

**O'NEILL PUBLIC SCHOOLS
BOARD OF EDUCATION**

Monday, October 15, 2018
4:00 PM

Administrative Office
410 E. Benton
O'Neill, NE 68763

**Board of Education Work Session
Agenda**

Posted Date:

1. Call to Order	
A. Roll Call	
B. Excused/Unexcused Board Members	
2. Pledge of Allegiance	
3. Approve Meeting Agenda	
4. Reception of Visitors	
5. Oral and Written Communications	
6. Old Business	
7. New Business	
A. Review of Board Goals	3
District Goals 2014 - 2019	3
B. Building Project	
i. Final Numbers for the 4th Lease Purchase	
ii. Completing Dirt Compaction for the Proposed Performing Arts Center	4
Additional Dirtwork for the Performing Arts Center	4
iii. Disposal of Remaining Modular Classrooms	
iv. Track Upkeep	8
Proposal R2 - Revolution_O'Neill, NE 101218	8
v. Progress and/or questions about the project	
C. Class Size/Staffing Discussion	10
Census Summary Report	10
Employee Eligibility Rule of 85 - 2018-2019	11
Enrollment as of 10-15-18	14
Staff Listing with email - 2018-2019	15
D. Cell Phone Policy Changes	17
Cell Phone and Tobacco Information	17
E. Random Drug Testing Policy	19
Battle Creek Mandatory Drug Policy	19
F. Review our Response to the ICE Raids & Relative Policies	26
Educating Undocumented Students	26
Equal Access to Education	28

8. **Adjournment**

The agenda sequence is provided as a courtesy only. The board reserves the right to consider each item in any sequence it deems appropriate. Therefore, we encourage visitors to attend the meeting from the beginning. As a result of a majority vote by the board, certain agenda items may be clearly necessary to discuss in executive session in order to protect the public interest or to prevent needless injury to the reputation of an individual, and if the individual has not requested a public meeting.

District Goals 2014 - 2019

- 1) Student learning/achievement (Jim Sibbel and Amy Rowse)
 - A) Pre-school
 - B) Elementary technology
 - C) Math
 - D) Other curriculum needs as identified through data analysis

- 2) Stakeholder communication (Delight Becker and Ellen Boshart)
 - A) Engage stakeholders in all aspects of the district

- 3) Facilities (Jim Gotschall and Tom Stepp)
 - A) Replace modulars
 - B) Gym space
 - C) Administrative offices
 - D) Fine arts

Hausmann Construction Inc

8885 Executive Woods Drive
Lincoln , NE 68512
Ph : 4024383230

Change Request

To: DAVIS DESIGN
1221 N STREET, SUITE 600
LINCOLN, NE 68508
Ph: (402)476-9700 Fax: (402)476-9722

Number: 001
Date: 9/17/18
Job: 18-294 O'NEILL HIGH SCHOOL ADDITION
Phone:

Description: COR 001

We are pleased to offer the following specifications and pricing to make the following changes:

COR 001 is created to incorporate costs associated with additional undercut & structural fill at the location of the proposed future auditorium. This is based on the assumption of 19,000 square feet being disturbed and addressed.

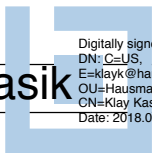
The total amount to provide this work is \$90,984.97
(Please refer to attached sheet for details.)

If you have any questions, please contact me at .

Hausmann Construction Inc :

Date:

Klay Kasik



Digitally signed by Klay Kasik
DN: C=US,
E=klayk@hausmannconstruction.com,
OU=Hausmann Construction,
CN=Klay Kasik
Date: 2018.09.17 15:11:49-05'00'

Owner: _____

Date: _____

Architect: _____

Date: _____

Hausmann Construction Inc

8885 Executive Woods Drive
Lincoln , NE 68512
Ph : 4024383230

Change Request 001 Price Breakdown
Continuation Sheet

Description: COR 001

Description	Labor	Material	Equipment	Subcontract	Other	Price
Earthwork/Grading				\$80,000.00		\$80,000.00
Surveying				\$1,399.20		\$1,399.20

				Subtotal:		\$81,399.20
			CM Fee	\$81,399.20	2.10%	\$1,709.38
			General Conditions	\$81,399.20	3.75%	\$3,052.47
			Supervisory Labor Costs	\$81,399.20	3.20%	\$2,604.77
			Insurance & Bond	\$88,766.00	2.50%	\$2,219.15
				Total:		\$90,984.97

Notwithstanding any provision to the contrary, by signing this Change Request, Owner represents and agrees that: (1) Owner approves the pricing set forth herein; (2) this Change Request shall automatically become part of the Contract Documents; (3) Hausmann and/or its subcontractors and/or suppliers are directed to proceed with the changed and/or extra work defined herein and the supporting documentation; (4) Owner is obligated to pay for such work in accordance with the Contract Documents; and (5) Contractor is not responsible for any design errors or omissions resulting from such change.



Description				Proposal	Total	Info
Prouty Extra Cut & Fill at future Auditorium Work				\$80,000.00	\$80,000	
Surveying				\$ 1,399.20	\$1,399	
					\$0	
					\$0	
Subtotal	\$0.00	\$0.00	\$0.00	\$81,399.20	\$81,399	
CM Fee	2.10%				\$1,709	
General Conditions	3.75%				\$3,052	
Supervisory Labor Costs	3.20%				\$2,605	
Insurance & Bond	2.50%				\$2,219	
Cost of Construction					\$90,985	

Surveying	Hours/Miles	Rate		
Field Crew Member (2)	16	\$ 55.00	\$	880.00
Mileage	240	\$ 0.68	\$	163.20
Office Personnel	2	\$ 110.00	\$	220.00
Meals	2	\$ 18.00	\$	36.00
GPS Equipment & Misc. Reimbursables	3	\$ 30.00	\$	90.00
Filing	1	\$ 10.00	\$	10.00
				\$1,399.20

Klay Kasik

From: John Prouty <jprouty@proutycon.com>
Sent: Friday, September 14, 2018 4:49 PM
To: Klay Kasik
Subject: Re: O'Neill Pricing Request- Additional Cut & Fill

Klay
Based on yardage provided, the maximum cost for asphalt removal, over excavation, and replacement would be \$80,000.00.
This number could go down if we don't find as much unsuitable material as I am budgeting for. But it will not go up.
Thanks
Any questions call

John Prouty
402-340-1490 (cell)
402-336-4014 (office)

On Sep 14, 2018, at 4:04 PM, Klay Kasik <klayk@hausmannconstruction.com> wrote:

John,

Please see attached for the approximate addition size. If you have any comments or questions feel free to let me know.

Thanks,

<image001.png>

KLAY KASIK, PROJECT MANAGER
cell: 402.419.6870 | office: 402.438.3230 | fax: 402.438.3235
8885 Executive Woods Drive | Lincoln, NE 68512
2108 Taylor Ave #850 | Norfolk, Ne 68701
<image002.png> <image003.png> <image004.png>

<image007.jpg> Please consider the environment before printing this email.

<C-003 - SITE GRADING.pdf>

DATE: October 12, 2018

SUBMITTED TO: Nick Hostert, Activities Director

ORGANIZATION: O'Neill Public Schools
ADDRESS: 410 E Benton, PO Box 230 | O'Neill, Nebraska 68763

PROJECT NAME: O'Neill High School Athletic Track Maintenance Resurfacing
ADDRESS: 540 E Haynes Avenue | O'Neill, Nebraska 68763

REVOLUTION™ BASE MAT TRACK SYSTEM

SCOPE OF SERVICES

AREA: 5620 SY (TRACK & FIELD EVENT AREAS)

Procedures:

- A. Removal and disposal of existing surface
- B. Clean and prepare the asphalt base
- C. Locate and fill all cracks
- D. Locate and patch areas
- E. Application of polyurethane primer coat
- F. Application of ½" black Revolution™ polyurethane surfacing
- G. Layout and paint all lane lines and event markings as per NFSHSA and State standards

We hereby propose to furnish materials and labor in accordance with the above specifications for the sum of:

One Hundred Nineteen Thousand Two Hundred Fifteen Dollars and Zero Cents (\$119,215.00)

Approximate amount of crack sealing included 100 L.F.

FIVE YEAR WARRANTY

NOTE:

- Proposal does not include sales tax. Owner shall provide appropriate sales tax exemption certificates upon return of signed proposal.
- MTT Co. will utilize light-duty equipment (12,000 lb. max) to remove the existing track surfacing. If it is found during the removal operations that the existing asphalt base is unsuitable, MTT Co. will immediately stop operations and alert the Owner. If required, replacement of the unsuitable/unstable asphalt base is not included within the proposal and shall be added to the contract price upon written approval of Owner.

- If additional asphalt cracks are found upon removal of the existing surface, the total amount of crack sealing shall be used/added to the contract price upon written approval of the Owner and shall be based upon the price/lineal foot listed within the proposal. Price for application of single component polyurethane sealant for additional crack repair shall be \$3.75/LF; price for application of 12" wide Mirafi MTK for additional crack repair shall be \$5.75/LF.
- Owner must provide proper staging/access to construction area.
- The site shall be restricted from the public and athletes during construction. Only authorized personnel from MTT Co. and the Owner shall be allowed on site.
- MTT Co. is not responsible for damage to existing substandard or damaged surfaces at staging area. No surface restoration has been included.
- Performance bonding has not been included.

TERMS:

Progress payments for materials and work completed; balance due 30 days upon completion of project.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements are contingent upon accidents or delays beyond our control. Owner is to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

MIDWEST TENNIS & TRACK COMPANY



 Authorized Signature

 Paul Launderville, Vice President

 Printed Signature, Title

ACCEPTANCE OF PROPOSAL:

The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

 Authorized Signature

 Printed Signature, Title

 O'Neill Public Schools

 School/Organization Name

 Date of Acceptance

Census Summary Report

Number of Children 5 to 20 Years*

Ages	5	6	7	8	9	10	11	12	13	14	15	16	17	18	Total	19	20	Total	Total
															5-18	5-20	7-15		
F	36	32	42	33	32	44	31	44	41	38	37	34	37	35	516	37	37	590	342
M	47	43	44	40	50	39	41	31	45	42	34	41	27	43	567	34	39	640	366
Total	83	75	86	73	82	83	72	75	86	80	71	75	64	78	1083	71	76	1230	708

Pre-School Census

Number of Children Under 5 Years*

Ages	0-1	1	2	3	4	Total
	0-4					
F	10	14	16	24	33	97
M	9	15	22	20	30	96
Total	19	29	38	44	63	193

Number of Handicapped

Deaf	0
Mentally	0
Other Physically	0
Visually	0
Total	0

County Summary

Number of Children 5 to 18 Years*

County	Female	Male	Total
Holt	516	567	1083
Total	516	567	1083

*Ages calculated as of 09/28/2018

2018-2019
Employee Eligibility
'Rule of 85'

Employee Name	Meets 'Rule of 85'	Classification
Keil, Holly	107	Certified
Mann, Ann	101	Certified
Hesse, Wayne	100	Certified
Kohtz, Rebecca	98	Certified
Evans, Paula	97	Certified
Hammerlun, Lucille	94	Custodian
Atkins, Denice	92	Certified
McNichols, Kevin	90	Certified
Barelmann, Debra	89	Certified
Bulau, Kristi	88	Para
Jennings, Molly	87	Certified
Wallace, Sally	87	Certified
Appleby, Kaye	85	Certified
Hunt, Mark	85	Certified
Peterson, Micheal	85	Certified
Schueth, Rita	85	Certified
Hostert, Gary	83	Certified
Hacker, Laurie	82	Deafint
Hostert, Nickolas	80	Admin
Langan, Kristin	80	Certified
Hostert, Kathy	79	Certified
Mundhenke, Darla	79	Para
Nordby, Mary	79	Certified
Pischel, Maureen	79	Certified
Shane, Amy	78	Admin
Whitney, Rodney	78	Para
Braun, Michaela	77	Certified
Everett, Lisa	77	Para
Brown, Steven	76	Certified
Kraft, Roxanne	76	Para
Reinhardt-Sigler, Danielle	76	Certified
Brown, Teresa	75	Certified
Reynolds, Janene	74	Certified
Dean, Chad	73	Certified
Morrow, Kevin	73	Certified
Mudloff, Katheryn	73	Psych
Pistulka, Julie	73	Certified
Bosn, Christine	72	Officestf
Broderson, Jill	72	Admin
Hilker, Mindee	72	Certified
Ludwig, Cheryl	72	Officestf
O'Neill, Laurie	72	Para
Mccain, Barbara	71	Para
Hilker, Cole	70	Certified
Kloppenborg, Terry	70	Officestf

2018-2019
Employee Eligibility
'Rule of 85'

Spangler, Allen	70	Certified
Price, Charles	69	Para
Benson, Mary	68	Sptherap
Burtwistle, James	67	Certified
Price, Kelley	67	Officestf
Fisher, Corey	66	Admin
Hilker, Lynae	66	Certified
Burival, Joyce	65	Para
Dean, Rebecca	65	Certified
Schmeichel, Brenda	65	Para
Marvin, Kathleen	64	Officestf
Mudloff, Dustin	64	Custodian
Lechtenberg, Jacquelyn	63	Para
Pongratz, Teresa	63	Certified
Troester, Jennifer	62	Certified
Langan, Jill	61	Certified
Sawyer, Debra	60	Vandriver
Buller, Greg	59	Techcoor
Ehmen, Melanie	59	Officestf
Eichelberger, Brock	59	Certified
Fox, Jody	59	Certified
Schramm, David	59	Vandriver
Schultz, Margaret	59	Para
Corkle, Bryan	57	Certified
Guill, Theresa	57	Custodian
Corkle, Rebecca	56	Certified
Wiseman, Tricia	56	Certified
Becker, Paula	55	Para
Fritz, Ann	55	Certified
Krysl, Meredith	55	Para
Simonson, Nicholas	55	Certified
Stelling, Shannon	55	Admin
Bordovsky, Colleen	54	Para
Gotschall, Katrina	53	Certified
Osborne, Tara	53	Certified
Wohlert, Rebecca	52	Certified
Yates, Stephen	52	Custodian
Mathews, Lorraine	51	Certified
Sholes, Molly	51	Para
Elliott, Kristy	50	Custodian
Tomjack, Michelle	50	Certified
Froman, Heidi	48	Certified
Robertson, Angie	48	Para
Shoemaker, Crystal	48	Certified
Heese, Gary	47	Custodian
Huber, Monica	47	Para
Kallhoff, Seth	46	Certified
Koch, Rachelle	46	Certified
Howard, Regina	45	Para
Asche, Jennifer	44	Para

2018-2019
Employee Eligibility
'Rule of 85'

Kelly, Brianne	44	Certified
Mcintosh, Chelsea	44	Certified
Mckay, Michelle	44	Para
Spader, Kenneth	44	Certified
Dunn, Mitchell	43	Custodian
York, Ashley	43	Certified
Stepp, Melanie	42	Certified
York, Hugh	42	Admin
Kaup, Amy	41	Certified
Kruse, Shane	41	Certified
Leisy, Mary	41	Certified
Owens, Kathleen	41	Sptherap
Williamson, Erin	41	Para
Cahoy, Karen	40	Para
Havranek, Sarah	40	Certified
Wilson, Sarah	40	Para
Rider, Rhea	39	Certified
Rider, Nicholas	37	Custodian
Sladek, Charissa	37	Certified
Belmer, Ashley	36	Certified
Rowan, Katherine	36	Certified
Rodriguez, Rafaela	34	Para
Miller, Alexandra	33	Certified
Reiman, Michelle	33	Certified
Hobbs, Kristina	32	Certified
Knight, Amanda	32	Certified
Camp, Derek	31	Certified
Rash, Johnathon	31	Custodian
Dexter, Rylee	30	Certified
Larsen, Heather	30	Certified
Tschida, Karen	30	Certified
Matthews, Grace	29	Para
Romshek, Brianna	29	Para
Vanderbeek, Kendra	29	Certified
Hoffman, Kasey	28	Para
Stewart, Bobby	28	Custodian
Meusch, Kelli	26	Certified
Schneider, Lucas	26	Custodian
Walters, Brandi	26	Certified
Boyle, Erin	23	Certified
Conklin, Claire	23	Para
Lopez-Jaramillo, Blanca	22	Para
Meza Serrano, Maria	21	Para

Enrollment as of 10-15-2018			
Elementary School			
Grade	Enrollment	Current Number of Teachers	Teacher to Student Ratio
K	56	4	1:14
1	55	4	1:13.5
2	70	4	1:17.75
3	43	3	1:14.3
4	65	3	1:21.6
5	65	3	1:21.6
6	55	3	1:18
TOTAL	409		
Junior-Senior High School			
Grade	Enrollment	Current Number of Teachers	Teacher to Student Ratio
7	63		
8	66		
9	53		
10	55		
11	60		
12	60		
TOTAL	357	28	1:12.75

First Name	Last Name	FTE	Title	Assignment	Location
Kaye	Appleby	1	Teacher	Business Teacher	High School
Denice	Atkins	1	Teacher	5th Grade Teacher	Elementary
Deb	Barelmann	1	Teacher	Math Teacher	High School
Ashley	Belmer	1	Teacher	Physical Education	Elementary
Erin	Boyle	1	Teacher	Math Teacher	High School
Michaela	Braun	1	Media Specialist	Media Specialist	Elementary/High School
Steve	Brown	1	Teacher/Building	English & History Teacher/Building & Grounds	High School
Teri	Brown	1	Teacher	Spanish Teacher	High School
James	Burtwistle	1	Teacher	T & I Teacher	High School
Derek	Camp	1	Teacher	4th Grade Teacher	Elementary
Bryan	Corkle	1	Teacher	Science Teacher	High School
Becky	Dean	1	Teacher	Special Education Teacher	High School
Chad	Dean	1	Teacher	Band Teacher	Elementary/High School
Rylee	Dexter	1	Teacher	Science Teacher	High School
Brock	Eichelberger	1	Teacher	Physical Education	High School
Paula	Evans	1	Teacher	Kindergarten Teacher	Elementary
Jody	Fox	1	Teacher	Special Education Teacher	High School
Ann	Fritz	1	Teacher	Special Education Teacher	Elementary
Heidi	Froman	1	Teacher	1st Grade Teacher	Elementary
Katrina	Gotschall	1	Teacher	English Teacher	High School
Sarah	Havranek	1	Teacher	Kindergarten Teacher	Elementary
Wayne	Hesse	1	Teacher	History Teacher	High School
Cole	Hilker	1	Teacher/Counselor	Career Academy Teacher/Counselor	High School
Lynae	Hilker	1	Teacher	Library/HAL	Elementary
Kristina	Hobbs	1	Teacher	3rd Grade Teacher	Elementary
Gary	Hostert	1	Teacher	History Teacher	High School
Kathy	Hostert	1	Teacher	Special Education Teacher	High School
Mark	Hunt	1	Teacher	History Teacher	High School
Molly	Jennings	1	Teacher	Music Teacher	Elementary
Seth	Kallhoff	1	Teacher	PE & Science/Teacher	High School
Amy	Kaup	1	Teacher	1st Grade Teacher	Elementary
Holly	Keil	1	Teacher	3rd Grade Teacher	Elementary
Brianne	Kelly	0.88	Teacher	ELL Teacher	High School
Amanda	Knight	1	Teacher	4th Grade Teacher	Elementary
Rachelle	Koch	1	Teacher	2nd Grade Teacher	Elementary
Becky	Kohtz	1	Teacher	Special Education Teacher	Elementary
Shane	Kruse	1	Teacher	Art/Technology	Elementary
Jill	Langan	1	Teacher	Special Education Teacher	CTL
Kristi	Langan	1	Teacher	2nd Grade Teacher	Elementary
Heather	Larsen	1	Teacher	1st Grade Teacher	Elementary
Mary	Leisy	1	Teacher	Math/Science Teacher	High School
Ann	Mann	1	Teacher	Family Consumer Science Teacher	High School
Lori	Mathews	1	Teacher	Special Education Teacher	Elementary
Chelsea	McIntosh	1	Teacher	Preschool Teacher	Elementary
Kevin	McNichols	1	Teacher	Art Teacher	High School
Kelli	Meusch	1	Teacher	Ag Instructor	High School
Alex	Miller	1	Teacher	5th Grade Teacher	Elementary
Kevin	Morrow	1	Teacher	Technology Support/Science Teacher	High School
Mary	Nordby	1	Teacher	Special Education Teacher	High School

First Name	Last Name	FTE	Title	Assignment	Location
Tara	Osborne	1	Teacher	6th Grade Teacher	Elementary
Mike	Peterson	1	Teacher	Business/Technology Teacher	High School
Maureen	Pischel	1	Teacher	2nd Grade Teacher	Elementary
Julie	Pistulka	1	Teacher	3rd Grade Teacher	Elementary
Teresa	Pongratz	1	Teacher	English Teacher	High School
Michelle	Reiman	1	Teacher	Math Teacher	High School
Danielle	Reinhardt-Sigler	1	Teacher	English Teacher	High School
Janene	Reynolds	1	Teacher	Title I Teacher	Elementary
Rhea	Rider	1	Teacher	5th Grade Teacher	Elementary
Katherine	Rowan	1	Teacher	ELL Teacher	Elementary
Rita	Schueth	1	Teacher	Special Education Teacher	Elementary
Crystal	Shoemaker	1	Teacher	6th Grade Teacher	Elementary
Nicholas	Simonson	1	Teacher	Science Teacher	High School
Charissa	Sladek	1	Teacher	6th Grade Teacher	Elementary
Ken	Spader	1	Teacher	Special Education Teacher	Elementary
Allen	Spangler	1	Teacher	T & I Teacher	High School
Melanie	Stepp	1	Teacher	4th Grade Teacher	Elementary
Michelle	Tomjack	1	Teacher	2nd Grade Teacher	Elementary
Jennifer	Troester	0.75	Teacher	English Teacher	High School
Karen	Tschida	0.5	Teacher	Choir	High School
Kendra	Vanderbeek	1	Teacher	English Teacher	High School
Sally	Wallace	1	Teacher	Title I Teacher	Elementary
Brandi	Walters	1	Teacher	1st Grade Teacher	Elementary
Tricia	Wiseman	1	Teacher	ELL Teacher	Elementary
Rebecca	Wohlert	1	Teacher	Kindergarten Teacher	Elementary
Ashley	York	1	Teacher	Kindergarten Teacher	Elementary

Cell Phones/Mobile Electronic Devices: Students shall not be allowed to use cell phones or other electronic devices for any purpose (including to make calls, send text messages or utilize media (photo and video) except as deemed appropriate in this handbook. Students may not use cell phones or other electronic devices in restrooms or locker rooms. When students arrive at school, it is recommended that cell phones be put in the student's locker with padlock. Cell phones may be used before school, after school, during lunch if they do not interfere with classes in session and during passing time between classes. Students may be required to place phones/mobile devices in a designated area in the classroom as determined by the teacher.

Any phone used in the classroom without permission may be confiscated. On the first offense the student can pick up their phone after school. On the second offense, a parent may need to come to the office to get their phone. **Sexting is prohibited and can result in criminal charges.**

Students bringing cell phones to school and the parents of students bringing cell phones to school, consent to the search of the phone brought to school by school officials when they have reasonable suspicion that such a search will reveal a violation of school rules. The teacher must approve any use of a cell phone in a classroom for educational purposes.

Tobacco: The laws of the State of Nebraska prohibit use and possession of tobacco by minors. Tobacco found on the pupil will be confiscated. If a student is found possessing, smoking, or chewing tobacco on school property, in the school building, or while under school jurisdiction, it will be necessary to discipline the student according to the disciplinary procedure for a controlled substance.

Electronic Substance Delivery Systems: Any electronic cigarette (e-cig or e-cigarette), personal vaporizer (PV) or electronic nicotine delivery system (ENDS) will be prohibited. Electronic Substance Delivery Systems will be considered a controlled device/substance.

Drugs and Alcohol: Board policy relative to standards of student conduct pertaining to the unlawful possession, use, or distribution of illicit drugs or alcohol on school premises or as a part of any of the school's activities states:

It shall be the policy of O'Neill Public School District No. 7, in addition to standards of student conduct elsewhere adopted by board policy or administrative regulation to absolutely prohibit the unlawful possession, use, or distribution of illicit drugs or alcohol on school premises, or as a part of any of the school's activities. This shall include such unlawful possession, use or distribution of illicit drugs and alcohol by any student of the District during regular school hours or after school hours at school sponsored activities on school premises, or at school sponsored activities off school premises. Conduct prohibited at places and activities as herein above described shall include, but not be limited to, the following:

1. Possession of any controlled substance, possession of which is prohibited by law.
2. Possession of any prescription drug in an unlawful fashion.
3. Possession of alcohol on school premises or as a part of any of the school's activities.
4. Use of any illicit drugs.
5. Distribution of any illicit drug.
6. Distribution of any drug or controlled substance when such distribution is unlawful.
7. The possession, use, or distribution of alcohol.

Students suspected to be under the influence of an intoxicant, and/or a controlled substance during school or at any school function will be subject to a drug and alcohol assessment. The assessment will be performed by trained school personnel. A breathalyzer may be used. If a student fails the drug and alcohol assessment, the violation will result in the following:

- 1) 1st Offense – five (5) days suspension
- 2) 2nd Offense – expulsion.

Parents will have the option to request an immediate drug test at a local medical facility. If the student passes the medical drug test, the school will be responsible for the cost of the test. However, if the student fails the medical drug test, payment is the responsibility of the parent/guardian.

****Please note that prescription medicine should include a doctor or parent note and should be administered through the school's nurse.**

BATTLE CREEK PUBLIC SCHOOLS
Battle Creek, Nebraska

MANDATORY DRUG TESTING POLICY FOR STUDENTS IN GRADES 9-12
INVOLVED IN SCHOOL-SPONSORED ACTIVITIES OR STUDENTS THAT HAVE
VOLUNTARILY BEEN PLACED IN THE POOL AT THE REQUEST OF THEIR
PARENT/GUARDIAN

MISSION STATEMENT

The Board of Education for Battle Creek Public Schools values students' participation in school-sponsored activities. Such students, as role models for other students, are a key to our goal to provide the best possible educational program for our students. To achieve our goal and to maximize the skills and talents of our students, it is important that each student understands the dangers of drug and alcohol use.

Practical experience and research have proven that even small quantities of narcotics, abused prescription drugs or alcohol can affect judgment and reflexes which can create unsafe conditions for students, especially those involved in sports or any activity covered in this policy. Even when not readily apparent, the effect can have serious results for students engaged in activities. Drug-using students participating in extracurricular activities are a threat to co-participants, other students, and themselves, and may make injurious errors. For these reasons, the Board has adopted a policy that all students participating in school-sponsored activities must remain substance-free.

Participation in extracurricular activities is a privilege which can be taken away for failure to comply with this policy. The purpose of this policy is as follows:

- 1) To provide for the health and safety of all students;
- 2) To undermine the effects of peer pressure by providing a legitimate reason for students to refuse use of illegal drugs and/or alcohol;
- 3) To identify students who use illegal drugs and/or alcohol; and
- 4) To encourage students who use illegal drugs and/or alcohol to participate in appropriate treatment programs.

No student shall be penalized academically for testing positive for illegal drugs or alcohol. The results of drug tests pursuant to this policy will not be documented in any student's academic records. Information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the district shall not solicit. In the event of service of any such subpoena or legal process, the student and the student's custodial parent or legal guardian will be notified as soon as possible by the district.

DEFINITIONS

Extra-Curricular Activity: Any activity that meets the guidelines of a school-sponsored activity at Battle Creek Public Schools, which shall include the following:

Football, Volleyball, Golf, Cross Country, Basketball, Wrestling, Track Band, Choir, Cheerleading, Dance, One Act Plays, Speech, Mock Trial, Robotics, FCCLA, Spring Play, Quiz Bowl, National Honors Society, Trailblazers, Student Council, Homecoming, and Prom, and any other activity not specifically mentioned and governed under the guidelines set by the Nebraska Schools Activities Association (NSAA).

Drug Program Administrator (DPA): The Drug Program Administrator will be the Battle Creek Family Clinic/Faith Regional Physician Services. The DPA will maintain and follow generally accepted industry standards for collecting, maintaining, shipping, and accessing all specimens. The DPA will seek to obtain the sample in a manner designed to insure accurate testing protocols while minimizing intrusion into a student's privacy. The DPA and the school district will provide a copy of the collection procedures upon request.

Drug Program Coordinator: The Drug Program Coordinator shall be the Battle Creek High School Principal/Activities Director or the designee.

Drugs: Any substance considered illegal by Nebraska Statute, i.e., Uniform Controlled Substances Act, section 28-401 et seq., or which is controlled by the Food and Drug Administration unless prescribed to the student by any licensed medical practitioner authorized to prescribe controlled substances. For purposes of this policy, drugs shall include the illegal use of alcohol.

Participant: Any student in grades 9-12 who participates in any extra curricular activity shall be included in the participant pool. Any student that has voluntarily been placed in the pool at the request of their parent/guardian shall also be considered a participant. A participant shall enter the participant pool upon signing and returning the GENERAL AUTHORIZATION and CERTIFICATION OF UNDERSTANDING FORM to the High School Principal. Students are subject to random testing at any time during the School Year. A student will be removed from the testing pool if he/she has quit or been cut from an activity. Quitting the activity must occur prior to being selected for testing to be removed from the testing pool of students. A student who has been selected for testing and quit the activity prior to testing will be ineligible to participate in any extra curricular activity for twelve (12) months following the time they quit.

Sample Collection: Student participants will be selected for testing on a random basis to be established by the Drug Program Coordinator. Urine samples will be collected as directed by the Drug Program Administrator. If the student is absent they will be tested on the day in which they return to school.

School Year: From the first day classes commence in the fall, unless the activity begins prior to the first day of classes, in which event it shall include from the first day of practice through and including the last day of classes in the following spring.

DRUG SCREENING PROCEDURES

General Procedures.

- A. Random Testing - The Board authorizes random unannounced screening of all students participating in extra curricular activities or those students that have been voluntarily placed in the pool by their parent/guardian. The list of students that make up the pool will be updated upon receipt of a signed consent form. Students who have been selected will be escorted to the DPA site by a school district employee and shall remain under employee supervision until the student provides a sample and is returned to school.
- B. Consent - Each student participant shall consent in writing to drug testing pursuant to the district's drug testing program by completing the GENERAL AUTHORIZATION and CERTIFICATION OF UNDERSTANDING FORM. No student shall be allowed to practice or participate in any extra curricular activity absent such consent.
- C. Removal From the Random Testing List - Students who quit an extra curricular activity prior to being selected for random testing, may request their name be dropped from the testing list. A request form must be signed by the student and his/her parents to be dropped. However, students may volunteer to remain in the pool even though he/she is not part of the activity.
- D. There is an obligation to continue support for students who test positive. Drug testing during the summer will provide another reason for a student to refrain from the use of drugs or alcohol. The Drug Program Coordinator will contact the student to establish a location and time for the test to take place.

Testing Procedures.

- A. Substances - Substances that students may be randomly tested for include any Drug, as defined above, including, but not limited to: alcohol, amphetamines, cannabinoids, cocaine, opiates, synthetic opiates, PCP, steroids, barbiturates, and benzodiazepines.
- B. Collection Procedures - All Sample Collections shall take place at the site of the DPA. The DPA will maintain a documented procedure for collecting, shipping, and accessing all specimens. The DPA will conduct all testing by qualified laboratory personnel in accordance with accepted practices and procedures established by the DPA. Testing shall be accomplished by urinalysis using

accepted immunological procedures. Chain of custody documentation shall be maintained throughout the collection and testing process.

- C. Return of Results - The DPA will notify the DPC of the results of all tests. In the case of a positive result, the DPC will notify the student's parent or guardian. At the request of the parent or guardian, a meeting will take place with the parent/guardian, the DPA and the DPC. At such meeting, the parent/guardian may provide a medical explanation for the positive result and request the specimen be submitted to a testing laboratory for retest. If the testing laboratory determines the test results are negative, no further action shall be taken against the student. If the testing laboratory verifies the positive result, the DPA shall then notify the DPC of the confirmed positive test result. The DPC shall then notify the student's parent or guardian and schedule a meeting with the student and the student's parent/guardian to review the consequences. After the meeting, the DPC will notify any staff members responsible for implementing the consequences of this policy.
- D. Cost of Retest – The student or the student's parent or guardian shall be required to pay the associated costs for an additional test by a testing laboratory in advance. However, the costs will be reimbursed by the school if the result of the test is negative.

CONSEQUENCES

Positive Results: Any of the following will be considered to be a positive test result: (1) a confirmed positive alcohol or drug test, (2) refusal to participate in testing when selected, including quitting the activity upon being requested to be tested; and (3) tampering with the specimen collection process. Consequences of positive test results shall be cumulative through the student's enrollment in Battle Creek Public Schools.

First Positive Test:

- DPC meeting with parent/guardian and student.
- The Student shall be excluded from participating in any extracurricular activity for 14 calendar days or two public activities. The more severe of the two options will be enforced. If the end of the activity precedes the end of the 14 days the remaining days will carry over to the next activity so the student completes the required number of days. During the period of exclusion, the student may participate in practices but not in any public activities.
- The Student shall be required to participate in and complete a program of substance abuse counseling conducted by the school counselor.
- The Student must be retested at the end of the period of exclusion and have a negative test result; and
- Follow-up drug testing, a minimum of once a month, will commence after the meeting with the DPC for the first positive test and continue for the next 12 months or end upon graduation from Battle Creek Public Schools.

Second Positive Test:

- DPC meeting with parent/guardian and the student.
- The Student shall be excluded from participating in any extracurricular activities for 42 calendar days or six public activities. The more severe of the two options will be enforced. If the end of the activity precedes the end of the 42 days, the remaining days will carry over to the next activity so that the student completes the required number of days. During the period of suspension, the student may participate in practices but not in any public activities.
- The Student shall be required to participate in a program of substance abuse counseling conducted by a certified chemical dependency counselor, and provide written proof of completion.
- Student must be retested at the end of the period of exclusion and have a negative test result; and
- Follow-up drug testing, a minimum of once a month, will commence after the meeting with the DPC for the second positive test and continue for the next 12 months, or end upon graduation from Battle Creek Public Schools.

Third Positive Test:

- DPC meeting with parent/guardian and student;
- The student shall be excluded from participating in any extracurricular activities for one calendar year from the date of the meeting with the DPC, or end upon graduation from Battle Creek High School;
- Student must be retested at the end of the period of exclusion and have a negative test result; and
- Follow-up drug testing, a minimum of once a month, will commence after the meeting with the DPC for the third positive test and continue for 12 months, or end upon graduation from Battle Creek Public Schools.

Appeal:

A student who has been determined by the Drug Program Coordinator to be in violation of this policy shall have the right to appeal the decision to the Superintendent or his/her designee(s).

Such request for a review must be submitted to the Superintendent in writing within five (5) calendar days after the meeting with the DPC. A student requesting a review will remain eligible to participate in any school-sponsored activities until the review is completed. The Superintendent or his/her designee(s) shall then determine whether the original finding was justified. No further review of the Superintendent's decision will be provided, and his/her decision shall be conclusive in all respects. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the Superintendent which shall be final and non-appealable.

Record Keeping and Confidentiality:

All records pertaining to participants shall be kept separate from the student records. The record keeping and results of all testing will be held in the strictest confidence. These records will be accessible only to the Drug Program Coordinator or his designee.

Records pertaining to a particular student will be destroyed upon his/her graduation from Battle Creek Public High School, or one year after his/her class graduation.

SEVERABILITY

Should any sentence, clause, provision, or paragraph of this entire policy be deemed unlawful or unconstitutional, it is intended that, insofar as may be practicable, the remaining portions of this policy shall remain in full force and effect.

BATTLE CREEK PUBLIC SCHOOLS
Battle Creek, Nebraska

**MANDATORY DRUG TESTING POLICY FOR STUDENTS
INVOLVED IN EXTRA CURRICULAR ACTIVITIES OR THAT HAVE
VOLUNTARILY BEEN PLACED IN THE DRUG TESTING PROGRAM BY
THEIR PARENT/GUARDIAN**

**GENERAL AUTHORIZATION AND CERTIFICATION OF
UNDERSTANDING**

I have read and understand the contents of the Battle Creek Public Schools' Mandatory Drug Testing Policy. I understand by signing this document that I will abide by the terms and conditions of the Battle Creek Public Schools District's Mandatory Drug Testing Policy. If I choose to violate this policy, whether during in-season or off season, I understand upon determination of that violation I will be subject to the consequences regarding participation as outlined in the policy. I also authorize the release of information concerning the results of such test to the Battle Public Schools District, the MRO, and to my parents or guardian.

Student Name Printed

Student Signature

Date

I have read and understand the contents of the Battle Creek Public Schools' Mandatory Drug Testing Policy. We/I desire that the student named above participate in the extra curricular activities of Battle Creek Public Schools, and we/I hereby voluntarily agree that our/my child or ward is subject to the terms of the Mandatory Drug Testing Policy. We/I accept the method of obtaining urine samples, testing and analysis of such specimens, and all other aspects of the policy. We/I further agree and consent to the disclosure of the sampling, testing, and results as provided in the policy and any regulation adopted by the administration of the Battle Creek Public Schools, or the school board.

Parent or Guardian Name Printed

Parent or Guardian Signature

Date



Educating Undocumented Students: Are Your Policies in Line with Current Immigration Laws?

At 9 am on a Monday morning, a school superintendent received a panicked call from one of her district's principals, wondering what to do about an ICE agent who came to the school asking for information about a student's immigration status. The principal wants to know how he should handle the ICE agent. Is the principal allowed to give the ICE agent information about the student or the student's parents?

This scene is strikingly similar to what is alleged to have happened in the Boston Public Schools.¹ Federal immigration policy occupied center stage in the

2016 Presidential election and continues to dominate national political debate and discussion. Politicians, policy makers, and pundits not only disagree about how to handle unauthorized immigration, but also dispute the number of unauthorized immigrants present in the U.S.² Stepped-up immigration

² Estimates provided herein are from the Pew Research Center. However, estimates concerning unauthorized immigrants can vary widely because there is no central database, the Department of Homeland Security tabulates only those who enter and leave in a lawful manner, and other significant challenges to collecting accurate exist. See "How Many Illegal Aliens are in the US," Federation for Immigration Reform, October 23, 2017, available at <http://www.fairus.org/issue/illegal-immigration/how-many-illegal-immigrants-are-in-us>. Some have extrapolated that a more accurate estimate of unauthorized immigrants is much higher than the 11 million that is frequently cited in news articles. See "As many as 30 million people live in US illegally, says Texas Lt. Gov. Dan Patrick," The Washington Examiner, June 22, 2018, available at <https://www.washingtonexaminer.com/news/as-many-as-30-million-people-live-in-us-illegally-says-texas-lt-gov-dan-patrick>.

¹ "Chang, BPS sued over secrecy surrounding student information sharing with ICE," The Boston Globe, June 21, 2018, available at <https://www.bostonglobe.com/metro/2018/06/21/chang-bps-sued-over-secrecy-surrounding-student-information-sharing-with-ice/AWsz0zx7M8xhRwya9qrvhM/story.html>.

continued from page 1

enforcement undertaken during the Obama administration³ has continued under the Trump Administration with the signing of an Executive Order⁴ directing increased enforcement efforts and the Department of Homeland Security's rescission of the Deferred Action for Childhood Arrivals ("DACA") program.⁵

Although the U.S. Supreme Court declared that children of undocumented immigrants have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents, at times there are significant impediments to their attendance. In the last six years, for example, myriad news accounts highlight the plight that undocumented students face, such as school-created requirements for enrollment,⁶ ICE arrests at or near schools,⁷ and on-campus incidents that lead to immigration detention.⁸

How do the changes in federal immigration policies effect school districts? SLRMA's newly revised resource, Equal Access to Education for Undocumented Students 2018 Update, aims to bring school districts up to speed. This checklist addresses the key issues of equal enrollment access to educational opportunities for undocumented students and how to handle potential immigration enforcement on school grounds.

3 "U.S. authorities begin raids, taking 121 illegal immigrants into custody over the weekend," The Washington Post, January 4, 2016, available at <https://www.washingtonpost.com/>. See also "Obama Has Deported More People Than Any Other President." ABC News, August 29, 2016, available at <https://abcnews.go.com/Politics/obamas-deportation-policy-numbers/story?id=41715661>.

4 Executive Order no. 13768, Enhancing Public Safety in the Interior of the United States, available at <https://www.whitehouse.gov/presidential-actions/executive-order-enhancing-public-safety-interior-united-states/>.

5 Department of Homeland Security, Memorandum on Rescission Of Deferred Action For Childhood Arrivals (DACA), September 5, 2017, available at <https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca>.

6 "New Orleans public schools accused of allegedly violating federal law," The Louisiana Weekly, October 20, 2014, available at <http://www.louisianaweekly.com/n-o-public-schools-accused-of-allegedly-violating-federal-law/>.

7 "ICE Agents Detain Undocumented Immigrants Taking Their Kids To School," Think Progress, October 18, 2012, available at <https://thinkprogress.org/ice-agents-detain-undocumented-immigrants-taking-their-kids-to-school-20d3bb99666a/>; "West Meck High student says ICE agents arrested him at school bus stop." The Charlotte Observer, July 1, 2016, available at <https://www.charlotteobserver.com/news/local/article87169637.html>.

8 "In Houston, outrage over a school arrest that landed a student in immigration detention," NBC News, February 15, 2018, available at <https://www.nbcnews.com/news/latino/houston-outrage-over-school-arrest-landed-student-immigration-detention-n848141>.

Our nation's immigration policies are ever-evolving, and new federal laws and legal decisions could come at any time. SLRMA encourages school districts to stay informed on immigration-related topics, and to go to SLRMA.org to download the full checklist today.

Fast Facts:

11 million*

Unauthorized immigrants residing in U.S.

3.9 million*

Children of unauthorized immigrants in K-12 U.S. public schools

690,000*

Unauthorized immigrants enrolled in DACA (as of 9/2017)

*estimates based on government data. Sources: estimates provided on Pew Research Center website: "20 metro areas are home to six-in-ten unauthorized immigrants in U.S.," February 9, 2017, available at <http://www.pewresearch.org/fact-tank/2017/02/09/us-metro-areas-unauthorized-immigrants/>; "Children of unauthorized immigrants represent rising share of K-12 students," available at <http://www.pewresearch.org/fact-tank/2016/11/17/children-of-unauthorized-immigrants-represent-rising-share-of-k-12-students/>; and "Key facts about unauthorized immigrants enrolled in DACA," September 25, 2017, available at <http://www.pewresearch.org/fact-tank/2017/09/25/key-facts-about-unauthorized-immigrants-enrolled-in-daca/>.

"Whoever showed up in my class was my student. End of story. I never asked, prodded, or even considered their documentation status."

*- Sharon Slovak,
teacher in El Centro, California*

Source: "What Teachers of Immigrant Students Want You to Know,"

WeAreTeachers.com, June 25, 2018, available at <https://www.weareteachers.com/teachers-of-immigrant-students-want-you-to-know/>.

SCHOOL LEADERS RISK MANAGEMENT ASSOCIATION

**Equal Access to Education for Undocumented Student
Practice and Policy 2018 Update**

This Self-Audit Checklist is intended to assist school districts to examine if procedures are in place to demonstrate compliance and accountability to federal laws addressing undocumented students.

III. Does the district have policy(ies) and/or (internal or external) procedure(s) that address the potential for immigration enforcement at school?		
	<u>Yes</u>	<u>No</u>
◆ Does the district have policies and procedures that address the potential for immigration enforcement at school?		
◆ Has the district’s legal counsel reviewed and approved such policies and procedures?		
◆ Do the policies and procedures describe the district’s philosophy regarding immigration enforcement at school or in connection with school-related activities?		
◆ Do the policies and procedures contain an express statement that the district intends to comply with all applicable legal requirements?		
◆ Is the rationale for the policies and procedures grounded in the district’s obligations under <i>Plyler</i> and other applicable federal and state legal obligations (e.g., the Family Educational Rights and Privacy Act (“FERPA”) and the INA)?		
◆ Do the policies and procedures seek to funnel all immigration enforcement and other law enforcement activity through one point/contact person or office (e.g., the Office of the General Counsel)?		
◆ Do the policies and procedures address requests for purposes of immigration enforcement of student records protected by FERPA?		
<ul style="list-style-type: none"> Do the policies and procedures state that FERPA generally prohibits release of such records without signed, written consent of a parent or student who is at least 18? 		
<ul style="list-style-type: none"> Do the policies and procedures address the FERPA exception to the consent requirement for “directory information” and explain how students and parents/guardians/sponsors can prohibit the non-consensual disclosure of such information? 		

Download the complete checklist at SLRMA.org

<ul style="list-style-type: none"> Do the policies and procedures address the FERPA exception for release of information pursuant to a judicial order or a lawfully issued subpoena (including the circumstances under which prior notice will and will not be provided to a parent or eligible student to contest the judicial order or lawfully issued subpoena)? 		
<ul style="list-style-type: none"> Do the policies and procedures address the lack of protection for Student and Exchange Visitor Program (“SEVP”) records (as distinct from the records of undocumented students)? 		
<ul style="list-style-type: none"> Do the policies and procedures address whether the district will consider resisting through judicial challenges immigration enforcement in appropriate cases under <i>Plyler v. Doe</i> or otherwise? 		
<ul style="list-style-type: none"> Do the policies and procedures address how the district will respond to subpoenas (both administrative and judicial), including, for example, verifying validity, confirming FERPA compliance, and resisting where appropriate? 		
<ul style="list-style-type: none"> Do the policies and procedures address how the district will respond to search and arrest warrants (both administrative and judicial)? 		
<ul style="list-style-type: none"> Do the policies and procedures address ICE’s Sensitive Locations Memorandum and that the Sensitive Locations Memorandum could change? 		
<ul style="list-style-type: none"> Do the policies and procedures address enforcement activities that are and are not covered by ICE’s Sensitive Locations Memorandum? 		
<ul style="list-style-type: none"> Do the policies and procedures address the exceptions to ICE’s Sensitive Locations Memorandum? 		
<ul style="list-style-type: none"> Do the policies and procedures provide specific guidance to school building leaders regarding who to contact and what steps to take in the event that ICE or other law enforcement agencies seek to enter school grounds to enforce the immigration laws? 		
<ul style="list-style-type: none"> Are leaders instructed to verify the officers’ credentials and note their identifying information? 		
<ul style="list-style-type: none"> Are leaders instructed to politely ask the officers to wait if possible while the leaders contact the district’s office of general counsel or other attorney? 		
<ul style="list-style-type: none"> Are leaders directed not to attempt to physically block the officers’ entry? 		
<ul style="list-style-type: none"> Are leaders instructed to take detailed notes of the officers’ actions? 		