2. Always wear protective equipment (i.e., goggles, aprons, gloves, and ear protection).
3. Wipe up spills or report promptly to appropriate personnel. DO NOT assume someone else will do it.
4. Be aware of your surroundings. Pick up clutter, keep your work area or room clean and free of clutter, debris, etc.
5. Identify and report all hazards (i.e., broken equipment, broken or uneven floor surfaces, non-operating tools, windows, doors, etc.). Follow up if not repaired.
6. Do not use equipment if you are not familiar with it or operate machinery without proper training.
7. Do not carry heavy or bulky objects beyond your physical abilities. Get a cart, dolly or assistance. Know how to properly lift.
8. Report any injuries or medical problems to your supervisor immediately and complete the employee accident report.
9. Wear seatbelts when in vehicles where provided.
10. Do not do repetitive tasks for long periods of time (i.e., keyboarding, dipping cookies, cutting out things, filing, typing, etc.). Take breaks, learn and do stretching exercises, etc. Every accident in the school building, on the school grounds, at practice sessions, or at any athletic event sponsored by the school must be reported immediately to the Principal.

As required by law, approved safety glasses will be required of every student and employee while participating in or observing vocational, technical, industrial technology, science, and art classes. All visitors to these areas must check out a pair of safety glasses when entering any of these areas.

Use of School Vehicles

School vehicles may be used only for approved school activities. Employees who have occasion to transport students are encouraged to do so in school vehicles. Check with the central office to determine whether a school vehicle is available for planned trips. Reserve use of the vehicle by completing the scheduling form located in the central office. (Staff calling from the elementary buildings to check on vehicle availability may ask office personnel to complete this form on their behalf.) Vehicle keys are located in the central office and are to be returned at the conclusion of the trip. The fuel tank will generally be filled prior to all trips scheduled as described. In the event that additional fuel is needed during the trip, submit a reimbursement request when you return. When the vehicle is returned at the end of the trip, be sure to fill the fuel tank in Madison at the designated business as posted by keys in office and van and submit the charge slip to the business office. Be sure to complete the vehicle use form at the beginning and end of each trip with all requested information. Finally, be sure that the vehicle is left in good condition for its next user.

Use of Personal Vehicles

Employees who have occasion to transport students are encouraged to do so in school vehicles. Check with the central office to determine whether a school vehicle is available for planned trips. In the event a school vehicle is not available, please obtain permission from your building principal to use your personal vehicle. Staff will be reimbursed at the government rate for properly approved use of personal vehicles.

Staff members who drive school vehicles or volunteer to use their personal automobile to transport students must have a valid driver's license and proof of insurance. Staff members will be provided a Driver's Certification form to verify this information. Staff members who drive school vehicles or transport students in their personal vehicles are responsible for following safe driving practices, including use of seat belts by all occupants, and are responsible for any injury or accident. Staff members are not to use cell phones while driving a school vehicle or while transporting students.

Electronic Communication While Driving

Except as provided below, school personnel shall not use any electronic communication device to read a written communication, manually type a written communication, send a written communication, verbally communicate with others, or otherwise communicate with others while operating a school vehicle or while using a school-issued electronic communication device while operating a private vehicle. This prohibition includes but is not limited to answering or making telephone calls, engaging in telephone conversations, and reading or responding to e-mails, instant messages, or text messages.

The superintendent or building principal may grant exceptions and allow verbal communication on an as needed basis for specific district-related work based upon employees' duties and responsibilities.

Accidents

Every accident that results in a personal injury must be reported to the Principal immediately. In the event the injury involves a student, the teacher responsible for the student either as teacher, coach or sponsor is responsible for making the report. If the injury occurs in the presence of the teacher, the teacher is also responsible for making a report.

Staff Parking Areas

Please use school-provided parking lots to park personal vehicles. On-street parking is discouraged because of its effect on traffic flow and the potential to inhibit easy access by emergency personnel. Staff are not allowed to park in Visitor Parking spots. Any questions, please refer to your building Principal.

Workers Compensation

Employees are required to immediately report any work-related injury and/or work-related medical condition to their supervisor and complete all appropriate paperwork.

Purchasing Supplies, Materials, Equipment, or Other Items for Instruction or Activities/Athletics

General Information: The Board of Education sets the official budget for each school year and delegates certain budgetary responsibilities to district administrators. District administrators allocate budgetary amounts to teachers/departments/programs and provide information about processes and allowable expenses to staff.

Procedures: Proper planning is necessary to order materials for timely delivery. Staff desiring to purchase items are advised to discuss such purchases with their supervisor. Staff may request consideration to purchase items through the completion of requisition forms (spring) or purchase orders (during the school year) which do

not exceed amounts allocated by the Principal, Activities Director, or Athletic Director. Completed requisitions or purchase orders for instructional materials are to be submitted to the teacher's Principal for initial approval and coding by Wednesday of the week. Orders for activities or athletic items are to be submitted for initial approval to the Activities Director or Athletic Director, respectively, by Wednesday of the week. The Principal, Activities Director, and Athletic Director will then submit tentatively-approved requisitions or purchase orders for final approval to the Superintendent by Thursday of each week. Items ordered on approval such as textbook examination copies should be requested via the purchase order process. Please note: items costing over \$5000 must be based on a minimum of 2 quotes and must then receive board of education approval prior to ordering. All properly submitted and approved orders will be placed by the Business Manager, generally on Fridays. Staff members who do not follow these approved procedures may not be reimbursed the cost of items ordered or purchased.

Petty Cash Account: Items of minimal value or of more immediate need may be purchased through the petty cash account. To utilize the petty cash account, please contact your building principal prior to making the purchase. Use of the petty cash account is not intended to circumvent the normal requisition/ purchase order procedures described above.

Purchasing Locally: Staff are requested to obtain pricing information from and to purchase from local vendors when items are comparable in terms of quality and cost. Also, please contact the Business Manager when planning to purchase from Hobby Lobby, Menards, Shopko, Target, or WalMart as we have tax-free certificates that need to accompany the purchase order.

Printer cartridges and office supplies: we typically order these items from Eakes because of various discount and incentive programs. Please contact the Business Manager when these supplies are needed.

Article 7 – STATE AND FEDERAL PROGRAMS

Notice of Nondiscrimination

This school district does not discriminate on the basis of race, color, creed, national origin, gender, marital status, disability, military or veteran status, or age or in admission or access to, or treatment of employment, in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups.

Local complaint or grievance procedures are provided for by the District and set forth in this handbook. If an employee does not feel that a complaint of nondiscrimination has been satisfactorily resolved at the school level, the employee may file a complaint with the appropriate federal or state agency. Complaints are to be filed with the regional Department of Education, Office for Civil Rights where the complaint relates to Title IX (discrimination, harassment or lack of equity based on gender), Title VI (discrimination or harassment based on race, color, or national origin) or Section 504 (discrimination, harassment or failure to accommodate a disability). Complaints are to be filed with the regional U.S. Equal Employment Opportunity Commission (EEOC) if the complaint relates to Title VII (discrimination or harassment based on race, color, gender, national origin, or religion), the Americans with Disabilities Act (discrimination, harassment or failure to accommodate a disability), or the Age Discrimination in Employment Act (discrimination based on age). Contact information for the OCR and the EEOC are:

United States Department of Education
Office for Civil Rights – Region VII
Email OCR.KansasCity@ed.gov
Telephone: (816)268-0550
Facsimile: (816)268-0599
Internet: <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

Designation of Coordinators

Any person having inquiries concerning the District's compliance with anti-discrimination laws or policies or other programs should contact or notify the following person(s) who are designated as the coordinator for such laws, policies or programs. The contact address for the coordinator is: Superintendent, Madison Public Schools, Box 450, Madison, NE 68748, 402-454-3336.

<u>Law, Policy or Program</u>	<u>Issue or Concern</u>	<u>Coordinator</u>
Title VI	Discrimination or harassment based on race, color, or national origin; harassment	Superintendent
Title IX	Discrimination or harassment based on sex; gender equity	Secondary Principal
Section 504 of the Rehabilitation Act and the Americans with Disability Act (ADA)	Discrimination, harassment or reasonable accommodations of persons with disabilities	Superintendent
Homeless student laws	Children who are homeless	Superintendent
Safe and Drug Free Schools and Communities	Safe and drug free schools	Superintendent

Anti-discrimination & Harassment Policy

Elimination of Discrimination

The Madison Public School District provides this statement of compliance and intent to comply with all state and federal laws prohibiting discrimination or harassment and requiring accommodations. This school district intends to take necessary measures to assure compliance with such laws against any prohibited form of discrimination or harassment or which require accommodations.

Preventing Harassment and Discrimination

Purpose: The Madison Public Schools are committed to offering employment and educational opportunity to its employees and students in a climate free of discrimination. Accordingly, unlawful discrimination or harassment of any kind by administrators, teachers, co-workers, students or other persons is prohibited. In addition, the Madison Public Schools will try to protect employees and students from reported discrimination or harassment by non-employees or others in the work place and educational environment.

For purposes of this policy, discrimination or harassment based on a person's race, color, creed, national origin, gender, marital status, disability, military or veteran status, age or any other protected class is prohibited. The following are general definitions of what might constitute prohibited harassment:

- In general, ethnic or racial slurs or other verbal or physical conduct relating to a person's race, color, religion, disability or national origin constitute harassment when they unreasonably interfere with the person's work performance or create an intimidating work, instructional or educational environment.
- Age harassment (40 years of age and higher) has been defined by federal regulations as a form of age discrimination. It can consist of demeaning jokes, insults or intimidation based on a person's age.
- Sexual harassment is defined by federal and state regulations as a form of sex discrimination. It can consist of unwelcome sexual advances, requests for sexual favors, or physical or verbal conduct of a sexual nature by supervisors or others in the work place, classroom or educational environment. Sexual harassment may exist when:
 - a. Submission to such conduct is either an explicit or implicit term and condition of employment or of participation and enjoyment of the school's programs and activities;
 - b. Submission to or rejection of such conduct is used or threatened as a basis for employment related decisions, such as promotion, performance, evaluation, pay adjustment, discipline, work assignment, etc., or school program or activity decisions, such as admission, credits, grades, school assignments or playing time;
 - c. The conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working, classroom or educational environment.
 - d. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching or brushing against another's body.

Complaint and Grievance Procedures

Employees or students should initially report all instances of discrimination or harassment to their immediate supervisor or classroom teacher. However, if the employee or student is uncomfortable in presenting the problem to the supervisor or teacher, or if the supervisor or teacher is the problem, the employee or student is encouraged to go to the next level of supervision. In the case of a student, the Principal would be the next or alternative person to contact.

If the employee or student's complaint is not resolved to his or her satisfaction within five (5) to ten (10) calendar days, or if the discrimination or harassment continues, or if you need immediate help for any reason, please report your complaint to the Superintendent. If a satisfactory arrangement cannot be obtained through the Superintendent, the complaint may be processed to the Board of Education.

The supervisor, teacher or the Superintendent will thoroughly investigate all complaints. These situations will be treated with the utmost confidence, consistent with resolution of the problem. Based on the results of the investigation, appropriate corrective action, up to and including discharge of offending employees, and disciplinary action up to expulsion against a harassing student, may be taken. Under no circumstances will any threats or retaliation be permitted to be made against an employee or student for alleging in good faith a violation of this policy.

Grievance Procedure for Persons with a Disability

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act address discrimination, harassment or failure to provide reasonable accommodations to persons with a disability. The following grievance procedure shall be used for resolution of complaints of alleged violations of the ADA or Section 504:

1. Complaints shall be filed with the ADA and Section 504 Coordinator. Complaints shall be made in writing, unless the Complainant's disability prevents such, in which event the Complaint can be made verbally.
2. Complaints shall set forth: (a) the name of the Complainant, (b) the address and telephone number or other such information sufficient to enable the Coordinator to contact the Complainant, (c) a brief description of the alleged violation, and (d) the relief requested by the Complainant.
3. Complaints shall be investigated by the Coordinator or the Coordinator's designee. Investigations shall be thorough, but informal, and the Complainant shall be given a full opportunity to submit evidence relevant to the complaint.
4. The Coordinator shall make a decision on the Complaint within thirty (30) days of the filing of the Complaint, unless such time period is extended by agreement of the Complainant. The decision shall be made in writing, shall set forth the Coordinator's proposed resolution of the Complaint, and shall be forwarded to the Complainant.
5. The Complainant shall have ten (10) days from the date the Coordinator's decision is sent to the Complainant to accept or reject the Coordinator's proposed resolution and shall be deemed to have accepted the proposed resolution unless the Complainant rejects the proposed resolution within such time period. In the event the complainant rejects the proposed resolution, the complainant shall be given the opportunity to file a request for reconsideration within the ten (10) days from the date the Coordinator's decision is sent to the Complainant. The request for reconsideration shall be filed with the Coordinator. The Coordinator shall consider any additional information provided in the request for reconsideration and make a decision on the request for reconsideration within 10 (ten) days after the request for reconsideration was filed.

Confidentiality Records (FERPA)

The Family Educational Rights and Privacy Act (FERPA) gives parents and students over 18 years of age rights of access and confidentiality with respect to education records. Employees shall provide access rights and maintain the confidentiality of education records in accordance with FERPA and Board policy. Further information about FERPA and the District's policies under FERPA are found in Board policy and in the student handbook.

Breakfast and Lunch Programs

The District participates in the National School Lunch Program. Employees shall keep information about the participation of students in the program confidential.

Confidentiality of Protected Health Information

It is the policy of the District to develop and implement all necessary practices, policies, and procedures to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) where and to the extent applicable and to maintain the privacy of protected health information (PHI), as that term is defined by HIPAA, that it receives, obtains, or transmits for employees and students. The District designates the Superintendent as its HIPAA privacy officer. Student and employee records containing PHI shall be accessible only to those who require such information to carry out their duties.

Milk Expression

The district will provide reasonable break time for an employee who wishes to express breast milk for her nursing child in a place, other than a bathroom, which is shielded from view and free from intrusion from co-workers and the public for one year after the child's birth.

Madison Public Schools

Justin Frederick
Interim Superintendent

Jim Crilly
HS Principal

Reid Ehrisman
MS Principal/EL

Karla Kush
Elementary Principal

700 So Kent St.
P.O. Box 450
Madison, NE 68748
District Phone (402) 454-3336 Fax (402) 454-2238
Elementary Phone (402) 454-2656 Fax (402) 454-3978

Travis Jordan
Director of CAI
Landonn Mackey
Athletic Director
Celine Filsinger
Office Manager

The mission of Madison Public Schools is to prepare students to be competent, confident, productive, and responsible citizens.

Date: 8/1/2023

Re: *Notice of Title IX Policy*

From: **Justin Frederick, Interim Superintendent**

Dear Madison Public Schools Employees:

The Madison Board of Education has adopted policy 3057 regarding Title IX, the prohibition against discrimination on the basis of sex, and grievance procedures for complaints. This policy is attached to this Memo.

Pursuant to this policy, the district does not discriminate on the basis of sex in any education programs, which extends to admission and employment. Inquiries about the application of Title IX and 34 C.F.R. part 106 to the district may be referred to the district's Title IX Coordinator, the assistant Secretary for Civil Rights of the United States Department of Education, or both.

The Title IX Coordinator is Secondary Principal, **Jim Crilly** who may be contacted in person, by mail, by telephone, or by electronic mail at P.O Box 450 Madison, NE 68748, (402)-454-3336, jcrilly@esu8.org

The assistant Secretary for Civil Rights of the United States Department of Education may be contacted at: U.S. Department of Education, Office for Civil Rights, Washington, D.C. 20202-1100.

Sincerely,

Interim Superintendent Frederick

3057
Title IX Policy

It is the policy of the school district that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any of the school district's programs or activities. The district is required by Title IX (20 U.S.C. § 1681) and 34 C.F.R. part 106 to not discriminate in such a manner.

1. Title IX Coordinator

1.1. Designation. The district will designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under this policy, who will be referred to as the "**Title IX Coordinator.**" The district will notify applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district, of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment). This report may be made by any means, including but not limited to, 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. Such a report may be made at any time (including during non-business hours).

2. Definitions. As used in this policy, the following terms are defined as follows:

2.1. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to any district employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only district employee with actual knowledge is the respondent (as that term is defined below). "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in subsection 1.1 above.

2.2. Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

2.3. Formal complaint means 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. The only district official who is authorized to initiate the Grievance Process for Formal Complaints of Sexual Harassment against a respondent is the Title IX Coordinator (by signing a formal complaint). At the time of filing a formal complaint with the district, a complainant must be participating in or attempting to participate in the district's education program or activity. A formal complaint may be filed with the

Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under subsection 1.1 above, and by any additional method designated by the district. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the district) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this policy or under 34 C.F.R. part 106, and will comply with the requirements of this policy and 34 C.F.R. part 106, including subsections 5.1.3–5.1.4 and 34 C.F.R. § 106.45(b)(1)(iii).

2.4. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

2.5. **Consent** for purposes of this policy means the willingness in fact for conduct to occur. An individual may, as a result of age, incapacity, disability, lack of information, or other circumstances be incapable of providing consent to some or all sexual conduct or activity. Neither verbal nor physical resistance is required to establish that an individual did not consent. District officials will consider the totality of the circumstances in determining whether there was consent for any specific conduct. Consent may be revoked or withdrawn at any time.

2.6. **Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

2.6.1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual’s participation in unwelcome sexual conduct;

2.6.2. 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;

2.6.3. **Sexual assault**, as defined in 20 U.S.C. § 1092(f)(6)(A)(v), which means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation:

2.6.3.1. **Sex Offenses, Forcible**—Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

2.6.3.1.1. **Rape**—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent

because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

2.6.3.1.2. **Sodomy**—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

2.6.3.1.3. **Sexual Assault With An Object**—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

2.6.3.1.4. **Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

2.6.3.2. **Sex Offenses, Non-forcible**—(Except Prostitution Offenses) Unlawful, non-forcible sexual intercourse.

2.6.3.2.1. **Incest**—Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

2.6.3.2.2. **Statutory Rape**—Non-Forcible sexual intercourse with a person who is under the statutory age of consent

2.6.4. **Dating violence**, as defined in 34 U.S.C. § 12291(a), which means violence committed by a person—

2.6.4.1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and

2.6.4.2. where the existence of such a relationship shall be determined based on a consideration of the following factors:

2.6.4.2.1. The length of the relationship.

2.6.4.2.2. The type of relationship.

2.6.4.2.3. The frequency of interaction between the persons involved in the relationship.

2.6.5. **Domestic violence**, as defined in 34 U.S.C. § 12291(a), which includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who—

2.6.5.1. is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;

2.6.5.2. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

2.6.5.3. shares a child in common with the victim; or

2.6.5.4. commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

2.6.6. **Stalking**, as defined in 34 U.S.C. § 12291(a), which means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

2.6.6.1. fear for his or her safety or the safety of others; or

2.6.6.2. suffer substantial emotional distress.

2.7. **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such 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, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district will maintain as confidential any

supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

3. Discrimination Not Involving Sexual Harassment.

3.1. General Prohibition. Except as provided elsewhere in Title IX, 34 C.F.R. part 106, or this policy, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the district.

3.2. Specific Prohibitions. Except as provided elsewhere in Title IX, 34 C.F.R. part 106, or this policy, in providing any aid, benefit, or service to a student, the district will not on the basis of sex:

- 3.2.1. Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
- 3.2.2. Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
- 3.2.3. Deny any person any such aid, benefit, or service;
- 3.2.4. Subject any person to separate or different rules of behavior, sanctions, or other treatment;
- 3.2.5. Apply any rule concerning the domicile or residence of a student or applicant;
- 3.2.6. Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;
- 3.2.7. Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

3.3. Complaint Procedure. All complaints regarding any alleged discrimination on the basis of sex, including without limitation violations of this policy, 34 C.F.R. part 106, Title IX, Title VII, or other state or federal law—when the alleged discrimination does not arise from or relate to an allegation of sexual harassment as defined in subsection 2.6 above—shall be addressed pursuant to the district’s general complaint procedure, Board Policy 2006.

4. **Response to Sexual Harassment**

4.1. **Reporting Sexual Harassment.** Any person who witnesses an act of unlawful sexual harassment is encouraged to report it to the District's Title IX Coordinator. No person will be retaliated against based on any report of suspected sexual harassment or retaliation. Any District employee who receives a report of sexual harassment or has actual knowledge of sexual harassment must convey that information to the Title IX Coordinator as soon as reasonably practicable, but in no case later than the end of the following school day.

4.2. **General Response to Sexual Harassment.** When the district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, the district will respond promptly in a manner that is not deliberately indifferent. The district will be deemed to be deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For the purposes of this policy "education program or activity" includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs. The district's response will treat complainants and respondents equitably by offering supportive measures as defined in subsection 2.7 above to a complainant, and by following the grievance process described in section 5 below before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent. The Title IX Coordinator will 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.

4.3. **Emergency Removal.** 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, and 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. In the event that the district so removes a respondent on an emergency basis, then the district will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. 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.

4.4. **Administrative Leave.** Nothing in this policy precludes the district from placing a non-student employee respondent on administrative leave during the pendency of a grievance process that complies with section 5 below. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

4.5. **General Response Not Conditioned on Formal Complaint.** With or without a formal complaint, the district will comply with the obligations and procedures described in this section 4.

5. **Grievance Process for Formal Complaints of Sexual Harassment.**

5.1. **General Requirements.**

5.1.1. **Equitable Treatment.** The district will treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following the grievance process described in this section 5 before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies will be designed to restore or preserve equal access to the district’s education program or activity. Remedies may include the same individualized services described in subsection 2.7 as “supportive measures”; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

5.1.2. **Objective Evaluation.** This grievance process requires an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence. Credibility determinations may not be based on a person’s status as a complainant, respondent, or witness.

5.1.3. **Absence of Conflicts of Interest or Bias.** The district will require that any individual designated by a recipient as a Title IX Coordinator, investigator, decision-maker, or any person designated by a recipient to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

5.1.4. **Training.** The district will ensure that all individuals or entities described in this Training section 5.1.4 receive training as provided below. Any materials used to train these individuals will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment.

5.1.4.1. **All District Employees and Board Members.** All district employees and board members will be trained on how to identify and report sexual harassment.

5.1.4.2. **Title IX Coordinators, Investigators, Decision-Makers, or Informal Resolution Facilitators.** The district will ensure that Title IX Coordinators, investigators, decision-makers, or any

person designated by the district to facilitate an informal resolution process receive training on:

- 5.1.4.2.1. The definition of sexual harassment in subsection 2.6;
 - 5.1.4.2.2. The scope of the district's education program or activity;
 - 5.1.4.2.3. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and
 - 5.1.4.2.4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- 5.1.4.3. **Decision-Makers.** The district will ensure that decision-makers 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 subsection **Error! Reference source not found..**
- 5.1.4.4. **Investigators.** The district will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in subsection 5.5.8.
- 5.1.5. **Presumption.** It is presumed that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- 5.1.6. **Reasonably Prompt Time Frames.** This grievance process shall include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes. The process shall also allow for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. 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.
- 5.1.7. **Range of Possible Sanctions and Remedies.** Following a determination of responsibility, the district may impose disciplinary sanctions and remedies in conformance with this and the district's

student discipline policy, and other state and federal laws. Depending upon the circumstances, these policies provide for disciplinary sanctions and remedies up to and including expulsion.

5.1.8. **Range of Supportive Measures.** The range of supportive measures available to complainants and respondents include those listed in subsection 2.7.

5.1.9. **Respect for Privileged Information.** The district will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

5.2. **Notice of Allegations.**

5.2.1. **Initial Notice.** Upon receipt of a formal complaint, the district will provide the following written notice to the parties who are known:

5.2.1.1. A copy of this policy.

5.2.1.2. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in subsection 2.6, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, under subsection 5.5.5, and may inspect and review evidence under subsection 5.5.5. The written notice will inform the parties of any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

5.2.2. **Supplemental Notice.** If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the Initial Notice described above, the district will provide notice of the additional allegations to the parties whose identities are known.

5.3. **Dismissal of Formal Complaint.**

- 5.3.1. The district will investigate the allegations in a formal complaint.
- 5.3.2. **Mandatory Dismissals.** The district **must** dismiss a formal complaint if the conduct alleged in the formal complaint:
 - 5.3.2.1. Would not constitute sexual harassment as defined in subsection 2.6 even if proved;
 - 5.3.2.2. Did not occur in the district's education program or activity; or
 - 5.3.2.3. Did not occur against a person in the United States.
- 5.3.3. **Discretionary Dismissals.** The district **may** dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:
 - 5.3.3.1. The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
 - 5.3.3.2. The respondent is no longer enrolled in or employed by the district; or
 - 5.3.3.3. Specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- 5.3.4. Upon a dismissal required or permitted pursuant to subsections 5.3.2 or 5.3.3 above, the district will promptly send written notice of the dismissal and an explanation of that action simultaneously to the parties.
- 5.3.5. Dismissal of a formal complaint under this policy does not preclude the district from taking action under another provision of the district's code of conduct or pursuant to another district policy.

5.4. **Consolidation of Formal Complaints.** 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. Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular "party," "complainant," or "respondent" include the plural, as applicable.

5.5. Investigation of Formal Complaint. When investigating a formal complaint and throughout the grievance process, the district will:

- 5.5.1. Designate and authorize one or more persons (which need not be district employees) as investigator(s) to conduct the district's investigation of a formal complaint;
- 5.5.2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties provided that the district cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so for a grievance process under this section (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the district will obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);
- 5.5.3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- 5.5.4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- 5.5.5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, 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;
- 5.5.6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- 5.5.7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the district does not intend to rely in reaching a

determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the district will 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, and the parties will have at least 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report; and

- 5.5.8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 calendar days prior to the time of determination regarding responsibility, 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.

5.6. **Determination Regarding Responsibility**

- 5.6.1. **Decision-Maker(s).** The decision-maker(s) cannot be the same person as the Title IX Coordinator or the investigator(s).
- 5.6.2. **Exchange of Written Questions.** After the district has sent the investigative report to the parties pursuant to subsection 5.5.8, but before reaching a determination regarding responsibility, the decision-maker(s) will 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. The decision-maker(s) will explain to the party proposing the questions any decision to exclude a question as not relevant.
- 5.6.3. **Written Determination.** The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) will apply the preponderance of the evidence standard. The written determination will include:
 - 5.6.3.1. Identification of the allegations potentially constituting sexual harassment as defined in subsection 2.6;

- 5.6.3.2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - 5.6.3.3. Findings of fact supporting the determination;
 - 5.6.3.4. Conclusions regarding the application of the district's code of conduct to the facts;
 - 5.6.3.5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and
 - 5.6.3.6. The district's procedures and permissible bases for the complainant and respondent to appeal.
- 5.6.4. The district will provide the written determination to the parties simultaneously. 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.
- 5.6.5. The Title IX Coordinator is responsible for effective implementation of any remedies.

5.7. **Appeals.** The district will offer both parties the opportunity to appeal from a determination regarding responsibility, and from the district's dismissal of a formal complaint or any allegations therein, on the grounds identified below.

- 5.7.1. **Time for Appeal.** Appeals may only be initiated by submitting a written Notice of Appeal to the Office of the Superintendent of Schools within ten (10) calendar days of the date of the respective written determination of responsibility or dismissal from which the appeal is taken. The Notice of Appeal must include (a) the name of the party or parties making the appeal, (b) the determination, dismissal, or portion thereof being appealed, and (c) a concise statement of the specific grounds (from subsection 5.7.2 below) upon which the appeal is based. A party's failure to timely submit a Notice of Appeal will be deemed a waiver of the party's right to appeal under this policy, 34 C.F.R. part, 106, and Title IX.

5.7.2. **Grounds for Appeal.** Appeals from a determination regarding responsibility, and from the district's dismissal of a formal complaint or any allegations therein, are limited to the following grounds:

- 5.7.2.1. Procedural irregularity that affected the outcome of the matter;
- 5.7.2.2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- 5.7.2.3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

5.7.3. As to all appeals, the district will:

- 5.7.3.1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- 5.7.3.2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- 5.7.3.3. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in subsections 5.1.3–5.1.4.
- 5.7.3.4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- 5.7.3.5. Issue a written decision describing the result of the appeal and the rationale for the result; and
- 5.7.3.6. Provide the written decision simultaneously to both parties.

5.8. **Informal Resolution.** The district will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the district will not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time 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 adjudication, provided that the district:

5.8.1. Provides to the parties a written notice disclosing:

5.8.1.1. The allegations;

5.8.1.2. 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;

5.8.1.3. 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 grievance process with respect to the formal complaint; and

5.8.1.4. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

5.8.2. Obtains the parties' voluntary, written consent to the informal resolution process; and

5.8.3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

5.9. **Recordkeeping.**

5.9.1. The district will maintain for a period of seven years records of:

5.9.1.1. 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;

5.9.1.2. Any appeal and the result therefrom;

5.9.1.3. Any informal resolution and the result therefrom; and

5.9.1.4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The district will make these training materials publicly available on its website, or if the district does not maintain a website then the district will make these materials available upon request for inspection by members of the public.

5.9.2. For each response required under section 4, the district will 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 will 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. If the district does not provide a complainant with supportive measures, then the district will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

6. **Superintendent Authorized to Contract.** The board authorizes the Superintendent to contract for, designate, and appoint individuals to serve in the roles of the district's investigator(s), decision-maker(s), informal resolution facilitator(s), or appellate decision-maker(s) as contemplated by this policy.

7. **Access to Classes and Schools.**

7.1. **General Standard.** Except as provided in this section or otherwise in 34 C.F.R. part 106, the district will not provide or otherwise carry out any of its education programs or activities separately on the basis of sex, or require or refuse participation therein by any of its students on the basis of sex.

7.1.1. **Contact sports in physical education classes.** This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

7.1.2. **Ability grouping in physical education classes.** This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

7.1.3. **Human sexuality classes.** Classes or portions of classes that deal primarily with human sexuality may be conducted in separate sessions for boys and girls.

7.1.4. **Choruses.** The district may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.

7.2. **Classes and Extracurricular Activities.** The district may provide nonvocational single-sex classes or extracurricular activities as permitted by 34 C.F.R. part 106.

8. **Athletics.** It is the policy of the district that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, club, or intramural athletics offered by the district, and that the district will not provide any such athletics separately on such basis.

8.1. **Separate Teams.** Notwithstanding the foregoing paragraph, the district may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport.

8.2. **Equal opportunity.** The district will provide equal athletic opportunity for members of both sexes. Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams will not constitute noncompliance with this section.

9. **Certain Different Treatment on the Basis of Sex Permitted.** Nothing herein shall be construed to prohibit the district from treating persons differently on the basis of sex as permitted by Title IX or 34 C.F.R. part 106. For example, and without limiting the foregoing, the district may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

10. **Retaliation Prohibited.** Neither the district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. part 106, 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 under this policy. The district will 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 complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. § 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to shall be addressed pursuant to Board Policy 2006 (Complaint Procedure).

10.1. **Specific Circumstances.**

10.1.1. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this section.

10.1.2. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited

under this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

11. **Notification of Policy.** The district will notify applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the existence of this policy. The requirement to not discriminate, as stated in Title IX and 34 C.F.R. part 106, in the district's education program(s) or activities extends to admission and employment, and inquiries about the application of Title IX and 34 C.F.R. part 106 to the district may be referred to the district's Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

12. **Publication of Policy.** The district will prominently display on its website, if any, and in each handbook that it makes available to applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district, the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator(s).

13. **Application Outside the United States.** The requirements of this policy apply only to sex discrimination occurring against a person in the United States.

14. **Scope of Policy.** Nothing herein shall be construed to be more demanding or more constraining upon the district than the requirements of Title IX (20 U.S.C. § 1681) and 34 C.F.R. part 106. To the extent that the district is in compliance with Title IX and 34 C.F.R. part 106, then all of the district's obligations under this policy shall be deemed to be fulfilled and discharged.

Adopted on:6-13-22

Reviewed on:_____

Revised on:_____

**RECEIPT OF 2023-24 CLASSIFIED EMPLOYEE HANDBOOK
OF MADISON PUBLIC SCHOOLS**

This signed receipt acknowledges receipt of the 2023-24 Classified Employee Handbook of the Madison Public Schools. This receipt further acknowledges that:

- I understand I am to read and be familiar with the handbook;
- I will seek answers to any question I may have about information contained in the handbook;
- I understand the handbook contains a disclaimer of contract;
- I understand that the handbook includes the District’s policies of non-discrimination and equity, and that specific complaint and grievance procedures exist in the handbook which should be used for responding to harassment or discrimination; and,
- I understand that that the facilities, grounds, and vehicles owned and operated by the Madison Public Schools are tobacco-, alcohol-, weapon-, and drug-free locations.

Date: _____

Staff Signature

Return on or before Monday, August 14th to your building principal.