

**MULLEN BOARD OF EDUCATION**  
**October 12, 2020**  
**Regular Board Meeting Agenda**  
**7:30 PM**

1. Call to order, roll call, and excuse board member absences.  
**Speaker(s):** President Bryan Starr
2. Approval of the September 14, 2020 Regular Board Meeting minutes and the September 21, 2020 Special Board Meeting minutes.
3. Approval of the Agenda.
4. Approval of the following October claims: Payroll \$240,902.75, General Fund \$45,805.47, Lunch Fund \$4,686.14 and Special Building Fund \$109.75.
5. Requests to address the Board
6. Discuss, consider and take all necessary action to approve the Board President and Board Secretary will sign all checks when possible in accordance with state statute and in situations when the president or secretary is not available, the district authorizes the Board Treasurer and the Superintendent as authorized signatories for checks drawn on the General Fund.
7. Discuss, consider and take all necessary action to approve that the Board President and the Board Secretary will sign all checks when possible in accordance with state statute and in situations when the president or secretary is not available, the district authorizes the Board Treasurer and the Superintendent as authorized signatories for checks drawn on the Depreciation Fund, School Lunch Fund, Special Building Fund, Bond Fund, Employee Benefit Fun, QSCB fund and the Cafeteria Plan Fund
8. Discuss, consider and take all necessary action to approve that the Board President and the Board Secretary will sign all checks when possible in accordance with state statute and in situations when the president or secretary is not available, the district authorizes the Board Treasurer, the Superintendent, and the High School Principal as authorized signatories for checks drawn on the Activities Fund and the Petty Cash Fund.
9. Discuss, consider and take all necessary action to approve revisions to the following policies: 2006- Complaint Procedure, 2008- Meetings, 3001- Budget, 3004.1 Fiscal Management for Purchasing and Procurement Using Federal Funds, 4043 Professional Boundaries between Employees and Students, 5018 Parent and Guardian Involvement In Education Practices, and 5067 Student Assistance Team or Comparable Problem Solving Team.
10. Discuss, consider and take all necessary action to approve Policy 3057 Title IX.
11. Nebraska Association of School Board Monthly Update  
**Speaker(s):** Chris Kuncl
12. Administrative Reports
  - a. Mr. Moore- Elementary Principal Report  
**Speaker(s):** Justin Moore
  - b. Mr. Kvanvig- High School Principal Report  
**Speaker(s):** Mike Kvanvig
  - c. Mr. Kuncl- Superintendent Report  
**Speaker(s):** Chris Kuncl
  - d. Activities Director Report
13. Board Reports
14. Next Meeting - November 9, 2020 at 7:00 PM

## 15. Adjournment

The Mullen Board of Education reserves the right to go into Closed Session for purposes in accordance with LB 84-1410(1)

**MULLEN BOARD OF EDUCATION  
MINUTES  
September 21, 2020**

The regular meeting of the Mullen School Board was called to order at 7:00 a.m. by President Bryan Starr. He announced that the Open Meetings Act is posted on the west wall. Board members in attendance were **Present:** Travis Hampton, Liza Simonson, Bryan Starr, Barb Svoboda, **Absent:** Jason Coble, Mike French. Also present was Superintendent Chris Kuncl.

Motion to approve the agenda, and verify that notice of the meeting was published in the Hooker County Tribune, and posted according to board policy. This motion, made by Liza Simonson and seconded by Barb Svoboda, carried.

Barb Svoboda: yes, Bryan Starr: yes, Jason Coble: Absent, Liza Simonson: yes, Mike French: Absent, Travis Hampton: yes

yes: 4, no: 0, Absent: 2

Motion to approve the summary of changes to the 2020-2021 Mullen Public Schools Budget. This motion, made by Barb Svoboda and seconded by Travis Hampton, carried.

Barb Svoboda: yes, Bryan Starr: yes, Jason Coble: Absent, Liza Simonson: yes, Mike French: Absent, Travis Hampton: yes

yes: 4, no: 0, Absent: 2

President Bryan Starr declared the meeting adjourned at 7:07 AM

An agenda is kept continually current and is available for public inspection in the Superintendent's office during regular office hours.

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Chris Kuncl, Recording Secretary

**MULLEN BOARD OF EDUCATION  
MINUTES  
September 14, 2020**

The regular meeting of the Mullen School Board was called to order at 7:30 p.m. by President Bryan Starr. He announced that the Open Meetings Act is posted on the west wall. Board members in attendance were Bryan Starr, Jason Coble, Barb Svoboda, Liza Simonson, Travis Hampton and Mike French. Also, in attendance were Superintendent Chris Kuncl, Principal Mike Kvanvig, Principal Justin Moore, 2 teachers, 2 patrons, 6 students, and Tyler Cox from Nebraska Central Equipment, Inc.

Hearing to set the Final Tax Request for 2020-2021 was opened at 7:30 PM

No testimony was given.

Hearing was closed at 7:35 PM.

Motion to approve the August 10, 2020 Regular Board Meeting minutes and the August 31, 2020 Special Meeting minutes. This motion, made by Liza Simonson and seconded by Jason Coble, carried.

Barb Svoboda: yes, Bryan Starr: yes, Jason Coble: yes, Liza Simonson: yes, Mike French: yes, Travis Hampton: yes: yes: 6, no: 0

Motion to approve the agenda, and verify that notice of the meeting was published in the Hooker County Tribune, and posted according to board policy. This motion, made by Mike French and seconded by Travis Hampton, carried.

Barb Svoboda: yes, Bryan Starr: yes, Jason Coble: yes, Liza Simonson: yes, Mike French: yes, Travis Hampton: yes: yes: 6, no: 0

Approval of the following September claims: Payroll \$240,479.54, General Fund \$112,156.78, Lunch Fund \$3,700.15, and Special Building Fund \$119.41. This motion, made by Barb Svoboda and seconded by Liza Simonson, carried.

Barb Svoboda: yes, Bryan Starr: yes, Jason Coble: yes, Liza Simonson: yes, Mike French: yes, Travis Hampton: yes: yes: 6, no: 0

The FCCLA national qualifiers Samuel Coble, Taylor Svoboda, Lindey Coble, Callie Coble, and Jordyn McDowell provided the board of education with a detailed presentation. The presentation included the procedures that were followed during the COVID-19 pandemic, and how both the state convention and national convention were held. The qualifiers presented their S.T.A.R. events.

Motion to approve the 2020-2021 Mullen Public Schools Budget. This motion, made by Barb Svoboda and seconded by Travis Hampton, carried.

Barb Svoboda: yes, Bryan Starr: yes, Jason Coble: yes, Liza Simonson: yes, Mike French: yes, Travis Hampton: yes: yes: 6, no: 0

Motion to approve the tax request resolution for the 2020-2021 school year. This motion, made by Travis Hampton and seconded by Liza Simonson, carried.

Barb Svoboda: yes, Bryan Starr: yes, Jason Coble: yes, Liza Simonson: yes, Mike French: yes, Travis Hampton: yes: yes: 6, no: 0

Motion to approve revisions to Policy 1003 Mission Statement. This motion, made by Mike French and seconded by Jason Coble, carried.

Barb Svoboda: yes, Bryan Starr: yes, Jason Coble: yes, Liza Simonson: yes, Mike French: yes, Travis Hampton: yes: yes: 6, no: 0

Tyler Cox from Nebraska Central Equipment, Inc presented a variety of bussing options to the board of education. The board discussed the options and decided to order a 2022 Model Blue Bird All-American Rear Engine Activity Bus.

Motion to approve the order of a 2022 12 row Model Blue Bird All-American Rear Engine Activity Bus. through Nebraska Central Equipment Inc using both Volkswagen State Trust grant funding of \$42,000 and depreciation funding. This motion, made by Travis Hampton and seconded by Liza Simonson, carried.

Barb Svoboda: yes, Bryan Starr: yes, Jason Coble: yes, Liza Simonson: yes, Mike French: yes, Travis Hampton: yes: yes: 6, no: 0

The Nebraska Association of School Board provides the Mullen Public Schools with a monthly update on new happenings throughout Nebraska.

Mr. Moore provided the school board with a detailed principal report.

Mr. Kvanvig provided the school board with a detailed principal report.

Mr. Kuncl provided the school board with a detailed district report.

Mr. Kuncl and Mr. Kvanvig provided the school board with a detailed activities director report.

President Bryan Starr declared the meeting adjourned at 8:55 PM.

An agenda is kept continually current and is available for public inspection in the Superintendent's office during regular office hours.

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Chris Kuncl, Recording Secretary

# Current Cash Balance Report

SELECTED Data

Date: 09/01/2020 thru 09/30/2020

Arranged by:  
Group ID and Activity Number

Activity Number and Name	Beginning Cash	Receipts	Disbursements	Adjustments	Cash Balance
<b>A ACTIVITIES</b>					
100 ATHLETICS/ACTIVITIES	2,108.77	0.00	1,328.19	0.00	780.58
120 Hill Top Gym & Weight Room	12,430.88	240.00	0.00	0.00	12,670.88
175 Doug Young Memorial	6,613.23	0.00	0.00	0.00	6,613.23
180 Dan Brost Memorial	11,324.56	0.00	0.00	0.00	11,324.56
185 Chuck Hafer Memorial	656.00	0.00	0.00	0.00	656.00
190 Keith Sauls Memorial	40,513.88	0.00	529.16	0.00	39,984.72
250 Banking	750.00	91.14	0.00	0.00	841.14
300 Media	2,095.34	535.00	0.00	-50.00	2,580.34
400 CONCESSIONS	5,111.28	2,270.25	2,088.04	50.00	5,343.49
425 Pepsi Cola	3,011.94	0.00	0.00	0.00	3,011.94
430 Vending Machine	590.02	258.00	324.96	0.00	523.06
450 Wellness	1,578.85	0.00	0.00	0.00	1,578.85
500 FCCLA--LOCAL	10,613.06	0.00	82.28	0.00	10,530.78
520 FCCLA--NATIONAL	325.17	0.00	0.00	0.00	325.17
721 Class of 2021	1,135.99	0.00	0.00	0.00	1,135.99
722 Class of 2022	4,341.82	0.00	0.00	0.00	4,341.82
723 Class of 2023	1,807.26	0.00	0.00	0.00	1,807.26
724 Class of 2024	1,214.71	0.00	0.00	0.00	1,214.71
725 Class of 2025	563.42	0.00	0.00	0.00	563.42
726 Class of 2026	692.09	0.00	0.00	0.00	692.09
800 ANNUAL	7,877.05	170.00	1,930.60	0.00	6,116.45
825 Digital Yearbooks	523.24	0.00	0.00	0.00	523.24
850 Computer/Technology	2,472.43	0.00	0.00	0.00	2,472.43
900 MUSIC	202.17	0.00	112.04	0.00	90.13
950 BAND/MUSIC CLUB	1,449.05	0.00	0.00	0.00	1,449.05
1000 SHOP	4,449.92	0.00	0.00	0.00	4,449.92
1010 PlasmaCam/Power Drive	3,009.57	256.00	0.00	0.00	3,265.57
1050 FFA	10,726.72	540.00	0.00	0.00	11,266.72
1100 SUMMER & YOUTH RECREATION	6,325.28	0.00	0.00	0.00	6,325.28
1150 PLAYGROUND	5,575.76	0.00	0.00	0.00	5,575.76
1300 CHEERLEADERS	5,082.58	0.00	1,907.00	0.00	3,175.58
1400 SPANISH CLUB	3,249.55	0.00	0.00	0.00	3,249.55
1500 NATIONAL HONOR SOCIETY	4,726.32	0.00	0.00	0.00	4,726.32
1520 Quiz Bowl	1,618.52	0.00	0.00	0.00	1,618.52
1550 FLORIDA SCIENCE	2,432.97	0.00	0.00	0.00	2,432.97
1600 ART CLUB	3,676.61	0.00	0.00	0.00	3,676.61
1700 STUDENT COUNCIL	1,032.22	250.00	610.00	0.00	672.22
1800 M CLUB	3,380.10	0.00	0.00	0.00	3,380.10
1801 Broncos Cross Country	791.08	0.00	0.00	0.00	791.08
1802 Bronco Football	1,944.59	0.00	0.00	0.00	1,944.59
1804 Bronco Girls Golf	0.00	0.00	0.00	0.00	0.00
1805 Lady Bronco Volleyball Club	645.27	50.00	479.90	0.00	215.37
1806 Bronco Lady Basketball	1,194.78	854.00	0.00	0.00	2,048.78
1807 Bronco Basketball	4,133.06	0.00	0.00	0.00	4,133.06
1808 Bronco Wrestling	5,118.99	0.00	0.00	0.00	5,118.99
1809 Bronco Track Team	786.15	0.00	0.00	0.00	786.15
1811 Bronco Boys Golf	3,772.40	1,365.00	0.00	0.00	5,137.40
1820 Bronco Play Production	89.95	0.00	0.00	0.00	89.95
1825 Bronco Speech	741.03	0.00	0.00	0.00	741.03
1950 Scholarships	1,145.62	0.00	0.00	0.00	1,145.62
1955 Marilyn Downing Scholarship est 2019	7,884.78	0.00	0.00	0.00	7,884.78

# Current Cash Balance Report

SELECTED Data

Date: 09/01/2020 thru 09/30/2020

Arranged by:  
Group ID and Activity Number

Activity Number and Name	Beginning Cash	Receipts	Disbursements	Adjustments	Cash Balance
2200 TURNER FOUNDATION	-185.72	0.00	0.00	0.00	-185.72
3000 MATH-SCIENCE COALITION	4,307.04	500.00	144.47	0.00	4,662.57
3100 STEM	2,025.94	0.00	0.00	0.00	2,025.94
<b>A ACTIVITIES Totals:</b>	209,683.29	7,379.39	9,536.64	0.00	207,526.04
<b>B NSAA Activities</b>					
5001 Cross Country	300.00	0.00	71.74	0.00	228.26
5002 Football	3,000.00	0.00	1,062.40	0.00	1,937.60
5004 Girls Golf	200.00	0.00	0.00	0.00	200.00
5005 Volleyball	1,000.00	1,220.00	1,533.85	0.00	686.15
5006 Girls Basketball	2,000.00	0.00	0.00	0.00	2,000.00
5007 Boys Basketball	2,000.00	0.00	0.00	0.00	2,000.00
5008 Wrestling	2,000.00	0.00	0.00	0.00	2,000.00
5009 Track & Field	500.00	0.00	0.00	0.00	500.00
5011 Boys Golf	500.00	0.00	0.00	0.00	500.00
5012 Play Production	250.00	0.00	0.00	0.00	250.00
5013 Speech	650.00	0.00	0.00	0.00	650.00
5050 Admissions/Officials	360.00	3,112.00	1,840.00	0.00	1,632.00
5065 Travel	0.00	0.00	0.00	0.00	0.00
5070 Dues & Fees	155.00	0.00	1,255.00	0.00	-1,100.00
<b>B NSAA Activities Totals:</b>	12,915.00	4,332.00	5,762.99	0.00	11,484.01
<b>Report Totals:</b>	222,598.29	11,711.39	15,299.63	0.00	219,010.05

# Mullen Public Schools

## Cash Summary Report September 2020

Fund	Description	Beginning Balance	Revenue	Expenditure	Ending Balance
01	GENERAL FUND	\$931,037.59	\$929,603.15	(\$351,290.90)	\$1,509,349.84
02	DEPRECIATION FUND	\$359,894.80	\$148.53	\$0.00	\$360,043.33
03	EMPLOYEE BENEFIT FUND	\$72,486.24	\$29.79	\$0.00	\$72,516.03
06	LUNCH FUND	\$6,101.29	\$34,325.73	(\$6,808.49)	\$33,618.53
07	BOND FUND	\$263,372.41	\$9,783.08	\$0.00	\$273,155.49
08	SPECIAL BUILDING FUND	\$441,970.87	\$640.87	(\$119.41)	\$442,492.33
09	QUAL SCHOOL CONSTR	\$489,987.94	\$11,254.05	\$0.00	\$501,241.99
05	ACTIVITY FUND	\$222,598.29	\$11,711.39	(\$15,299.63)	\$219,010.05
	PETTY CASH FUND	\$5,000.00	\$5,163.03	(\$5,062.47)	\$5,100.56
	CAFETERIA PLAN	\$5,816.46	\$735.68	\$0.00	\$6,552.14
		<b>\$2,798,265.89</b>	<b>\$1,003,395.30</b>	<b>(\$378,580.90)</b>	<b>\$3,423,080.29</b>

## County Treasurer's Report September 30, 2020 Collections

	GENERAL	BOND	SPEC BUILDING	QSCB	TOTAL
HOOKER	\$62,969.35	\$631.88	\$0.00	\$722.17	\$64,323.40
CHERRY	\$141,346.40	\$1,557.22	\$0.00	\$1,779.76	\$144,683.38
THOMAS	\$3,521.36	\$33.40	\$2.24	\$36.95	\$3,593.95
<b>TOTAL</b>	<b>\$207,837.11</b>	<b>\$2,222.50</b>	<b>\$2.24</b>	<b>\$2,538.88</b>	<b>\$212,600.73</b>

## Cash Summary Report YTD 2020

Fund	Description	Beginning Balance	Revenue	Expenditure	Ending Balance
01	GENERAL FUND	\$931,037.59	\$929,603.15	(\$351,290.90)	\$1,509,349.84
02	DEPRECIATION FUND	\$359,894.80	\$148.53	\$0.00	\$360,043.33
03	EMPLOYEE BENEFIT FUND	\$72,486.24	\$29.79	\$0.00	\$72,516.03
06	LUNCH FUND	\$6,101.29	\$34,325.73	(\$6,808.49)	\$33,618.53
07	BOND FUND	\$263,372.41	\$9,783.08	\$0.00	\$273,155.49
08	SPECIAL BUILDING FUND	\$441,970.87	\$640.87	(\$119.41)	\$442,492.33
09	QUAL SCHOOL CONSTR	\$489,987.94	\$11,254.05	\$0.00	\$501,241.99
05	ACTIVITY FUND	\$222,598.29	\$11,711.39	(\$15,299.63)	\$219,010.05
	PETTY CASH FUND	\$5,000.00	\$5,163.03	(\$5,062.47)	\$5,100.56
	CAFETERIA PLAN	\$5,816.46	\$735.68	\$0.00	\$6,552.14
		<b>\$2,798,265.89</b>	<b>\$1,003,395.30</b>	<b>(\$378,580.90)</b>	<b>\$3,423,080.29</b>

Check Nur	Check Date	Vendor Name	PO	Description	Amount
008EFT	9/15/2020	PEPSI COLA OF WESTERN NE		HS pop	\$253.25
008EFT	9/15/2020	PEPSI COLA OF WESTERN NE		Elem pop	\$159.25
37224	9/1/2020	AINSWORTH COMMUNITY SCHOOLS		XC entry fee: 5 runners @ \$6	\$30.00
37225	9/1/2020	Broken Bow High School		girls golf entry: 1 golfer	\$15.00
37226	9/1/2020	Cash Pam Ginkens		cash box money/safe for activities	\$900.00
37227	9/1/2020	Champion Teamwear AR	220041	cheerleader uniforms	\$1,907.00
37228	9/1/2020	Project Feeder Watch	21006	birdfeeder watch participation fee	\$18.00
37229	9/1/2020	Creek Valley Schools		girls golf entry fee	\$40.00
37230	9/1/2020	JOSTEN'S	21001	chenille letters; megaphone inserts	\$428.19
37231	9/5/2020	LEXINGTON HIGH SCHOOL		XC entry fee: 5 runners @ \$20	\$0.00 VOID
37232	9/1/2020	Mid-Nebraska Activities Conference		2020-21 conference dues	\$400.00
37233	9/1/2020	Joel Morgan		2020-2021 MNAC Conf secretary stipend	\$345.00
37234	9/1/2020	Walsworth Publishing Company		2020 yearbook balance due	\$1,930.60
37235	9/11/2020	Paul Anderson		FB vs Maywood Hayes Center officials	\$600.00
37236	9/11/2020	Amber Berliner		VB Triangular official	\$180.00
37237	9/11/2020	Shannon Etherton		VB Triangular official	\$180.00
37238	9/11/2020	BRIDGEPORT PUBLIC SCHOOLS		XC entry fee	\$60.00
37239	9/11/2020	Chase County Schools		XC entry fee 5 runners @ \$7	\$35.00
37240	9/11/2020	Gordon-Rushville High School		XC entry fee	\$30.00
37241	9/11/2020	South Loup Bobcats		VB tourney entry fee	\$50.00
37242	9/15/2020	Amazon Capital Services, Inc	21010	VB, XC, FB supplies	\$150.26
37243	9/15/2020	LOU'S SPORTING GOODS	21004	FB chin straps/jaw pads; VB jackets	\$719.46
37244	9/15/2020	MACKES GROCERY		FB and concession supplies	\$204.13
37245	9/15/2020	MISKO SPORTS, INC.		Mizuno sublimated long sleeve VB jerseys	\$1,736.00
37246	9/15/2020	Prairie Industries Inc		water	\$124.80
37247	9/15/2020	SAMS CLUB/Synchrony Bank		concession & vending supplies	\$1,544.56
37248	9/15/2020	U.S. Bank		concession supplies; FB decals	\$390.18
37249	9/15/2020	US Foods	220040	can rack for kitchen - Keith Saults Memorial Fund	\$529.16
37250	9/15/2020	YANDAS MUSIC		reeds, valve & slide oil	\$112.04
37251	9/23/2020	Colby Delatour		VB vs Hyannis official	\$140.00
37252	9/23/2020	Job Vigil		VB vs Hyannis official	\$140.00
37253	9/23/2020	COMPLETE MUSIC		Homecoming Dance DJ	\$610.00
37254	9/23/2020	Tanner Pettera		FB vs Hyannis officials	\$600.00
37255	9/23/2020	Donalee Barner		reimb Nature In Neighborhood supplies	\$126.47
37256	9/23/2020	Brady High School		Brady VB tourney entry fee	\$50.00
37257	9/23/2020	RED'S CAFE		FCCLA Fall Leadership Virtual Conf meals	\$82.28
37258	9/23/2020	UNK Athletics		Cross Country entry fee	\$100.00
37259	9/23/2020	Walmart Community/SYNCB	21009	ipad for VB stats	\$279.00
37260	9/29/2020	ALLIANCE PUBLIC SCHOOLS		Girls Golf entry fee	\$50.00
37261	9/29/2020	BAYARD HIGH SCHOOL		Cross Country entry fee	\$50.00

# Check Summary Report

Date: 09/01/2020 thru 09/30/2020

Check Number	Status	Check / Void Date	Vendor Name	PO Number	Description	Amount
006987	C	09/01/2020	Ted Bonesteel		reimb extra keys; gas	58.47
006988	C	09/01/2020	CASH (PAM GINKENS)		replenish elem postage petty	33.60
006989	C	09/21/2020	BLUE CROSS BLUE SHIELD		M French, B Starr September	4,323.62
006990	C	09/21/2020	Blue Cross Blue Shield		L Vinton premium September	626.78
006991	O	09/23/2020	JOHN G WRIGHT		reimb gas for route bus	20.00
<b>Report Total:</b>						<b>5,062.47</b>

# Mullen Public Schools

October Claims 10/12/20

Fund	Description	Amount
01	GENERAL FUND	\$234,731.31
06	LUNCH FUND	\$6,171.44
<b>Total</b>		<b>\$240,902.75</b>

## GENERAL FUND

Check Number	Payee	Description	Amount
19328	ACP Direct	elementary classroom supplies	\$209.95
19329	Amazon.com PBI	classroom, office, nurse supplies	\$979.70
19330	ASI	administrative fee	\$18.75
19331	At&t	long distance phone service	\$115.64
19332	Blick Art Materials	HS art supplies	\$17.26
19333	Budget Challenge	Personal Finance Class	\$75.00
19334	Chris Kuncil	cell phone reimb	\$100.00
19335	Consolidated	phone service	\$522.28
19336	Dell Marketing LP	chromebooks	\$3,267.90
19337	E.s.u. #16	SPED & ESCE services	\$24,617.07
19338	Eakes Office Solutions	6/10/20-9/09/20 copier contract agreement	\$1,552.75
19339	General Fund-petty Cash	misc reimb: gas,postage,supplies	\$112.07
19340	Handyman Hardware	custodial & instructional supplies	\$570.28
19341	Hometown Leasing	copiers lease	\$743.55
19342	Hooker County Tribune	minutes, notices, ads	\$287.04
19343	Ideal/Bluffs Facility Solutions	custodial supplies	\$805.83
19344	Illuminate Education	training; testing/curriculum measurement	\$1,058.70
19345	Justin Moore	cell phone reimb	\$75.00
19346	Knapp Electric Inc	maintenance supplies	\$32.36
19347	KSB School Law PC LLO	attorney fees	\$75.00
19348	Kwik Stop	gas/diesel	\$2,798.75
19349	Macke's	supplies	\$238.98
19350	Matthew Brown	transportation	\$162.24
19351	Menards - North Platte	maintenance & classroom supplies	\$349.91
19352	Mid Nebraska Ice Inc	ice machine cleaner	\$44.48
19353	Mike Kvanvig	cell phone reimb	\$75.00
19354	Mullen Auto & Diesel LLC	vehicle maint	\$209.47
19355	Mullen Motor Co	vehicle maint/repair; inspections	\$302.05
19356	Nebr Assoc Of School Boards	State Education Conf	\$921.00
19357	Nebraska Safety & Fire Equip Inc	maintenance supplies	\$12.00
19358	NSASSP Region V (Region V E)	Justin Moore dues	\$60.00
19359	Presto X	pest treatment/maint	\$127.00
19360	Recognition Unlimited	Recognition Award	\$54.95
19361	Sam's Club	batteries HS office	\$33.96
19362	Sandhill Fertilizer	grounds upkeep	\$135.00
19363	Sandhills Family Medicine	bus driver physicals	\$435.00
19364	School Specialty	office supplies	\$25.41
19365	Supreme School Supply	office supplies	\$37.45
19366	Teacher Created Resources	classroom supplies	\$4.99
19367	U.S. Bank	gasoline; online classroom subscriptions; fees	\$404.15
19368	Village Of Mullen	utilities	\$4,117.65
19369	Vinton Feed Store	classroom supplies	\$19.90
		<b>TOTAL</b>	<b>\$45,805.47</b>

## LUNCH FUND

Check Number	Payee	Description	Amount
3028	ASI	administrative fee	\$6.25

3029	Cash-wa Distributing	food & supplies	\$1,443.14
3030	Harris Sales	food	\$399.20
3031	Macke's	food	\$1,573.24
3032	US Foods dba The Thompson Co	food & supplies	\$1,264.31
<b>TOTAL</b>			<b>\$4,686.14</b>

**SPECIAL BUILDING FUND**

<b>Check Number</b>	<b>Payee</b>	<b>Description</b>	<b>Amount</b>
1237	Village of Mullen	Teacherage Utilities	\$109.75
<b>TOTAL</b>			<b>\$109.75</b>

SELECTED Data

# Activity Detail Report

Arranged by:

Date Range: 09/01/2020 thru 09/30/2020

Group ID, Activity Number

Group ID and Description	Activity Number and Name	Reporting ID and Description	Sponsor
--------------------------	--------------------------	------------------------------	---------

**A GENERAL FUND**

**210 MISCELLANEOUS**

**Expenditures**

Date	PO Number	Check Vendor	Description	Amount
09/01/2020		006987 Ted Bonesteel	reimb extra keys; gas	58.47
09/01/2020		006988 CASH (PAM GINKENS)	replenish elem postage petty cash	33.60
09/23/2020		006991 JOHN G WRIGHT	reimb gas for route bus	20.00
Expenditures Total:				<u>112.07</u>

**Activity and Budget Totals**

Beginning Balance	0.00
Receipts	0.00
Expenditures	112.07
Adjustments	0.00
Cash Balance	<u>-112.07</u>
Outstanding POs	0.00
Unencumbered Balance	<u>-112.07</u>

**Group Totals**

Beginning Balance	0.00
Receipts	0.00
Expenditures	112.07
Adjustments	0.00
Cash Balance	<u>-112.07</u>
Outstanding POs	0.00
Unencumbered Balance	<u>-112.07</u>

ALL Data

# Check Summary Report

Arranged by:  
Check Number

Date: 09/01/2020 thru 09/30/2020

Check Number	Status	Check / Void Date	Vendor Name	PO Number	Description	Amount
006987	C	09/01/2020	Ted Bonesteel		reimb extra keys; gas	58.47
006988	C	09/01/2020	CASH (PAM GINKENS)		replenish elem postage petty	33.60
006989	C	09/21/2020	BLUE CROSS BLUE SHIELD		M French, B Starr September	4,323.62
006990	C	09/21/2020	Blue Cross Blue Shield		L Vinton premium September	626.78
006991	O	09/23/2020	JOHN G WRIGHT		reimb gas for route bus	20.00

Report Total: 5,062.47



# Check Summary Report

Date: 09/01/2020 thru 09/30/2020

Check Number	Status	Check / Void Date	Vendor Name	PO Number	Description	Amount
008EFT	O	09/15/2020	PEPSI COLA OF WESTERN		HS pop	253.25
008EFT	O	09/15/2020	PEPSI COLA OF WESTERN		Elem pop	159.25
037224	O	09/01/2020	AINSWORTH COMMUNITY		XC entry fee: 5 runners @ \$6	30.00
037225	O	09/01/2020	Broken Bow High School		girls golf entry: 1 golfer	15.00
037226	O	09/01/2020	Cash Pam Ginkens		cash box money/safe for	900.00
037227	O	09/01/2020	Champion Teamwear AR	220041	skirts, shells, crops	1,907.00
037228	O	09/01/2020	Project Feeder Watch	021006	birdfeeder watch participation	18.00
037229	O	09/01/2020	Creek Valley Schools		girls golf entry fee	40.00
037230	O	09/01/2020	JOSTEN'S	021001	chenille letter; megaphone	428.19
037231	V	09/05/2020	LEXINGTON HIGH SCHOOL		XC entry fee: 5 runners @ \$20	0.00
037232	O	09/01/2020	Mid-Nebraska Activities		2020-21 conference dues	400.00
037233	O	09/01/2020	Joel Morgan		2020-2021 MNAC Conf	345.00
037234	O	09/01/2020	Walsworth Publishing Company		2020 yearbook balance due	1,930.60
037235	O	09/11/2020	Paul Anderson		FB vs Maywood Hayes Center	600.00
037236	O	09/11/2020	Amber Berliner		VB Triangular official	180.00
037237	O	09/11/2020	Shannon Etheron		VB Triangular official	180.00
037238	O	09/11/2020	BRIDGEPORT PUBLIC		XC entry fee	60.00
037239	O	09/11/2020	Chase County Schools		XC entry fee 5 runners @ \$7	35.00
037240	O	09/11/2020	Gordon-Rushville High School		XC entry fee	30.00
037241	O	09/11/2020	South Loup Bobcats		VB tourney entry fee	50.00
037242	O	09/15/2020	Amazon Capital Services, Inc	021010	VB tripod mount fo ipad/case	150.26
037243	O	09/15/2020	LOU'S SPORTING GOODS	021004	FB chin straps/jaw pads	719.46
037244	O	09/15/2020	MACKES GROCERY		hot dogs	204.13
037245	O	09/15/2020	MISKO SPORTS, INC.		Mizuno sublimated long sleeve	1,736.00
037246	O	09/15/2020	Prairie Industries Inc		water	124.80
037247	O	09/15/2020	SAMS CLUB/Synchrony Bank		concession & vending supplies	1,544.56
037248	O	09/15/2020	U.S. Bank		concession supplies; FB decals	390.18
037249	O	09/15/2020	US Foods	220040	can rack for kitchen	529.16
037250	O	09/15/2020	YANDAS MUSIC		reeds, valve & slide oil	112.04
037251	O	09/23/2020	Colby Delatour		VB vs Hyannis official	140.00
037252	O	09/23/2020	Job Vigil		VB vs Hyannis official	140.00
037253	O	09/23/2020	COMPLETE MUSIC		Homecoming Dance DJ	610.00
037254	O	09/23/2020	Tanner Pettera		FB vs Hyannis officials	600.00
037255	O	09/23/2020	Donalee Barner		reimb Nature In Neighborhood	126.47
037256	O	09/23/2020	Brady High School		Brady VB tourney entry fee	50.00
037257	O	09/23/2020	RED'S CAFE		Fall Leadership Virtual Conf	82.28
037258	O	09/23/2020	UNK Athletics		Cross Country entry fee	100.00
037259	O	09/23/2020	Walmart Community/SYNCB	021009	ipad for VB	279.00
037260	O	09/29/2020	ALLIANCE PUBLIC SCHOOLS		Girls Golf entry fee	50.00
037261	O	09/29/2020	BAYARD HIGH SCHOOL		Cross Country entry fee	50.00

Report Total: 15,299.63

## **2008 Meetings**

The formation of policy is public business and will be conducted openly in accordance with the Nebraska Open Meetings Act.

### 1. Types of Meetings

- a. The board shall hold its regular meetings on or before the third Monday of each month.
- b. Special and emergency meetings may be called as provided by law.
- c. The board may schedule work sessions and retreats in order to provide board members and administrators with the opportunity to plan, research, and engage in discussion.

### 2. Notice

The board shall give reasonable advance publicized notice of the time and place of each of its meetings, which generally will be 48 hours or more in advance of the meeting. Such notice shall be transmitted to all members of the board and to the public. Notice of regular and special meetings shall be published in a newspaper of general circulation within the district and, if available, on the newspaper's website. Newspapers of general circulation in the district include, but are not necessarily limited to, the Hooker County Tribune or the Omaha World-Herald. Such notice shall contain a statement that the agenda shall be readily available for public inspection at the administration office of the school during the normal business hours. In addition, the superintendent is authorized, but not required, to publish the notice of any meeting on the school district's website, posting in three prominent places within the school district, or by any other appropriate method designated by the board.

When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes of the meeting, and any formal action taken in such meeting shall pertain only to the emergency. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public no later than the end of the next regular business day.

### 3. Weather Delays

In the event of inclement weather which makes it dangerous or unreasonable for board members or members of the public to attend a meeting for which notice has already been given, such meeting may be postponed by the board president. The board will communicate the delay to members of the public by posting it on the district's website and by following the same communication protocol that the district follows when student attendance at school is called off due to inclement weather. When possible, the board president and superintendent will attempt to communicate the information to local media members and business owners to assist in notifying the public of the delay. Notice of the date, time, and location of the postponed meeting will be advertised as required in the "Notice" section above.

### 4. Minutes

- a. The board shall keep minutes of all meetings showing the time, place, members present and absent, the method(s) and date(s) of the meeting notice, and the substance of all matters discussed.
- b. Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the board in open session, and the record shall state how each member voted, or if the member was absent or not voting.
- c. The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public record and may be published on the school district's website.

Adopted on: March 14, 2016

Revised on: October 12, 2020

Reviewed on: \_\_\_\_\_

KAREN A. HAASE <sup>NE, IA, WY</sup>  
STEVE WILLIAMS <sup>NE</sup>  
BOBBY TRUHE <sup>NE, SD</sup>



COADY H. PRUETT <sup>NE, CO</sup>  
JORDAN JOHNSON <sup>NE</sup>  
TYLER COVERDALE <sup>SD</sup>  
SHARI RUSSELL, Paralegal

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## M E M O R A N D U M

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To: KSB Policy Service Subscribers  
FROM: KSB School Law  
DATE: October 7, 2020  
RE: Third Set of Annual Policy Updates

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Attached are the third round of 2020 KSB School Law policy updates. We have also included changes to our standard forms and updates on some other laws which do not require changes to policies but do present new obligations. We have broken these down in 3 sections: "Policy Changes;" "Form Changes;" and "Other Issues to Consider."

To assist subscribers in implementing these policy changes and the other considerations laid out in this Memo, **KSB will hold a webinar on Friday, October 9, 2020 at 10:00 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 email 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.

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**

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### **REVISION OF POLICY 2008: Meetings**

LB 148 requires all school districts to give notice of their meetings by publication in a newspaper of general circulation within the district and, if available, on that newspaper's website. Although there is no clear legal definition of what a "newspaper of general circulation" is exactly, we think that so long as your local newspaper has subscribers within and beyond your school district, that should be adequate to comply with the new law. We also believe that the Omaha World Herald will qualify as a newspaper of general circulation throughout the state. The district may also provide additional meeting notice by any other appropriate method designated by the school board. So if your district has traditionally posted notice of its meeting at the post office or on its website, you can continue to do so as an additional method of notice. LB 148 also adds a new requirement that your meeting minutes note the method(s) and date(s) of the meeting notice.

LB 148 becomes effective on November 13, 2020. To be safe, we advise that your board publish notice of your November board meeting in a newspaper of general circulation, even if that means you have to get the meeting notice to your paper before November 13th. Moving forward, you will also need to be cognizant that your board will need more lead time for meetings based on the publication schedule of your local paper, a regional paper, or the World Herald, whichever you use for publication of your meeting notice.

**This change is required.**

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### **REVISION OF POLICY 3001: Budget**

LB 148 requires that budget hearings now be held separately from any regularly scheduled meetings and cannot be limited by time. The district will need to make at least three copies of the proposed budget statement available to the public at the hearing. The district must also 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 must be allowed to address the board at the hearing and must be given a reasonable amount of time to do so. We have amended this policy to reflect these changes as well as to highlight some of the other requirements related to budget hearings.

**This change is required.**

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**REVISION OF POLICY 3004.1: Fiscal Management for Purchasing and Procurement Using Federal Funds**

School lunch program auditors raised concerns about two provisions in the Conflict of Interest and Code of Conduct section of this policy. Federal regulations prohibit school officers, employees, and agents from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or parties to subcontracts when federal funds will be used to pay for such contracts. However, those same regulations specifically authorize non-Federal entities to set standards for situations in which the receipt of an unsolicited item of nominal value is not a violation of law. We have added a provision indicating that the unsolicited receipt of items of nominal value (\$25 or less) is not a violation of the policy. If an auditor raises an issue with this provision in the future, tell them to review Title 2 CFR § 200.318 (c)(1). We have also revised the policy to specifically list the possible disciplinary actions that will be applied for violations of the code of conduct or conflict of interest provisions.

**This change is required.**

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**REVISION OF POLICY 4043: Professional Boundaries and Appropriate Relationships Between Employees and Students**

LB 1080 requires schools to enact a policy regarding appropriate relationships between a student or former student and a school employee or any student teacher or intern. We have amended our policy to incorporate the nine new policy requirements.

**This change is required, but not until June 30, 2021.**

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**REVISION OF POLICY 5018: Parent and Guardian Involvement in Education Practices**

The Nebraska Department of Education previously took the position that state law did not allow school districts to approve parental requests that their students not participate in state assessments. With staff changes at the Department, the guidance that we have received has become more nuanced. We have tweaked the section of Policy 5018 to reflect that new guidance. This change should not really affect how you respond to parental

requests to opt out of state assessments on a practical level. However it does more accurately reflect state and federal law governing state testing opt-outs.

**This change is required.**

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### **REVISION TO POLICY 5067: Student Assistance Team or Comparable Problem Solving Team**

Once upon a time, schools only used a Student Assistance Team (SAT) to provide problem-solving and intervention strategies to teachers to help them meet the needs of general education students and prior to any referral for a special education evaluation. However, Rule 51 allows districts to use a problem solving team that is comparable to a SAT. With the growing use of Nebraska’s multi-tiered system of support (MTSS), many schools are now using the “other” problem solving team. We have revised this policy to reflect this new reality by authorizing the use of problem solving teams that are comparable to a SAT.

**This change is required *if* you use a non-SAT problem solving team and recommended even if you don’t use such a team currently but may do so in the future.**

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## **Form Changes**

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### **Application for Employment**

The recently enacted Title IX regulations require schools to notify applicants for employment of the name or title, office address, electronic mail address, and telephone number of the employee(s) designated as the Title IX Coordinator. We have added a provision to do so in the initial paragraph of the application.

**This change is required.**

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### **Collaborative Plan Addressing Barriers to Attendance**

Section 79-209 requires schools to hold one or more meetings between, at a minimum, a school attendance officer, a school social worker, or a school administrator or his or her designee, the person who has legal or actual charge or control of the child, and the child, when appropriate, to attempt to

address the barriers to attendance. The result of the meeting or meetings is to develop a collaborative plan to reduce barriers identified to improve regular attendance. Section 79-209 was amended by LB 751 to require the plan to consider the mental health of the student in addition to the already existing requirements to consider the physical and/or behavioral health of the student. This form has been amended to add this requirement.

**This change is required.**

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### **FMLA Forms (Policy 4011)**

The U.S. Department of Labor revised their FMLA forms in June 2020. Information about the forms, links to the forms, and a Q & A section [can be found here](#). We recommend that you use the forms offered by the Department of Labor. While you can use your own forms, there is no advantage to doing so. In fact, in some cases asking for additional information not requested on the DOL's forms can violate the law.

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### **Other Issues To Consider**

**CARES Act, ESSR Reimbursement. Short answer: you do not need an "extraordinary circumstances" policy to receive your ESSR Grant Reimbursement.**

We are aware that some schools were informed by the Nebraska Department of Education that CARES-Act-ESSER Reimbursement requests would be denied unless the school district enacted a free-standing policy stating that the school district would continue to pay staff if the school district was closed due to extraordinary circumstances. We were not eager to clutter up your policy book with a new policy like this, and we have concerns about passing a policy justifying staff payments after those payments have already been made. We also were concerned that districts in the future that face closure due to other emergencies (floods, tornados) should not be bound to pay staff wages and salaries during those closures unless the board decides at that time to do so. Our research into the issue indicated that a policy was not *legally* required by the CARES Act or other federal regulations. We had several conversations and sent correspondence to NDE respectfully arguing that point. NDE has informally shared that it is no longer rejecting applications that do not include an "extraordinary circumstances" policy. The Department has stated that it intends to update its [CARES Act ESSER Grant Reimbursement Guidance](#) yet this week (but as of the time we finalized this memo, it was not yet updated).

In a long communication to the Nebraska Association of School Business Officials, the Department seemed to confirm that it is not requiring a free-standing extraordinary circumstances policy as a requirement for ESSER reimbursement: "...submission of a leave policy under unexpected or extraordinary circumstances **will not be required when requesting grant reimbursement**, however the USED does require an assurance if a leave policy is not maintained." Later in this document, NDE explains that it anticipates that a COVID emergency resolution and/or return to work agreements can be used as an "assurance" instead of a policy.

In the NASBO memo, NDE makes clear that it is working with the federal government on CARES Act issues. If it does become necessary for you to adopt an "extraordinary circumstances" policy, you will receive it as part of your policy service subscription.

**LB 965** establishes a language assessment program for children who are deaf or hard of hearing in an effort to ensure these children have a strong language foundation for kindergarten readiness and academic success. The program will assess, monitor, and track the language developmental milestones for children who are deaf or hard of hearing from birth through the age of five.

The Commission for the Deaf and Hard of Hearing will appoint a fourteen member advisory committee to advise the commission regarding all aspects of the language assessment program. On or before July 1, 2022, the advisory committee will develop specific action plans and make recommendations necessary to fully implement the language assessment program. The advisory committee will terminate on July 1, 2022.

On or before December 31, 2022, and on or before each December 31st thereafter, the State Department of Education and the Commission for the Deaf and Hard of Hearing will publish a joint report that is specific to language and literacy developmental milestones for each age from birth through five years of age of children who are deaf or hard of hearing relative to such children's peers who are not deaf or hard of hearing.

**LB 1107** 

**LB 1016** amends the Nebraska Wage Payment and Collection Act to make clear that employers may not retaliate or discriminate against an employee because he or she files a lawsuit or complaint under the Act or testifies, assists, or participates in an investigation, proceeding, or action concerning a violation of the Act. The Act has also been amended to that any employer who has an unpaid citation for a violation of the Act is barred from contracting with any political subdivision until the citation is paid.

**LB 1166** amends the membership requirements for Class III school districts maintaining the only public school in a county pursuant to section 79-499(4). The bill states that such a school must dissolve if it:

- Has a fall membership or an average daily membership for grades 9-12 of at least 35 students, or
- Has fewer than 15 students for two consecutive years.

An exception continues to exist that allows the school district to continue to operate the high school if the district submits a broad-based curriculum plan as determined by the State Committee for the Reorganization of School Districts and a majority of voters approve a ballot issue to continue to operate the high school for the immediately following school year. However, LB 1166 changes a provision to state that the exception will not apply to any district if its fall membership or average daily membership falls to fewer than 15 students in grades 9-12 for two consecutive years.

**LB 1186** provides that if an individual intentionally, knowingly, or recklessly causes bodily injury to a school district employee and the injury occurs within the employee's scope of employment in a manner that would be covered by the Nebraska Workers' Compensation Act, the employee will receive up to seven days of injury leave and full pay if employee is absent and unable to work as a result of the injury. If one of your employees sustains injuries that fall within this category, that employee cannot be required to use other, accrued leave (e.g., sick leave, vacation leave, etc.) during the first seven days of such injury leave. It is our understanding that the two primary insurance companies covering Nebraska schools have interpreted LB 1186 as making school districts (and not the insurance companies) responsible for incurring the costs of such initial injury leave and continued salaries. After those seven days, the employee would receive workers' compensation benefits as provided by the Act.

At this time, we are not recommending a policy covering LB 1187 and the payment for the first 7 days of leave for workplace injuries that are otherwise covered by the Workers Compensation Act. There are still some practical and legal issues to sort out with insurance companies and issues that could impact collective bargaining. We may end up releasing a policy on this change, but we advise against implementing one until those issues are resolved or more fully clarified.

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## HANDBOOKS

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Complete Policy Service subscribers have access to our form handbooks under the "Complete Service Subscriber" tab. We added a notation to include your revised Title IX Policy in the handbook as required by the recently revised Title IX regulations, if you have not done so already.

We also added a copy of the Professional Boundaries and Appropriate Relationships Between Employees and Students as well as a verification by the employee that he or she received, reviewed, and understood this policy as required by LB 1080. *This change is not required to be included in the handbook until June 30, 2021,* but we included it in our form handbooks in case any school wanted to implement it now.

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## CONCLUSION

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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 that we 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](mailto:ksb@ksbschoollaw.com).

## **3001 Budget**

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.

**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.

**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.

**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.

Adopted on: May 9, 2016

Revised on: October 12, 2020

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.

#### **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.

## **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.

### **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: July 10, 2017

Revised on: October 12, 2020

Reviewed on: \_\_\_\_\_

## 4043

### **Professional Boundaries and Appropriate Relationships Between Employees and Students**

School district employees and student teachers or interns (“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. Employees are required to establish and maintain professional boundaries with students and must have appropriate relationships with students. They may be friendly with students, but they are the students’ teachers, not their friends, and they must take care to see that this line does not become blurred. This applies to employees’ conduct and interactions with students and to material they post on personal web sites and other social networking sites including, but not limited to, Instagram, Facebook, and Twitter. The posting or publication of messages or pictures or other images that diminish an employee’s professionalism or ability to maintain the respect of students and parents may impair his or her ability to be an effective employee. Employees are expected to behave at all times in a manner supportive of the best interests of students.

**Sexual Relationships Prohibited.** Employees are prohibited from engaging in any relationship that involves sexual contact or sexual penetration with a student while the student is a current student and for a minimum of one year after the date of the student's graduation or the date the student otherwise ceases enrollment. Sexual contact has the same meaning as in section 28-318, and sexual penetration has the same meaning as in section 28-318.

**Grooming Prohibited.** Employees are prohibited from engaging in grooming with students. Grooming means building trust with a student and individuals close to the student in an effort to gain access to and time alone with the student, with the ultimate goal of engaging in sexual contact or sexual penetration with the student, regardless of when in the student’s life the sexual contact or sexual penetration would take place.

Unless an employee can clearly and convincingly demonstrate a legitimate educational purpose, grooming behaviors and related conduct that are a violation of this policy include, but are not limited to:

- Communicating about sex when the discussion is not required by a specific aspect of the curriculum.
- Joking about matters involving sex, using double entendre or making suggestive remarks of a sexual nature.

- Displaying sexually inappropriate material or objects.
- Making any sexual advance, whether written, verbal, or physical or engaging in any activity of a sexual or romantic nature.
- Kissing of any kind.
- Dating a student or a former student within one year of the student graduating or otherwise leaving the district.
- Intruding on a student's personal space (e.g. by touching unnecessarily, moving too close, staring at a portion of the student's body, or engaging in other behavior that makes the student uncomfortable).
- Initiating unwanted physical contact with a student.
- Communicating electronically (e.g. by e-mail, text messaging, or through social media) on a matter that does not pertain to school.
- Playing favorites or permitting a specific student to engage in conduct that is not tolerated from other students.
- Discussing the employee's personal issues or problems that should normally be discussed with adults.
- Giving a student a gift of a personal nature.
- Giving a student a ride in the employee's vehicle without first obtaining the express permission of the student's parents or a school administrator.
- Taking a student on an outing without first obtaining the express permission of the student's parents or a school administrator.
- Inviting a student to the employee's residence without first obtaining the express permission of the student's parents and a school administrator.
- Going to a student's home when the student's parent or a proper chaperone is not present.
- Repeatedly seeking to be alone with a student.
- Being alone in a room with an individual student at school with the door closed.
- Any after-school hours activity with only one student.
- Any other behavior which exploits the special position of trust and authority between an employee and student.

This list is not exhaustive. Any behavior which exploits a student is unacceptable. If in doubt, ask yourself, "Would I be doing this if my family or colleagues were standing next to me?"

**Communication Between Employees and Students.** The preferred methods for employees to communicate with students are in person, school email accounts, and other preferred modes of communication. Employees may use the following personal communication systems to communicate with

students: such as school e-mail accounts, Canvas, Google classroom, Remind, and other approved personal communication systems. A personal communication system is a device or software that provides for communication between two or more parties and is capable of receiving, displaying, or transmitting communication. Personal communication system includes, but is not limited to, a mobile or cellular telephone, an email service, or a social media platform.

Employee communications with students through a communication system generally are to be sent simultaneously to multiple recipients and not just to one student. The burden to demonstrate the appropriateness of a communication with a student only shall rest with the employee.

**Reporting a Policy Violation.** Anyone may report suspected grooming, other unacceptable employee conduct, or any violation of this policy as follows:

School District. Reports may be made to a principal, the superintendent, or the Title IX Coordinator in person, by mail, by telephone, or email.

Nebraska Department of Education. Reports may be made at: Nebraska Department of Education, Attn: Certification Investigations' Office, P.O. Box 94933, Lincoln NE 68509 or [Nde.investigations@nebraska.gov](mailto:Nde.investigations@nebraska.gov).

Nebraska Department of Health and Human Services. Reports may be made by calling the Child Abuse and Neglect Hotline at (800) 652-1999.

Law Enforcement. Reports may be made to the local police department by calling (\_\_\_\_) \_\_\_\_-\_\_\_\_, the county sheriff at (\_\_\_\_) \_\_\_\_-\_\_\_\_, or the Nebraska State Patrol at (\_\_\_\_) \_\_\_\_-\_\_\_\_.

An employee is required to make a report to a principal or the superintendent if the employee reasonably believes that another employee has violated or may have violated this policy. Minor concerns or violations shall be reported within 24 hours. Major concerns or violations shall be reported immediately. Violations committed by or concerns about the superintendent shall be reported to the school board president.

A student who feels his or her boundaries have been violated should directly inform the offender that the conduct or communication is offensive and must stop. If the student does not wish to communicate directly with the offender or if direct communication has been ineffective, the student should report the conduct or communication to a teacher, administrator, counselor,

the Title IX coordinator, or other school employee with whom she or he feels comfortable.

**Retaliation Prohibited.** Retaliation for good faith reports or complaints made as a result of this policy is prohibited. Individuals who knowingly and intentionally make a false report shall be subject to discipline as provided by district policy and state law.

**Policy Violations.** Any violation of this policy by an employee may result in disciplinary action up to and including dismissal from employment and/or referral to the Nebraska Department of Education, which may result in the suspension or revocation of the employee's certificate. Any violation involving sexual or other abuse will result in referral to the Nebraska Department of Health and Human Services, law enforcement, or both.

**Policy Verification.** Employees shall verify that they have received, reviewed, and understood this policy by signing an acknowledgment document indicating the same.

**No Limits on Reports to NDE.** Nothing in this policy shall be construed to limit any certificated employee's duty to report any known violation of the standards of professional practices (Title 92, Nebraska Administrative Code, Chapter 27, commonly known as Rule 27) adopted by the Nebraska Board of Education.

Adopted on: December 11, 2017

Revised on: October 12, 2020

Reviewed on: \_\_\_\_\_

## 5018

### Parent and Guardian Involvement In Education Practices

The school district recognizes the importance of parental and guardian involvement in the education of their children. The school district will take the following steps to ensure that the rights of parents and guardians to participate in the education of their children are preserved.

1. Parents/Guardians will be provided access, as described in district procedures, to district-approved textbooks and other curricular materials and tests used in the district upon request.
  - a. A parental request to review specific approved textbooks and other district- or building-approved curricular materials (written, visual, and audio) should be made to the principal of the building where the textbooks and curriculum materials are used.
  - b. Parents may check out textbooks and may review curricular materials such as video and audio recordings within a time frame determined by the building principal to prevent disruption of the instructional process.
  - c. A parental request to review specific standardized and criterion-referenced tests used in the district should be made in writing to the building principal. Copies of the most recent tests used in the district will be available for parent review. Parents wishing to review statewide assessments will be provided with sample questions and a copy of a practice test, but will not be provided with copies of the actual assessment due to testing security. In the case of other secure tests such as the ACT, parents must contact the publisher to obtain copies of the test.
2. Parents/Guardians will be permitted, within district procedures, to attend and observe courses, assemblies, counseling sessions, and other instructional activities.
  - a. Parents/guardians are invited to make appointments with the building principal to visit classes, assemblies and other instructional activities. The principal shall give permission after determining that parental/guardian observation would not disrupt the activity. Observations that last more than 60 minutes or occur on consecutive days are typically disruptive and will not be permitted absent unusual circumstances, in the sole discretion of the building principal.

- b. Parents/guardians may contact the building principal to request permission to attend counseling sessions in which their child is involved.
- 3. Parents/guardians will be permitted, within district procedures, to ask that their children be excused from school experiences that parents find objectionable.
  - a. Building principals may excuse a student from any single school experience at the parent's written request.
  - b. When appropriate, alternative experiences will be provided for the student by the school.
- 4. Parents/guardians will be informed through the student handbook and district policies of the manner that the district will provide access to records of students.
- 5. Parents/guardians will be informed of the standardized and criterion-referenced district testing program. Parents may request additional information from the building principal.
- 6. Parents/guardians will be informed of the circumstances under which they may opt-out of state and federal assessments.
  - a. In accordance with federal law, at the beginning of the school year, the District shall provide notice of the right to request a copy of this policy to parents/guardians of students attending schools receiving Title I funds. The District will provide a copy of this policy to a requesting parent in a timely manner.

- b. State Assessments

State and federal law simultaneously require students to take state assessments, with few exceptions, but also permit parents or guardians to request to opt their students out of these assessments. Approval of opt out requests is contrary to the mandatory testing laws, so the District cannot "approve" the request. Parents who do not present their child for testing will result in the child receiving the lowest score possible on the assessment.

c. National Assessment of Educational Progress

As a condition of receiving federal funds, the District participates in the National Assessment of Educational Progress (NAEP). To help ensure that the District has a representative sample of students taking the NAEP, which will allow the District to assess the quality and effectiveness of its programming on a national level, the District strongly encourages all eligible students to participate. However, student participation in NAEP is voluntary.

The District shall provide parents/guardians of eligible students with reasonable notice prior to the exam being administered. Parents/guardians wishing to opt their students out of the NAEP assessment must notify the district in writing at least three days prior to the exam date to ensure that the District can coordinate supervision and alternative activities for students who have opted out.

7. Parents/guardians will be notified of their right to remove their children from surveys prior to district participation in surveys.
  - a. The principal must approve all surveys intended to gather information from students before they are administered to students.
  - b. Students' participation in surveys is voluntary. Parents/guardians may restrict their child from participating in any survey.

Adopted on: August 14, 2017  
Revised on: October 12, 2020  
Reviewed on: \_\_\_\_\_

## 5067

### **Student Assistance Team or Comparable Problem-Solving Team**

Pursuant to the Rules of the Nebraska Department of Education, the school district uses a general education student assistance team ("SAT") or a comparable problem-solving team ("Team"). The SAT or Team will use and document problem-solving and intervention strategies to assist teachers in the provision of general education and to meet the needs of students who may be struggling in the general curriculum or who are struggling to comply with the student code of conduct or to meet acceptable behavioral and social norms.

If the SAT or Team feels that all viable alternatives have been explored, a referral for multidisciplinary evaluation shall be completed. The referral shall comply with the requirements of the Rules of the Nebraska Department of Education.

All teaching staff must:

- 1) Support the SAT or Team process by appropriately referring students who may benefit from the SAT or Team process; and
- 2) Faithfully and consistently implementing the intervention strategies recommended by the SAT or Team.

The failure to support the SAT or Team process is a serious matter and may constitute just cause for terminating or canceling a teacher's employment.

Adopted on: July 12, 2018

Revised on: October 12, 2020

Reviewed on: \_\_\_\_\_

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

2.6.6. **Stalking**, as defined in 34 U.S.C. § 12291(a)(30), 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 5.6.
- 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. 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.

### **5.7. Determination Regarding Responsibility**

- 5.7.1. **Decision-Maker(s).** The decision-maker(s) cannot be the same person as the Title IX Coordinator or the investigator(s).
- 5.7.2. **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:

- 5.7.2.1. Identification of the allegations potentially constituting sexual harassment as defined in subsection 2.6;
- 5.7.2.2. 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;
- 5.7.2.3. Findings of fact supporting the determination;
- 5.7.2.4. Conclusions regarding the application of the district's code of conduct to the facts;
- 5.7.2.5. 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
- 5.7.2.6. The district's procedures and permissible bases for the complainant and respondent to appeal.

5.7.3. 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.

5.7.4. The Title IX Coordinator is responsible for effective implementation of any remedies.

5.8. **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.

5.8.1. **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 5.8.2 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.

5.8.2. **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:

5.8.2.1. Procedural irregularity that affected the outcome of the matter;

5.8.2.2. 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

5.8.2.3. 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.

5.8.3. As to all appeals, the district will:

5.8.3.1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;

5.8.3.2. 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;

5.8.3.3. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in subsections 5.1.3–5.1.4.

5.8.3.4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;

5.8.3.5. Issue a written decision describing the result of the appeal and the rationale for the result; and

5.8.3.6. Provide the written decision simultaneously to both parties.

**5.9. 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:

5.9.1. Provides to the parties a written notice disclosing:

5.9.1.1. The allegations;

5.9.1.2. 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;

5.9.1.3. 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

- 5.9.1.4. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- 5.9.2. Obtains the parties' voluntary, written consent to the informal resolution process; and
- 5.9.3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

**5.10. Recordkeeping.**

- 5.10.1. The district will maintain for a period of seven years records of:
  - 5.10.1.1. 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;
  - 5.10.1.2. Any appeal and the result therefrom;
  - 5.10.1.3. Any informal resolution and the result therefrom; and
  - 5.10.1.4. 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.
- 5.10.2. 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: October 12, 2020

Revised on: \_\_\_\_\_

Reviewed on: \_\_\_\_\_

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**NASB Monthly Update for Board Meetings - Agenda Item: October 2020**

View the Monthly Update in video form now at: <https://vimeo.com/463167625>

**“NASB Update”**

As a board, some items you should be focused on during **October** include:

- Monitor progress of district goals, link goals to discussion and action items
- Strategic Plan Progress Report
- Fall district enrollment figures
- Review Statewide Assessment Results
- AQuESTT Classification Review Educational Service Unit
- Publish Report of Yearly Activities of the ESU Board; Due November 1
- Negotiations shall begin; Due November 1
- Appoint Delegate Assembly Representative
- Review Annual Emergency Safety Plan
- Superintendents file Financial Report; Due November 1

**Networking & Events:** <http://members.nasbonline.org/index.php/events>

- **Area Membership Meetings: Home Invasion!** Is now available to register for and view!  
<http://members.nasbonline.org/index.php/area-membership-meetings>
- **2020 State Education Conference** – Registration is now open for the annual State Conference as well, to be held both in-person and virtually November 18-20 in Omaha.  
<http://members.nasbonline.org/index.php/state-education-conference>
- **New Board Member Workshops & Webinars** - Registration Opens Monday, October 5  
<http://members.nasbonline.org/index.php/new-board-member-workshops>

**Advocacy/2020 Legislative Session:**

- The 2020 legislative session has wrapped up. Keep tabs with all things pertinent to your school at NASB's Govt Relations page at <http://members.nasbonline.org/index.php/government-relations>
- The **2020 Delegate Assembly** will be virtual this year on November 13 at 1:00 PM CT. Start thinking of who your boards Delegate will be now.
- Stay engaged during the Session and follow along with the bills NASB is tracking at: <https://nasb.envisiams.com/legislative-bills> and through NASB's **Legislative Notes** e-updates.

**NASB COVID-19 RESOURCE LINKS**

- <http://members.nasbonline.org/index.php/news-resources/covid-19-resources>
- We are continuing to add items & updates as they arise

Follow NASB on twitter at [www.twitter.com/NASBOnline](http://www.twitter.com/NASBOnline) using the hashtag #liveNASB  
and on facebook at [www.facebook.com/NASBOnline](http://www.facebook.com/NASBOnline)

Watch all of the NASB videos at <http://members.nasbonline.org/index.php/news-resources/videos>

To see a quick glimpse at the various items the NASB is involved in, check out pages 10 & 11 each month in the **Board Notes newsletter** for “This Month In ...” To access the latest newsletter, click here:  
<http://members.nasbonline.org/index.php/news-resources/board-notes>



**Principal's Report**  
**Mullen Elementary School**  
**Justin Moore**  
**October 12th, 2020**

**LB 1081**

Reading Improvement Act information was provided to parents during parent-teacher conferences.

**CIP/MTSS**

We gave out surveys to staff, parents and students around Parent Teacher Conferences. We are working to tally that data and plan to have a presentation at the November Board Meeting.

**Observations**

Observations are completed.

**Math Curriculum**

ESU staff came up and guided us in developing our non-negotiables for a curriculum. Currently the staff is looking into several different curriculums and getting an idea of what they would like to look at and give a trial run of in the Spring.

**Learning Walk**

Learning Walk went well.

**Fire Safety Month**

We are planning our Fire Safety Day on October 29th.

**COVID updates**

Going well to date

**Dates**

10/28-Flu Shot Clinic

10/29-Fire Safety Day

# High School Principal's Report

## October 2020

### **ACT TESTING**

The ACT test will be given to registered students at Mullen High School on Saturday, October 24. The ACT serves as a college entrance exam and is taken by juniors and seniors. Start time for the test will be 8:00 am with doors opening at 7:45.

### **PLC Day**

In North Platte today, report.

### **Math Curriculum**

Met with esu and all staff to review the curriculum. Looking for possible dates to meet again and get the ball rolling on choosing a curriculum that the teachers are looking into. Found a new one today that we need to look at 6-12.

### **QUARTER**

End of 1st Quarter Friday grades sent out Tuesday 20th.

### **Gym Signs**

Sending out voting ballots tomorrow have about 20 designs submitted.

### **Notable Dates:**

**FCCLA District Leadership 14**

**MNAV Vb 15 & 17. at Mullen**

**Dist XC @ Bridgeport 15**

**Leadership Council 21**

**State XC @ Keaney 23**

**ACT 24**

**VB subs 28-29**

**FB Playoff Oct 30, NOV 4**

**Vb Dist 31**

**State VB Nov 5-7**

## Administrative Report – October 2020

**Regular Agenda Items:**

6. Discuss, consider and take all necessary action to approve the Board President and Board Secretary will sign all checks when possible in accordance with state statute and in situations when the president or secretary is not available, the district authorizes the Board Treasurer and the Superintendent as authorized signatories for checks drawn on the General Fund.

**This was advised by auditor that we approve annually who is designated to sign checks for the General fund. It is something that I will start doing annually. I recommend approval.**

7. Discuss, consider and take all necessary action to approve the Board President, the Board Treasurer, and the Superintendent as authorized signatories for checks drawn on the Depreciation Fund, School Lunch Fund, Special Building Fund, Bond Fund, Employee Benefit Fun, QSCB fund and the Cafeteria Plan Fund

**This was advised to be approved annually by auditor that we designate who signs checks for the 7 funds both outside and within the General Fund. It is something that I will recommend approving annually. I recommend approval.**

8. Discuss, consider and take all necessary action to approve the Board President, the Board Treasurer, the Superintendent and the High School Principal as authorized signatories for checks drawn on the Activities Fund and the Petty Cash Fund.

**This was advised by auditor that we annually approve who signs checks for the Activity Fund and the Petty Cash fund. It is something that I will recommend approving annually. I recommend approval.**

9. Discuss, consider and take all necessary action to approve revisions to the following policies: 2006- Complaint Procedure, 2008- Meetings, 3001- Budget, 3004.1 Fiscal Management for Purchasing and Procurement Using Federal Funds, 4043 Professional Boundaries between Employees and Students, 5018 Parent and Guardian Involvement In Education Practices, and 5067 Student Assistance Team or Comparable Problem Solving Team.

**These are all required to be approved by state statute. I recommend approval.**

10. Discuss, consider and take all necessary action to approve Policy 3057 Title IX- This is a new policy that has to be put in place as the US Department of Education has made major changes in the regulations addressing how educational institutions must respond to allegations of sex harassment under Title IX. We will have to complete training as a Title IX team. The team will consist of the superintendent, the HS principal, the ES Principal, and the guidance counselor. **I recommend approval as it is required by the US Dept. of Education.**

<b>2006- Complaint Procedure</b>	Updated to meet Title IX Requirements
<b>2008- Meetings</b>	LB 148 requires all school districts to give notice of their meetings by publication in a newspaper of general circulation within the district and, if available, on that newspaper’s website. Although there is no clear legal definition of what a “newspaper of general circulation” is exactly, we think that so long as your local newspaper has subscribers within and beyond your school district, that should be adequate to comply with the new law. We also believe that the Omaha World Herald will qualify as a newspaper of general circulation throughout the state. The district may also provide additional meeting notice by any other appropriate method designated by the school board. So if your district has traditionally posted notice of its meeting at the post office or on its website, you can continue to do so as an additional method of notice. LB 148 also adds a new requirement that your meeting minutes note the method(s) and date(s) of the meeting notice.
<b>3001 Budget</b>	LB 148 requires that budget hearings now be held separately from any regularly scheduled meetings and cannot be limited by time. The district will need to make at least three copies of the proposed budget statement available to the public at the hearing. The district must also 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

## Administrative Report – October 2020

	<p>member of the public desiring to speak on the proposed budget statement must be allowed to address the board at the hearing and must be given a reasonable amount of time to do so. We have amended this policy to reflect these changes as well as to highlight some of the other requirements related to budget hearings.</p>
<b>3004.1 Using Federal Funds</b>	<p>School lunch program auditors raised concerns about two provisions in the Conflict of Interest and Code of Conduct section of this policy. Federal regulations prohibit school officers, employees, and agents from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or parties to subcontracts when federal funds will be used to pay for such contracts. However, those same regulations specifically authorize non-Federal entities to set standards for situations in which the receipt of an unsolicited item of nominal value is not a violation of law. We have added a provision indicating that the unsolicited receipt of items of nominal value (\$25 or less) is not a violation of the policy. If an auditor raises an issue with this provision in the future, tell them to review Title 2 CFR § 200.318 (c)(1). We have also revised the policy to specifically list the possible disciplinary actions that will be applied for violations of the code of conduct or conflict of interest provisions.</p>
<b>3057 Title IX</b>	<p>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.</p>
<b>4043 Professional Boundaries</b>	<p>LB 1080 requires schools to enact a policy regarding appropriate relationships between a student or former student and a school employee or any student teacher or intern. We have amended our policy to incorporate the nine new policy requirements.</p>
<b>5018 Parent Involvement</b>	<p>The Nebraska Department of Education previously took the position that state law did not allow school districts to approve parental requests that their students not participate in state assessments. With staff changes at the Department, the guidance that we have received has become more nuanced. We have tweaked the section of Policy 5018 to reflect that new guidance. This change should not really affect how you respond to parental requests to opt out of state assessments on a practical level. However, it does more accurately reflect state and federal law governing state testing opt-outs.</p>
<b>5067 Student Assistance Teams</b>	<p>Once upon a time, schools only used a Student Assistance Team (SAT) to provide problem-solving and intervention strategies to teachers to help them meet the needs of general education students and prior to any referral for a special education evaluation. However, Rule 51 allows districts to use a problem solving team that is comparable to a SAT. With the growing use of Nebraska's multi-tiered system of support (MTSS), many schools are now using the "other" problem solving team. We have revised this policy to reflect this new reality by authorizing the use of problem-solving teams that are comparable to a SAT.</p>

### Non-Agenda Items

Bus- It is ordered but the design guy is out of the office so we have been unable to get a design of the bus.

Football lights- KC Electric is having an extremely hard time getting parts to complete the Sandhills Dunning field and he has stated that some of our parts are delayed. I am unsure of when this project will get completed, but we are at liberty of the shipment from the parts companies.

NASB State Convention on November 18- 20 in Omaha. Barb, Liza(Virtually), and myself are registered to attend.

Staffing- Nita Zimmerman came to us about a month ago and asked to go part time in order to babysit her granddaughter. In order to make this work and not have to train someone else, Janie Kuncl has decided to help us out and work during 6<sup>th</sup> and 7<sup>th</sup> period Monday through Thursday.

# Athletic Director's Monthly Report

## October 2020

1. Football currently is 5-2 with a game vs. Maxwell left.
2. Volleyball currently is 21-4 with MNAC and the Broken Bow quad left to go.
3. Cross Country has had some outstanding meets with some record setting performances.
  - a. HS Boys team of Hayden Jennings, Trevor Kuncl, and Alex Moore won MNAC
  - b. JH Girls team of Peyton Paxton, Tierston Moore, Medora DeNaeyer, Brooke Williams, and Allie Boyer won MNAC
  - c. Callie Coble, Trevor Kuncl, and Peyton Paxton all won their MNAC races with Josey French, Hayden Jennings, and Tierston Moore finishing as MNAC Runner Up
  - d. Cayden Hampton placed 4th at the MNAC Meet
  - e. Trevor Kuncl has the new school record of 16:55 at Bayard and he won the UNK Class D Invite.
  - f. Josey French set a new personal best of 21:30 at the UNK Class D Invite
  - g. Alex Moore set a new personal best of 20:03 at the Bayard Invite
  - h. Districts are October 15 at Bridgeport
  - i. State is October 23 at UNK
4. Girls golf had a great season with Corynn steadily improving her score every week. She shot a 127 at districts. Lowest score to place and qualify was a 99.
5. Play production is beginning their season with 17 students involved.
6. FCCLA will hold a virtual leadership conference on Wednesday at the Lariat
7. FFA announced their 2020-2021 Officer team  
Congrats to our Mullen FFA Officers  
President: Lindey Coble  
V. President: Alli Loughran  
Secretary: Kylie Licking  
Treasurer: Jordyn McDowell  
Reporter: Callie Coble  
Parliamentarian: Faith Miller  
Sentinel: Jaden Emerson  
Executive Officer: Trevor Kuncl