

# Bayard Public Schools Board of Education Policy Manual

*Every Person, Every Day. It's a FACT!*



**The mission of Bayard Public Schools is to partner with parents to provide a successful educational experience and diverse opportunities.**

## Table of Contents

Table of Contents	3
1000 Series - Community	13
POLICY NO.1000 - PRINCIPLES AND OBJECTIVES FOR COMMUNITY RELATIONS	13
POLICY NO.1001 - CRISIS MANAGEMENT COMMUNICATIONS	14
POLICY NO.1002 - COMMUNITY RESOURCE PERSONS AND VOLUNTEERS	15
POLICY NO.1003 - VISITORS TO SCHOOL	16
POLICY NO.1004 - PUBLIC CONDUCT ON SCHOOL PREMISES	19
POLICY NO. 1005 - DISTRIBUTION OR POSTING OF MATERIALS	21
POLICY NO. 1006 - VOLUNTEERS IN THE SCHOOLS	23
POLICY NO. 1006.1 - VOLUNTEER AGREEMENT FORM	24
POLICY NO. 1007 - THREAT ASSESSMENT AND RESPONSE	26
POLICY NO. 1200 – ANTI-DISCRIMINATION	28
POLICY NO.1301 - PATRON OBJECTIONS	32
POLICY NO.1401 - GENERAL REGULATIONS FOR USE OF SCHOOL FACILITIES	33
POLICY NO.1403 - RED CROSS AND SALVATION ARMY	36
POLICY NO.1405 - LOANING AND USE OF SCHOOL EQUIPMENT	37
POLICY NO.1406 - USE OF SCHOOL GROUNDS & FACILITIES	41
POLICY NO.1407 - LIBRARY	42
POLICY NO.1408 - PERFORMANCE REPORTING POLICY	54
POLICY NO.1409 - NO SMOKING	55
POLICY NO.1410 - TEXTBOOK LOAN PROGRAM	56
POLICY NO.1411 - EVALUATION/MODIFICATION OF THE INSTRUCTIONAL PROGRAM	58
POLICY NO. 1412 - PARENTAL INVOLVEMENT	59
POLICY NO. 1413 – COMBINED DISTRICT AND SCHOOL TITLE I PARENTAL AND FAMILY ENGAGEMENT POLICY	61
POLICY NO. 1414 - ELECTRONIC SIGNATURES AND ACKNOWLEDGEMENTS	63
2000 Series – Administration	64
POLICY NO.2000 - CENTRAL ADMINISTRATION	64
POLICY NO.2001 - THE SUPERINTENDENT OF SCHOOLS	65

POLICY NO.2002 - SUPERINTENDENT QUALIFICATIONS, RECRUITMENT, APPOINTMENT	66
POLICY NO.2003 - SUPERINTENDENT OF SCHOOLS: DUTIES	67
POLICY NO. 2004 - SUPERINTENDENT CONTRACT AND CONTRACT RENEWAL	69
POLICY NO.2110 - PRINCIPALS: GENERAL PROVISIONS	71
POLICY NO.2111 – PRINCIPAL QUALIFICATIONS, RECRUITMENT, APPOINTMENT	72
POLICY NO.2112 - PRINCIPALS: DUTIES	73
POLICY NO. 2113 - EVALUATION OF SUPERINTENDENT	74
3000 Series – Business	75
POLICY NO.3001 - CASH RESERVE	75
POLICY NO. 3101 - SALE AND DISPOSAL OF SCHOOL PROPERTY	76
POLICY NO. 3131 - PROCUREMENT PLAN – SCHOOL FOOD AUTHORITIES	77
POLICY NO. 3140 - CONTRACTING FOR SERVICES	81
POLICY NO.3201 - BIDDING	82
POLICY NO. 3202 – GENERAL PURCHASING AND PROCUREMENT AND CREDIT CARD PURCHASING PROGRAM	83
POLICY NO. 3202.1 – FISCAL MANAGMENT FOR PURCHASING AND PROCUREMENT USING FEDERAL FUNDS	86
POLICY NO. 3203 - EMPLOYEES INVOLVED IN OUTSIDE BUSINESS	94
POLICY NO. 3205 - INSURANCE	95
POLICY NO. 3206 - CONFLICT OF INTEREST	96
POLICY NO. 3207 - EMPLOYMENT OF IMMEDIATE FAMILY MEMBERS	97
POLICY NO. 3560 - BUSINESS OPERATIONS PROCEDURES – BIDDING CONSTRUCTION PROJECTS	99
POLICY NO. 3561 - RECORDS MANAGEMENT AND DISPOSITION	101
POLICY NO. 3570 - ESSA	106
4000 Series – Personnel	110
POLICY NO. 4000 - ROLE OF AND GUIDING PRINCIPLES FOR EMPLOYEES	110
POLICY NO. 4000-A - EQUAL EMPLOYMENT OPPORTUNITY	111
POLICY NO. 4000-B - EMPLOYEE RECORDS	113
POLICY NO. 4001 - CERTIFIED EMPLOYEE QUALIFICATIONS, RECRUITMENT, SELECTION	114
POLICY NO. 4002 - PERMANENT PERSONNEL – CERTIFICATION	116

POLICY NO. 4003 - ANTI-DISCRIMINATION, ANTI-HARASSMENT AND ANTI-RETALIATION	117
POLICY NO. 4003A - NOTICE OF NONDISCRIMINATION	126
POLICY NO. 4003B - COMPLAINT FORM - DISCRIMINATION, HARASSMENT OR RETALIATION	127
POLICY NO. 4004 -PERMANENT PERSONNEL – PHYSICAL EXAMINATIONS	129
POLICY NO. 4005 - CONTRACT TERMINATION	130
POLICY NO. 4005-A - CERTIFICATED EMPLOYEE REDUCTION IN FORCE	131
POLICY NO. 4007 - PROFESSIONAL PERSONNEL RESIGNATIONS	133
POLICY NO. 4008 - EVALUATION OF CERTIFICATED EMPLOYEES	134
POLICY NO. 4017 – CLASSIFIED STAFF QUALIFICATIONS, RECUIRTMENT, AND SELECTION	135
POLICY NO. 4018 - PERSONNEL	137
POLICY NO. 4019 - NON-CERTIFICATED (CLASSIFIED) PERSONNEL	138
POLICY NO. 4020 - CLASSIFIED STAFF PAY POLICY	141
POLICY NO. 4020A - REGULAR AND SUBSTITUTE BUS DRIVER PAY AND BENEFITS POLICY	148
POLICY NO. 4021 - SUBSTITUTE TEACHERS	150
POLICY NO. 4022 - SOCIAL SECURITY NUMBERS	151
POLICY NO. 4023 - MILITARY AND FAMILY MILITARY LEAVE	153
POLICY NO. 4024 - WAGE AND DEDUCTION INFORMATION	155
POLICY NO. 4026 - PROHIBITION ON AIDING AND ABETTING SEXUAL ABUSE	156
POLICY NO. 4027 - WORKPLACE PRIVACY POLICY	157
POLICY NO. 4028 - EMPLOYEE FUNDRAISING	158
POLICY NO. 4031 - APPEARANCE BEFORE LEGISLATIVE BODY	159
POLICY NO. 4041 - CERTIFICATED EMPLOYEE SALARY SCHEDULE	160
POLICY NO. 4042 - EXCEPTIONS TO SCHEDULE	161
POLICY NO. 4046 - DISABILITY INSURANCE	162
POLICY NO. 4047 - REIMBURSEMENT FOR TRAVEL EXPENSE	163
POLICY NO. 4040 - LIVE WITHIN DISTRICT	164
POLICY NO. 4050 - INSTRUCTIONAL HOURS	165
POLICY NO. 4061 - SICK LEAVE	167
POLICY NO. 4062 – INJURY LEAVE	168

POLICY NO. 4070 – BREASTFEEDING AND PREGNANT AND PARENTING STUDENTS POLICY	169
POLICY NO. 4102 - TERMINATIONS – NON-CERTIFIED PERSONNEL	172
POLICY NO. 4103 - FULL TIME FISCAL YEAR NON-CERTIFIED (CLASSIFIED) PERSONNEL, VACATION LEAVE	173
POLICY NO. 4104 - PROFESSIONAL GROWTH	174
POLICY NO. 4105 - REPORTING CHILD ABUSE OR NEGLECT	179
POLICY NO. 4106 - SAFETY INSTRUCTION	181
POLICY NO. 4107 RESTRAINT AND SECLUSION	182
POLICY NO. 4108 - STAFF HEALTH AND SAFETY	188
POLICY NO. 4109 - DRUG FREE SCHOOL AND COMMUNITY POLICY	189
POLICY NO. 4110 - INTERPERSONAL/HUMAN RELATIONS	193
POLICY NO. 4111 - SEXUAL/ETHNIC HARRASSMENT POLICY	194
POLICY NO. 4111-A - HARRASSMENT BY EMPLOYEES	199
POLICY NO. 4111-B - ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES	206
POLICY NO. 4112 - FAMILY LEAVE	217
POLICY NO. 4113 - ANTI-DRUG PLAN FOR PERSONS WITH CDL'S	220
POLICY NO. 4114 - TESTING FOR CONTROLLED SUBSTANCES	222
POLICY NO. 4115 - EXTRA-CURRICULAR AND CO-CURRICULAR ACTIVITY OVERSIGHT COMMITTEE	224
POLICY NO. 4116 - DISCLOSURE AND PROTECTION OF EMPLOYEE HEALTH INFORMATION	225
POLICY NO. 4117 - BUS SAFETY PROGRAM	226
POLICY NO. 4118 - BUS DRIVER SUPERVISION	228
POLICY NO. 4119 – PROFESSIONAL BOUNDARIES BETWEEN EMPLOYEES AND STUDENTS	229
POLICY NO. 4133 - EMPLOYEE USE OF ELECTRONIC COMMUNICATION DEVICES	232
5000 Series – Students	237
POLICY NO. 5000 - OBJECTIVES FOR EQUAL EDUCATIONAL OPPORTUNITIES FOR STUDENTS	237
POLICY NO. 5001 - STUDENT ADMISSION REQUIREMENTS	239
POLICY 5001.1 - APPLICATION FOR STUDENT ADMISSION	244
POLICY NO. 5001.2 - EARLY ENTRANCE TO KINDERGARTEN PACKET	253

POLICY NO. 5002 - PHYSICAL EXAMINATION AND IMMUNIZATION	260
POLICY NO. 5003 - HOMELESS STUDENTS	261
POLICY NO. 5004 - STUDENT DIRECTORY INFORMATION	267
POLICY NO. 5005- STUDENT ENROLLMENT FULL-TIME AND PART-TIME ENROLLMENT	268
POLICY NO. 5020 - CUSTODY AND PARENTAL RIGHTS	276
POLICY NO. 5031 - JUNIOR – SENIOR PROM	277
POLICY NO. 5033 - CLASS SPONSORS	278
POLICY NO. 5041 - TRANSPORTATION	279
POLICY NO. 5044 - PLEDGE OF ALLEGIANCE, SCHOOL CEREMONIES AND OBSERVANCES	280
POLICY NO. 5045 - STUDENT RESIDENCE, ADMISSION, AND CONTRACTING FOR EDUCATIONAL SERVICES	281
POLICY NO. 5046 - NON-RESIDENT STUDENTS	284
POLICY NO. 5062 - PUPIL SOLICITATION	285
POLICY NO. 5063 - SOCIAL ACTIVITIES	286
POLICY NO. 5064 - SCHOOL PARTIES	287
POLICY NO. 5070 - PERMISSION TO LEAVE SCHOOL	288
POLICY NO. 5074 - ABSENTEE SLIPS	289
POLICY NO. 5075 - PERMIT TO RE-ENTER	290
POLICY NO. 5076 - ILLNESS OR ACCIDENT AT SCHOOL	291
POLICY NO. 5077 - ATHLETIC INSURANCE	292
POLICY NO. 5079 - MARRIED STUDENTS OR STUDENTS WITH CHILDREN	293
POLICY NO. 5080 - INITIATIONS	294
POLICY NO. 5081 - GRADUATION EXERCISES	295
POLICY NO. 5082 - STUDENT LUNCH	297
POLICY NO. 5083 - RESPONSIBILITY FOR DISCIPLINE	299
POLICY NO. 5084 - VEHICLES ON SCHOOL PROPERTY	300
POLICY NO. 5085 - RESPONSIBILITY FOR SCHOOL PROPERTY	302
POLICY NO. 5086 - TOBACCO, ALCOHOLIC BEVERAGES, DRUG AND CONTROLLED SUBSTANCES	303
POLICY NO. 5087 - CHARGED WITH OR CONVICTED OF A CRIME	306

POLICY NO. 5088 - RANDOM ILLEGAL DRUG, ALCOHOL AND NICOTINE TESTING PROGRAM	307
POLICY NO. 5089 - STUDENT DISCIPLINE - SUSPENSION AND EXPULSION	311
POLICY NO. 5090 - CORPORAL PUNISHMENT	329
POLICY NO. 5091 - EDUCATIONAL TRIPS AND COMPETITIVE CONTESTS	331
POLICY NO. 5092 -STUDENT ACTIVITY TRIPS	332
POLICY NO. 5093 - STUDENT DRESS CODE	333
POLICY NO. 5095 - NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES	334
POLICY NO. 5095-A - STUDENT RIGHT PROCEDURE	341
POLICY NO. 5095-B - EXPLANATIONS – DUE PROCESS DIRECTIONS FOR STUDENT GRIEVANCE PROCEDURE	343
POLICY NO. 5096 - APPEARANCES OF SCHOOL GROUPS	346
POLICY NO. 5097 - BUILDING HOURS	349
POLICY NO. 5098 - TITLE IX SEXUAL HARASSMENT	350
POLICY NO. 5099 - STUDENTS REQUIRED TO MAKE UP TIME AFTER SCHOOL HOURS	355
POLICY NO. 5102 - SCHOOL OFFICE PHONES	356
POLICY NO. 5103 - STUDENT HANDBOOK	357
POLICY NO. 5104 - ELIGIBILITY	358
POLICY NO. 5105 - STUDENT DRIVING AND PARKING	359
POLICY NO. 5106 - ATTENDANCE AND EXCESSIVE ABSENTEEISM	360
POLICY NO. 5107 - DISPENSING MEDICATIONS POLICY	367
POLICY NO. 5109 - COMMUNICABLE DISEASES	380
POLICY NO. 5110 - STUDENT FEES, FINES AND CHARGES	382
POLICY NO. 5111 – POLICIES AND PROCEDURES FOR MOBILE DEVICE PROGRAM	385
POLICY NO. 5112 - STUDENT GOVERNMENT	395
POLICY NO. 5113 - PLACEMENT OF RULE 13 STUDENTS	396
POLICY NO. 5114 - Network Acceptable Use and Internet Safety Policy	399
POLICY NO. 5115 - ALTERNATIVE EDUCATION FOR EXPELLED STUDENTS (LB 232)	407
POLICY NO. 5117 - EDUCATIONAL REQUIREMENTS FOR GRADUATION	415
POLICY NO. 5118 - CHANGE OF EDUCATIONAL PLACEMENT	416

POLICY NO. 5119 - EVIDENCE OF BIRTH DATE	417
POLICY NO. 5120 - ENROLLMENT OF EXPELLED STUDENTS	418
POLICY NO. 5121 - STUDENT FEES	419
POLICY NO. 5121-A - STUDENT TRANSFERS OUT OR WITHDRAWALS	430
POLICY NO. 5122 - STUDENT ATTENDANCE RECORDS	432
POLICY NO. 5123 - STUDENTS OF LEGAL AGE	433
POLICY NO. 5124 - STUDENT CONDUCT	434
POLICY NO. 5125 - STUDENT CONDUCT ON BUSES	436
POLICY NO. 5126 - REGULATED DEVICES-BEEPERS, CELL PHONES AND LASER POINTERS	437
POLICY NO. 5127 - SEARCH, SEIZURE AND ARRESTS-USE OF DRUG DETECTION DOGS	438
POLICY NO. 5128 - QUESTIONING OF STUDENTS BY OUTSIDE AGENCIES	440
POLICY NO. 5129 - STUDENT RECORDS ACCESS	441
POLICY NO. 5130 - STUDENT LIBRARY CIRCULATION RECORDS	443
POLICY NO. 5131 - HARASSMENT BY STUDENTS	444
POLICY NO. 5132 - ASTHMA AND ALLERGIC REACTION PROTOCOL	447
POLICY NO. 5133 - STUDENT USE OF CELLULAR TELEPHONES	452
POLICY NO. 5134 - HIGH SCHOOL CREDIT FOR MIDDLE SCHOOL COURSES	453
POLICY NO. 5135 - STUDENTS WITH ALLERGIES	454
POLICY NO. 5136- SEIZURE SAFE SCHOOLS POLICY	482
POLICY NO. 5202 - CONFIDENTIALITY OF STUDENT RECORDS	457
POLICY NO. 5401 - ANTI-DISCRIMINATION, ANTI-HARASSMENT, AND ANTI-RETALIATION	459
POLICY NO. 5401A - COMPLAINT FORM - DISCRIMINATION, HARASSMENT OR RETALIATION	467
POLICY NO. 5408 - STUDENT HEALTH INSPECTIONS	469
POLICY NO. 5416 - SCHOOL WELLNESS POLICY	470
POLICY NO. 5418 - HOMELESS STUDENTS	475
<a href="http://www.education.ne.gov/federalprograms/Title%20X.html">http://www.education.ne.gov/federalprograms/Title%20X.html</a>	487
<a href="http://www.education.ne.gov/federalprograms/Title%20X.html">http://www.education.ne.gov/federalprograms/Title%20X.html</a>	489
POLICY NO. 5419 - STUDENT PRIVACY PROTECTION	491
POLICY NO. 5800 - STUDENTS – ANTI BULLYING	497



POLICY NO. 5801 - DATING VIOLENCE PREVENTION	498
POLICY NO. 5802 - BAYARD PUBLIC SCHOOLS SAFE PUPIL TRANSPORTATION PLAN	499
POLICY NO. 5900 - SERVICE ANIMALS	504
POLICY NO. 5901 - MINIATURE HORSES	506
6000 Series – Instruction	507
POLICY 6020 - THE PROGRAM OF INSTRUCTION	507
POLICY NO. 6050 - COOPERATION WITH INTERIM-PROGRAM SCHOOLS IN COUNTY DETENTION HOMES, INSTITUTIONS AND JUVENILE EMERGENCY SHELTERS	508
POLICY NO. 6051 - POLICY REGARDING FREE APPROPRIATE PUBLIC EDUCATION FOR STUDENTS IN INTERIM PROGRAM SCHOOLS	510
POLICY NO. 6111 – CLASSROOM ENVIRONMENT	512
POLICY NO. 6210 - CURRICULUM DEVELOPMENT	513
POLICY NO. 6211 - INSTRUCTION CURRICULUM ASSESSMENTS	514
POLICY NO. 6212 - ASSESSMENTS – ACADEMIC CONTENT STANDARDS	518
POLICY 6283 - ACTIVITIES - CONCUSSIONS	519
POLICY NO. 6284 - RETURN FROM PEDIATRIC CANCER	522
POLICY NO. 6286 - INITIATIONS, HAZING, SECRET CLUBS, AND OUTSIDE ORGANIZATIONS	523
POLICY NO. 6920 - STUDENT SELF-MANAGEMENT OF ASTHMA, ANAPHYLAXIS, AND/OR DIABETES	524
7000 Series – Special Education	525
POLICY NO. 7000 - Implementation and Interpretation of Special Education Policies	525
POLICY NO. 7001 - Free Appropriate Public Education	526
POLICY NO. 7002 - Full Educational Opportunity Goal	527
POLICY NO. 7003 - Childfind	528
POLICY NO. 7004 - Identification, Evaluation and Verification	529
POLICY NO. 7005 - Individualized Education Program	530
POLICY NO. 7006 - Individualized Family Services Plan (IFSP)	531
POLICY NO. 7007 - Early Intervention Transition	532
POLICY NO. 7008 - Participation in Assessments	533
POLICY NO. 7009 - Least Restrictive Environment	534
POLICY NO. 7010 - Children in Nonpublic Schools	535

POLICY NO. 7011 - Procedural Safeguards	537
POLICY NO. 7012 - Transportation	538
POLICY NO. 7013 - Personnel Standards	539
POLICY NO. 7014 - Performance Goals and Indicators	540
POLICY NO. 7015 - Suspension and Expulsion Reporting	541
POLICY NO. 7016 - PROHIBITION ON MANDATORY MEDICATION	542
POLICY NO. 7017 - OVER-IDENTIFICATION AND DISPROPORTIONALITY	543
POLICY NO. 7018 - ACCESS TO INSTRUCTIONAL MATERIALS	544
POLICY NO. 7019–Student Discipline and Manifestation Determination	545
8000 Series – Philosophy and General	548
POLICY NO. 8001 - NON-DISCRIMINATION IN EDUCATION PROGRAMS AND ACTIVITIES	548
POLICY NO. 8001-A - STATEMENT OF EDUCATIONAL PHILOSOPHY	549
POLICY NO. 8002 - PURPOSE OF THE BOARD OF EDUCATION	550
POLICY NO. 8003 - FUNCTIONS OF THE BOARD OF EDUCATION	551
POLICY NO. 8101 – COMMITTEE ON AMERICAN CIVICS	553
POLICY NO. 8201 - LIMITATIONS OF BOARD MEMBERS	554
POLICY NO. 8202 - REIMBURSEMENT FOR TRAVEL EXPENSES	555
POLICY NO. 8203 - COMPLIMENTARY TICKETS TO BOARD MEMBERS	556
POLICY NO. 8204 - MEALS, PLAQUES, CERTIFICATES OF ACHIEVEMENT, AND ITEMS OF VALUE	557
POLICY NO. 8301 - FORMULATION OF POLICIES	558
POLICY NO. 8305 - GRIEVANCES AND COMPLAINTS	559
POLICY NO. 8305-A - GRIEVANCE PROCEDURES FOR EMPLOYEES	560
POLICY NO. 8450 - EXTRA-CURRICULAR ACTIVITIES	563
POLICY NO. 8460 - AIDS EDUCATION	564
POLICY NO. 8470 - DRUG AND ALCOHOL EDUCATION AND PREVENTION PROGRAM	565
POLICY NO. 8471 - INFORMATION TO STUDENTS	566
POLICY NO. 8472 - 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	567
POLICY NO. 8473 - SEXUAL/ETHNIC HARASSMENT POLICY	568

POLICY NO. 8474 - MISSION STATEMENT AND VISION STATEMENT	572
9000 Series – Board By-Laws	573
POLICY NO. 9001- NUMBER OF MEMBERS AND TERMS OF OFFICE	573
POLICY NO. 9002 - PERMANENT BOARD COMMITTEES	574
POLICY NO. 9003 - TEMPORARY BOARD COMMITTEES	575
POLICY NO. 9003.1 - TEMPORARY BOARD ADVISORY COMMITTEES	576
POLICY NO. 9004 - VACANCIES	577
POLICY NO. 9005 - PROCEDURES FOR FILLING A BOARD VACANCY	578
POLICY NO. 9006 - STUDENT BOARD REPRESENTATIVE	579
POLICY NO. 9101 - DUTIES OF THE PRESIDENT	582
POLICY NO. 9102 - DUTIES OF THE VICE-PRESIDENT	583
POLICY NO. 9104 - DUTIES OF THE COUNSEL	584
POLICY NO. 9105 - AUDITS AND DUTIES OF THE AUDITOR	585
POLICY NO. 9106 - BOARD MEMBER CODE OF ETHICS	588
POLICY NO. 9238 - MEETING NOTICE	592
POLICY NO. 9239 - PUBLIC PARTICIPATION AT BOARD MEETINGS	593
POLICY NO. 9240 - DETERMINING AGENDA	595
POLICY NO. 9241 - MEETING MINUTES	596
POLICY NO. 9242 - ORDER OF BUSINESS	597
POLICY NO. 9243 - REGULAR MEETING	599
POLICY NO. 9244 - SPECIAL MEETINGS	600
POLICY NO. 9245 - ADJOURNED MEETINGS	601
POLICY NO. 9246 - POLL OF THE BOARD	602
POLICY NO. 9247 - USE OF PUBLIC OFFICE, CONFIDENTIAL INFORMATION, OR SCHOOL PERSONNEL, RESOURCES, OR FUNDS FOR FINANCIAL GAIN OR FOR PURPOSES OF CAMPAIGNING FOR OR AGAINST THE NOMINATION OR ELECTION OF A CANDIDATE OR THE QUALIFICATION, PASSAGE, OR DEFEAT OF A BALLOT ISSUE.	603
POLICY NO. 9248 - BOARD MEMBER HEALTH INSURANCE	604
POLICY 9249 - PUBLIC HEARINGS	605
POLICY 9300 - POLICY DEVELOPMENT	606
POLICY NO. 9301 - POLICY ADOPTION	607
POLICY NO. 9302 - POLICY REVIEW AND REVISION	608

POLICY NO. 9303 - ADMINISTRATION IN THE ABSENCE OF POLICY

609

POLICY NO. 9341 - VOTING

610

## **1000 Series - Community**

### **POLICY NO.1000 - PRINCIPLES AND OBJECTIVES FOR COMMUNITY RELATIONS**

Successful education programs require the support of the school district community. The board addresses the importance of the role of the school district community in the school district in this series of the policy manual. The board recognizes this support is dependent on the school district community's understanding of participation in the efforts, goals, problems and programs of the school district.

In this section, the board sets out its policies defining its relationship with the school district community. In striving to obtain the support of the school district community, the board will:

- Provide access to school district records;
- Inform the school district community of the school district's goals, objectives, achievements, and needs;
- Invite the input of the school district community; and
- Encourage cooperation between the school district and the school district community.

Adopted 8-12-02

Reviewed: 1-11-10, 7-10-17, 5-13-19, 9-14-20, 5-10-21

## **POLICY NO.1001 - CRISIS MANAGEMENT COMMUNICATIONS**

A school crisis may occur at any time, may take various shapes, and may hit with varying degrees of severity. The superintendent is directed to develop a School Communications Crisis Procedure to manage information more effectively and to ensure the crisis will be managed more effectively.

The procedure should include the following provisions:

1. Designation of a crisis spokesperson and description of the spokespersons duties;
2. Preparation to be taken before a crisis for dealing with the media;
3. Procedures for contacting various groups such as emergency response units, employees, parents, and the media;
4. Procedures for developing and releasing a public statement soon after the initiation of the crisis; and
5. Procedures for developing a public statement or report following the conclusion of the crisis.

Adopted: 8-12-02

Reviewed: 1-11-10, 7-10-17, 5-13-19, 9-14-20, 5-10-21

## **POLICY NO.1002 - COMMUNITY RESOURCE PERSONS AND VOLUNTEERS**

The board recognizes the valuable resource it has in the members of the school district community. When possible and in concert with the education program, members of the school district community, may be asked to make presentations to the students or to assist employees in duties other than teaching. The school district may officially recognize the contributions made by volunteers.

Recruitment, training, utilization, and the maintenance of records for the purposes of insurance coverage or recognition of school district volunteers are responsibilities of the superintendent.

Adopted: 8-12-02

Reviewed: 1-11-10, 7-10-17, 5-13-19, 9-14-20, 5-10-21

## **POLICY NO.1003 - VISITORS TO SCHOOL**

The board encourages parents and other district citizens to visit the school and classrooms at any time to observe the work of students, teachers and other employees. All visitors, which includes persons other than employees or students, must notify the principal or principal designee of their presence in the facility upon arrival and request authorization to visit elsewhere in the building.

Persons who wish to visit a classroom while school is in session are asked to notify the principal and obtain approval from the principal prior to the visit so appropriate arrangements can be made and so class disruption can be minimized. Teachers and other employees shall not take time from their duties to discuss matters with visitors.

Visitors shall conduct themselves in a manner fitting to their age level and maturity and with mutual respect and consideration for the rights of others while attending school events. Visitors failing to conduct themselves accordingly may be asked to leave the premises. The board and administration will not tolerate any person or persons whose presence disturbs classes or school activities or hinders the instructional process. Children who wish to visit school must be accompanied by a parent or responsible adult.

It shall be the responsibility of employees to report inappropriate conduct. It shall be the responsibility of the superintendent and principals to take the action necessary to cease the inappropriate conduct. If the superintendent or principals are not available a school district employee shall act to cease the inappropriate conduct.

The Board discourages using the school as a site for parents without custody to visit their children. The principal may deny the parent without custody the opportunity to deliver packages, gifts, messages, etc., to the child and/or to see the child during the school day without the approval of the custodial parent or legal guardian. In this paragraph, "without custody" means the parent lacks joint legal custody under Nebraska law. School officials are encouraged make reasonable efforts to allow parent visitations when presented with a valid court order specifying plans for such visitation.

The district may restrict the use of its buildings and grounds or restrict access to school property by issuing no trespassing commands and/or stay away/no trespassing letters when deemed necessary by the superintendent when any individual or group:

1. is determined to present a risk to the safety of others,
2. presents a disruption to the learning environment,



3. fails to follow proper check-in and identification procedures, or
4. does not have a legitimate purpose to be present on school grounds or activities.

In the event a person prohibited by this or other board policies is on district property or is attending a district-sponsored event, the superintendent or building principal will tell the person he or she must leave and will notify the person they are not permitted back on district property, except if their presence is required by the district. The superintendent or building principal may contact the proper legal authorities if necessary to enforce this policy and may file a report or sign a complaint on behalf of the district.

#### Denying Access to School Premises or Activities

Restrictions on the use of school buildings and grounds may be implemented by administrative action. The Board gives all district and building administrators and their designees authority to implement and enforce restrictions on access to school property and to issue no trespassing commands and stay away/no trespassing letters. Such action shall be taken consistent with constitutional and other legal rights.

All district and building administrators and their designees shall have full power and authority to direct any individual or group to leave school grounds and stay away where such individual or group:

1. has failed to comply with identification or check-in procedures;
2. has been determined by such administrators or designees to not have a legitimate school purpose to be on school grounds;
3. has disrupted the educational environment;
4. has been unreasonably boisterous;
5. has caused or attempted to cause damage to school property or to the property of any student or school employee;
6. has caused or attempted to cause personal injury to any student, school employee, or other person on school grounds or at an activity on or off school grounds;
7. has used vulgar, profane, or demeaning language;
8. has used fighting words; or
9. been determined by such administrators or designees to present a risk to the safety of building users or a risk of disruption to the educational program, including without limitation, registered sex offenders persons who have been convicted of serious crimes of violence, or persons who have been convicted of the unlawful sale of drugs (particularly if the sale was to students or other minors).

A directive to stay off school grounds may, in the discretion of the administrator giving the directive, be of either determinate or indeterminate length. The administrator shall have the authority to fix the time when, and the conditions under which, the offending person may return to school premises. A refusal to leave or stay away as directed will be considered trespassing and shall be reported by the administrators or their designees to proper law enforcement authorities.

### Registered Sex Offenders

The State of Nebraska has determined that perpetrators of certain sex crimes pose a continuing threat to society as a whole even after completion of their criminal sentences. Recognizing that the safety and welfare of students is of paramount importance, the Bayard Public Schools Board of Education hereby declares that, except in limited circumstances, the premises of Bayard Public Schools will be off limits to registered sex offenders.

### Rights of Parents on the Sex Offender Registry

Definition: For purposes of this policy the term "parent" means a parent, guardian, or person who stands in loco parentis to a student enrolled at Bayard Public Schools.

In the event that a registered sex offender is the parent of a child attending the Bayard Public Schools, an administrator shall be authorized to modify this policy's restrictions to permit the parent to drop off and pick up the child from school and to come onto campus to attend parent-teacher conferences, IEP conferences, and student related activities that may include but are not limited to sporting events, concerts, etc. However, such a sex offender may not linger on or about school property and may be required to be escorted by an administrator.

This policy does not impose a duty upon any school administrator or any other employee of the Bayard Public Schools to review the sex offender registry and the school system's directory information to ascertain whether a registered sex offender may have a child in the Bayard Public Schools system. The provisions of this policy shall apply only if an administrator actually becomes aware that a parent of a student is a registered sex offender.

To facilitate voluntary compliance with this policy, school administrators are encouraged to speak with any affected parents upon learning of their status as sex offenders to communicate the restrictions of this policy. At all times, the administrator shall endeavor to protect the privacy of the offender's child.

Legal Reference: NE Statute 79-8,100  
Neb. Statute 28-520 to 522

Adopted: 8-12-02

Reviewed: 1-11-10

Revised: 2-8-16, 7-10-17, 5-13-19, 9-14-20, 5-10-21

## **POLICY NO.1004 - PUBLIC CONDUCT ON SCHOOL PREMISES**

No person on district property will:

- Injure or threaten to injure another;
- Damage the property of another or of the district;
- Violate parking regulations;
- Drive a vehicle in an unsafe manner;
- Impede, delay or otherwise interfere with the orderly conduct of the district's educational program or any other activity taking place on district property which has been authorized by the Board, superintendent, principal or other authorized administrator;
- Enter any portion of district premises at any time for purposes other than those which are lawful and authorized by district officials;
- Possess an unauthorized loaded or unloaded firearm or any other instrument used as a dangerous or deadly weapon as defined in law and Board policy;
- Consume, sell, give or deliver unlawful drugs including drug paraphernalia and alcoholic beverages;
- Smoke or use tobacco products in other than a designated smoking area;
- (Wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, badge, symbol, sign or other things which are evidence of membership or affiliation in any gang. use speech or commit any act or omission in furtherance of the interest of any gang or gang activity. A "gang" is defined as a group that identifies itself through the use of a name, unique appearance or language including hand signs, claiming of geographical territory or the espousing of a distinctive belief system that frequently results in criminal activity;)
- Willfully violate other district rules and regulations designed to maintain public order on school property.

Spectators are permitted to attend extracurricular activities only as guests of the school district, and, accordingly as a condition of such permission, they must comply with the school district's rules and policies. Spectators will not be allowed to interfere with the enjoyment of the students participating, other spectators or with the performance of employees and officials supervising the extracurricular activity. Spectators, like the student participants, are expected to display mature behavior and sportsmanship. The failure of spectators to do so is not only disruptive but embarrassing to the students, the school district, and the entire community.

To protect the rights of students to participate without fear of interference, and to permit the sponsors and officials of extracurricular activities to perform their duties without interference, the following provisions are in effect.

- Abusive, verbal or physical conduct of spectators directed at participants, officials or sponsors of extracurricular activities or at other spectators will not be tolerated.
- Verbal or physical conduct of spectators that interferes with the performance of students, officials, or sponsors of extracurricular activities will not be tolerated.
- The use of vulgar or obscene language directed at students, officials or sponsors participating in an extracurricular activity or at other spectators will not be tolerated.

If a spectator at an extracurricular activity becomes physically or verbally abusive, uses vulgar or obscene language, or in any way impedes the performance of an activity, the spectator may be removed from the event by the individual in charge of the event and the superintendent may recommend the exclusion of the spectator at future extracurricular activities.

Upon recommendation of the superintendent, the board shall cause a notice of exclusion from extracurricular activities to be sent to the spectator involved. The notice shall advise the spectator of the school district's right to exclude the individual from school district activities and events and the duration of the exclusion. If the spectator disobeys the school district's order, law enforcement authorities will be contacted and asked to remove the spectator. If a spectator has been notified of exclusion and thereafter attends an extracurricular activity, the spectator shall be advised that his/her attendance will result in prosecution.

Persons having no legitimate purpose or business on district property or violating or threatening to violate the above rules may be ejected from the premises and/or referred to law enforcement officials.

Adopted: 8-12-02

Reviewed: 1-11-10, 7-10-17, 5-13-19, 9-14-20, 5-10-21



## **POLICY NO. 1005 - DISTRIBUTION OR POSTING OF MATERIALS**

The board recognizes that students, employees, parents or citizens may want to distribute materials within the school district that are noncurricular. Noncurricular materials to be distributed must be approved by the building principal and meet certain standards prior to their distribution.

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

Materials shall be reviewed based on legitimate educational concerns. Such concerns include: the material is or may be defamatory; the material is inappropriate based on the age, grade level and/or maturity of the reading audience; the material is poorly written, inadequately researched, biased or prejudiced; the material contains information that is not factual; the material is not free of racial, ethnic, religious or sexual bias; or the material contains advertising that violates public school laws, rules and/or policy, is deemed inappropriate for students or that the public might reasonably perceive to bear the sanction or approval of the district.

The superintendent or designee shall determine distribution procedures for noncurricular materials. Such procedures may include:

Distribution to each student before or after class if materials are not directly related to the instructional goals;

Notification to students or parents of the availability of the materials in a specified location if this procedure is deemed less disruptive to the educational process; or

Solicitation of school-related groups such as parent organizations to distribute materials

The practice of distributing pamphlets, booklets, flyers, brochures and other similar materials shall be periodically reviewed to ensure that the volume of requests has not become an interruption to the educational process.

The facilities, the staff or the students of the district shall not be used in any manner to advertise or promote commercial, cultural, organizational or other nonschool interests except that the district may:

Utilize films and other instructional aids furnished by private sources when the advertising content is reasonable in the judgment of the building principal;

Cooperate through announcements and distribution of program material with nonprofit community organizations that supplement the school program when such cooperation will not interfere with the school program;

Permit participation on a student option basis in essay, art, science, and similar contests sponsored by outside interests when such activities parallel the curriculum and contribute to the educational program;

Release promotional material for nonschool athletic and cultural events only through appropriate school departments;

Accept, (but not actively solicit) limited advertising on extracurricular activity schedules and programs at the discretion of the principal of the school involved;

Permit other exceptions when, in the judgment of the superintendent, students of the district will benefit. The superintendent may, at his/her option refer specific cases to the board for decision.

**Signs and Banners:** Signs and banners will be allowed in or upon buildings and other district facilities only with the prior written approval of the building principal with consideration for the health, safety and welfare of staff and students.

The following guidelines shall be applied in considering requests to display signs or banners:

Signs and banners on sticks require special authorization;

Signs and banners fastened to any structure of a building or structures immediately adjacent to an open space shall not be allowed without specific prior written permission;

Signs and banners presenting recognizable health or safety hazards are prohibited;

Signs and banners presenting false information shall be prohibited.

Approved: 6-14-10

Reviewed: 7-10-17, 5-13-19, 9-14-20, 5-10-21





## **POLICY NO. 1006 - VOLUNTEERS IN THE SCHOOLS**

The use of volunteers within the school program enhances the educational process both for students and for the community. Volunteers may provide additional support in the classroom, promote community-school cooperation in facilitating the learning process and provide resource persons for the district who have expertise in various areas.

Building principals shall make the final determination whether an interested community member will serve as a volunteer. The safety and well being of the students, staff and volunteers of the district is the chief concern. Therefore, the district may conduct criminal background checks on all volunteers who work directly with and/or have access to students. Background checks, if completed, will be conducted prior to the first time the individual volunteers work with the students and the district reserves the right to conduct additional background checks periodically thereafter.

Individuals will not be permitted to serve as a volunteer if there is a restraining order/protection order in place between the volunteer and any student or staff member of Bayard Public Schools.

School volunteers shall be expected to abide by all applicable laws, district polices and administrative procedures when performing their responsibilities. All district employees working directly with a volunteer are responsible for directing and supervising the activities of the volunteer with broad supervision provided by the building principal/administrators.

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

Approved: 8-10-15

Reviewed: 7-10-17, 5-13-19, 9-14-20, 5-10-21

## **POLICY NO. 1006.1 - VOLUNTEER AGREEMENT FORM**

Thank you for offering to serve as a Volunteer for Bayard Public Schools! The purpose of this Volunteer Agreement is to establish expectations for Volunteers, which will help ensure that effective learning and teaching take place in a safe, secure and welcoming environment. This form must be completed annually by all volunteers.

As a Volunteer at Bayard Public Schools, I understand and agree to the following:

- I will receive authorization from the School District staff member under whom I am volunteering, and the District Principal/Administrator prior to providing service as a Volunteer.
- At all times, I will serve under the supervision of a School District staff member.
- I understand that I am not permitted to serve as a Volunteer if there is a restraining order/protection order in place between the Volunteer and any student or staff member of Bayard Public Schools.
- I understand that the District reserves the right to decline my volunteer service at any time.
- I understand that I must follow all School District policies building regulations, goals, priorities and guidelines.
- I understand that I am expected to be familiar with the school building's evacuation and lockdown procedures.

**Confidential Information:** I agree to maintain the confidentiality of any student education records that I may generate or to which I may be given access as a Volunteer. I will never take any confidential student records off campus unless specifically authorized by the school administrator(s) with whom I am working. I understand and agree that my failure to maintain the confidentiality of all student education records to which I may be given access may disqualify me from further service as a Volunteer in the School District.

- I will dress and present myself in a professional manner when volunteering.
- I will conduct myself in a friendly, courteous manner and not show partiality toward any student nor share my personal religious or political beliefs.
- I will not receive any compensation or remuneration from the school, the School District, a parent or any fundraising organization for performing volunteer service.

- I will refer any potential student disciplinary issue to a supervising staff member or the Principal/Administrator.
- I understand that I am expected to make every reasonable effort to ensure that the School District's technology resources are used appropriately and responsibly.
- I understand that I must inform the school of any health/medical issue that may impact my services as a Volunteer.
- I understand that I am not authorized to drive School District vehicles or to transport children, staff or school guests in my own vehicle (unless I have received specific authorization from the Superintendent.)
- I understand and agree that any injury I may sustain while performing service as a Volunteer will not be covered by the School District's Workers' Compensation insurance and will be my responsibility.

**Background Screening:** I understand that based upon the level of my Volunteer responsibilities, the School District will determine which background screening I will need to submit. This background screening may include obtaining a report from a reporting agency that may include information concerning my criminal history. By providing the information requested and signing below, I consent to the District conducting an applicable background screening.

---

Volunteer Name (printed)	Signature	Date

---

Teacher or Coach Name (printed) Date	Signature

---

School Administrator Name (printed)	Signature	Date

Approved: 8-10-15

Reviewed: 7-10-17, 5-13-19, 9-14-20, 5-10-21

## **POLICY NO. 1007 - THREAT ASSESSMENT AND RESPONSE**

The Board is committed to providing a safe environment for the school community. Students, staff, and patrons should immediately report any statements or behavior that makes the observer fearful or uncomfortable about their safety at school, school events, or otherwise connected to the school community.

### Obligation to Report threatening Statements or Behaviors.

All staff and students must report any threatening statements or behavior to a member of the administration. Staff and students must make such report regardless of the nature of the relationship between the individual who initiated the threat or threatening behavior and the person(s) who were threatened or who were the focus of the threatening behavior. Staff and students must also make such reports regardless of where or when the threat was made or the threatening behavior occurred. THREATS OR ASSAULTS WHICH REQUIRE IMMEDIATE INTERVENTION SHOULD BE REPORTED TO THE POLICE AT 911.

### Threat Assessment Investigation and Response

All reports received by school administration of violent, threatening, stalking or other behavior or statements which could be interpreted as posing a threat to school safety will immediately be forwarded to law enforcement for investigation. The school administration will cooperate with and assist law enforcement in conducting a threat assessment investigation. Law enforcement's threat assessment investigation may include, but will not be limited to, conducting interviews with the person who made the statement(s) or engaged in the behavior of concern, interviews with teachers and other staff members who may have information about the individual of concern, interviews with the target(s) of the threatening statements or behavior, interviews of family members, physical searches of the individual of concern and his or her possessions, and home (as allowed by law), and any other methods that law enforcement determines to be reasonable and useful. The school district will make staff members, including the school's guidance staff, available to cooperate with law enforcement as part of the investigation.

The school administration will request from law enforcement the results of law enforcement's investigation. The Superintendent will determine what, if any, response to the threat is appropriate based upon the information received or known by the Superintendent. The Superintendent is authorized to disclose the results of the investigation to other law enforcement agencies, the target(s) of any threatened acts, and to other school staff as is reasonably necessary to enable them to make proper decisions and/or implement any interventions related to the threatening statements or behavior. The Superintendent may refer the individual of concern to the

appropriate school administrator for consequences under the school's student discipline policy or, if appropriate, report the results of the investigation to the student's individualized education plan team, 504 plan team, or the student assistance team (SAT team).

#### Communication with the Public about Reported Threats

To the extent deemed necessary and reasonable by the Superintendent, the Superintendent should keep members of the school community informed about possible threats and about the district's response to those threats. This communication may include oral announcements, written communication sent home with students, and communication through print or broadcast media. However, the Superintendent will not publicly reveal the identity of the individual of concern or of any target(s) of threatened violence unless required by law.

#### Coordination with the Crisis Team After Resolution of Threat

The Superintendent will confer with the district's crisis team and/or the school's safety committee after a threat has been investigated to provide the crisis team and/or the safety committee with information that the crisis team and/or safety committee may use in assessing or revising the district's All Hazard School's Safety Plan.

Adopted: 3-9-20

Revised:

Reviewed: 9-14-20, 5-10-21

## **POLICY NO. 1200 – ANTI-DISCRIMINATION**

### **A. Elimination of Discrimination.**

The policy of Bayard Public Schools is to not discriminate on the basis of sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status, in admission or access to, or treatment with regard to employment or with regard to its programs and activities.

Bayard Public Schools and its staff shall comply with all state and federal laws prohibiting discrimination. The Board of Bayard Public Schools intends to take any necessary measures to assure compliance with such laws against any prohibited form of discrimination and directs its staff to take all actions necessary to meet this objective.

The Superintendent shall be the Coordinator for anti-discrimination laws (including Title VI, Title IX; the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act of 1973 (Section 504)) and complaints or concerns involving discrimination or compliance with those laws should be addressed to said Coordinator.

### **B. Preventing Harassment and Discrimination of Employees and Students.**

1. **Purpose:** Bayard Public Schools is committed to offering employment and educational opportunity to its employees and students based on ability and performance in a climate free of discrimination. Accordingly, unlawful discrimination or harassment of any kind by administrators, teachers, co-workers or other persons is prohibited. In addition, Bayard Public Schools will try to protect employees or students from reported discrimination or harassment by non-employees or others in the work place and educational environment.

For purposes of this policy, discrimination or harassment based on a person's sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status, is prohibited. The following are general definitions of what might constitute prohibited harassment.

- a. In general, ethnic or racial slurs or other verbal or physical conduct relating to a person's sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status, constitutes harassment when they unreasonably interfere with the person's work performance or create an intimidating work, instructional or educational environment.
- b. Age harassment has been defined by federal regulations as a form of age discrimination. It can consist of demeaning jokes, insults or intimidation based on a person's age.
- c. Sexual harassment has been defined by federal and state regulations as a form of sex discrimination. It can consist of unwelcome sexual advances, requests for sexual favors, or physical or verbal conduct of a sexual nature by supervisors or others in the work place, classroom or educational environment.

Sexual harassment may exist when:

- (a) Supervisors or managers make submission to such conduct either an explicit or implicit term and condition of employment (including hiring, compensation, promotion, or retention);
- (b) Submission to or rejection of such conduct is used by supervisors or managers as a basis for employment related decisions such as promotion, performance evaluation, pay adjustment, discipline, work assignment, etc.
- (c) The conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working, class room or educational environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching or brushing against another's body.

2. **Procedures:**

- a. Employees or students should initially report all instances of discrimination or harassment to their immediate supervisor or teacher. However, if the employee or student is uncomfortable in presenting the problem to the supervisor or teacher, or if the supervisor or teacher is the problem, the employee or student is encouraged to go to the next level of supervision.
- b. If the report is not satisfactorily resolved within ten calendar days, or if the discrimination or harassment continues, please report your complaint to the Superintendent of Bayard Public Schools.
- c. If a satisfactory arrangement cannot be obtained through the Superintendent, the complaint may be processed to the Board of Education.
- d. The person to whom the complaint is made is to thoroughly investigate the complaint and work with the person filing the complaint to seek an appropriate resolution so the discrimination or harassment can be remedied and put to an end.
- e. Complaints of discrimination or harassment will be treated with the utmost confidence, consistent with resolution of the problem.
- f. Based on the results of the investigation, appropriate corrective action, up to and including discharge of offending employees, etc., may be taken.
- g. Under no circumstances will a supervisor or a teacher or the Board threaten or retaliate against a person for alleging discrimination or harassment.

Legal Reference: Title VI, 42 U.S.C. Sec. 2000d, Title VII, 42 U.S.C. Sec. 2000e, Title IX; 20 U.S.C. Sec. 1681, and the Nebraska Fair Employment Practices Act, Neb. Rev. Stat. Sec. 48-1101 et seq.



Age Discrimination in Employment Act (ADEA), the Older Workers Benefit Protection Act (OWBPA), 29 U.S.C. Sec. 621 et seq., and the Nebraska Age Discrimination in Employment Act, Neb. Rev. Stat. Sec. 48-1001 et seq.;

Americans with Disabilities Act (ADA), 42 U.S.C. Sec. 12101 et seq.

Section 504 of the Rehabilitation Act of 1973 (Section 504)

Pregnancy Discrimination Act, 42 U.S.C. Sec. 2000e(k)

Uniform Service Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Sec. 4301 et seq.

Neb. Rev. Stat. Sec. 79-2,115, et seq

Adopted: 9-13-21

Reviewed:

Revised:

## **POLICY NO.1301 - PATRON OBJECTIONS**

All objections by patrons concerning materials used in the school should be submitted to the office of the principal or the office of the superintendent, whichever is applicable, in writing. Forms that may be used can be obtained from any of the school's administrative offices. The form will require the objector to cite chapter, page, verse, etc. (if his objection concerns a book, for example). He must state what effect the objectionable material would have, in his judgment, on students; he must state what action he wants the district to take with respect to the material; he must sign the objection.

A four-member reviewing committee, consisting of the superintendent, a building principal, and two teachers appointed by the superintendent, will pass judgment on the objection and announce its decision.

If the objector is dissatisfied with the decision, he may then appeal to the Board of Education.

### **RENEWAL**

Patron complaints regarding the same materials or curriculum as previously objected to may be renewed by signing a Renewal Request Form.

Adopted: 8-17-76

Revised: 8-13-90

Reviewed: 1-11-10, 7-10-17, 5-13-19, 9-14-20, 5-10-21



## **POLICY NO.1401 - GENERAL REGULATIONS FOR USE OF SCHOOL FACILITIES**

Arrangements for the use of school property shall be made through the Superintendent or his

Designate.

The use of school building facilities will be confined to the local community, church or civic groups.

For the rental of either the multipurpose room at the elementary building or the old gym at the secondary building, a fee of \$25.00 shall be charged. For the rental of the new gym at the secondary building a fee of \$100.00 shall be charged. All fees are payable in advance.

Rental of the kitchen and kitchen equipment is \$25.00 per meal, plus a minimum of \$12.50 per hour for a regular school cook as supervisor.

Breakage or damage is the responsibility of the organization using the school facilities. Facility use may be denied to any group who has failed to provide the necessary care and supervision while using the school facilities.

Adopted: 8-17-76

Revised: 8-8-77; 1-14-80; 8-8-94; 8-9-04; 2-8-10

Reviewed: 7-10-17, 5-13-19, 9-14-20, 5-10-21

BAYARD PUBLIC SCHOOLS  
BAYARD, NEBRASKA

Use of School Facilities Agreement Form

Building: \_\_\_\_\_ Room or Area \_\_\_\_\_

Period Covered by Agreement: Date (s) \_\_\_\_\_ Hours of Use \_\_\_\_\_

Organization of Individual Requesting Use:

Name \_\_\_\_\_ Person Responsible \_\_\_\_\_

Address \_\_\_\_\_ Phone Number \_\_\_\_\_

Charges and Fees

Deposit \$ \_\_\_\_\_

Fees for Rental \$ \_\_\_\_\_

Special Fees (List Below) \$ \_\_\_\_\_

Other \$ \_\_\_\_\_

Total Fees or Charges \$ \_\_\_\_\_

RELEASE AND INDEMNIFICATION AGREEMENT

THE APPLICANT OR THE ORGANIZATIONAL REPRESENTATIVE HAS READ AND AGREES TO THE USE OF FACILITIES PROCEDURES AND IN ADDITION TO THE FOLLOWING:

In consideration of the undersigned being allowed or granted permission to use Bayard Public Schools – School District #21 buildings, grounds, facilities or equipment, the undersigned hereby releases and waives any and all claims, demands, causes of action, suites, debts or damages which the undersigned has or which may in the future accrue, for all personal

injuries, known or unknown, or injuries or damage to property, caused or arising out of the undersigned's use or Bayard Public Schools buildings, grounds, facilities or equipment.

Additionally, in consideration of the undersigned being allowed or granted permission to use Bayard Public Schools's buildings, ground, facilities or equipment, the undersigned hereby covenants to indemnify and save harmless the Bayard Public Schools, buildings, grounds, facilities or equipment.

The undersigned acknowledges and agrees that without executing the Release and Indemnification Agreement permission would not be granted to use Bayard Public School's buildings, grounds, facilities or equipment. The undersigned further understands and agrees that this Release shall be binding on the undersigned, and the undersigned's heirs, executors, administrators or assigns, and that by executing this Release and Indemnification Agreement, the undersigned is hereby releasing and agreeing to Indemnify Bayard Public Schools, all of its present or future Board members in their individual or official capacities, and all successors thereto.

The Bayard Public Schools does not sponsor or in anyway endorse the views, aims, policies, opinions or content of any speakers or presenters, or materials disseminated as part of the program of the person or persons or entity allowed access to Bayard Public School's facilities and remains totally neutral with regard thereto.

The undersigned acknowledges having read this Agreement, understands the rights which are being waived or release hereby, understands the indemnification obligation assumed hereby, and executes the same voluntarily and with full knowledge of its significance.

\_\_\_\_\_  
 \_\_\_\_\_  
 Representative's Signature Title Date

Certificate of Insurance furnished by: (Note: Will be required of some organizations spending on rental purpose and risk.)

\_\_\_\_\_  
 \_\_\_\_\_  
 Insurance Company Phone Number

REQUEST IS DENIED \_\_\_\_\_ REQUEST IS APPROVED \_\_\_\_\_ SUBJECT TO THE FOLLOWING CONDITIONS

SCHOOL DISTRICT SUPERINTENDENT \_\_\_\_\_  
DATE \_\_\_\_\_

Reviewed: 7-10-17, 5-13-19, 9-14-20, 5-10-21

**POLICY NO.1403 - RED CROSS AND SALVATION ARMY**

Permission shall be granted the Red Cross and the Salvation Army to list the school facilities as available in times of emergency.

Adopted: 8-17-76

Reviewed: 1-11-10, 8-14-17, 5-13-19, 6-14-21

## **POLICY NO.1405 - LOANING AND USE OF SCHOOL EQUIPMENT**

The superintendent shall be designate as general custodian of all portable property and shall be responsible for the inventory of all portable school equipment. School equipment may be loaned to responsible community groups for a worthy, education, civic or charitable purpose and to school employees when

1. Written application is made to the superintendent or principal and permission is granted;
2. The principal of the building where the equipment is located will, upon receipt of written approval of the superintendent or principal, check out and check in the equipment; the equipment is returned, the building principal will promptly notify the office of the superintendent;
3. The group borrowing the equipment agrees to accept responsibility for repairing or replacing any equipment damaged or lost while in its possession;
4. The equipment is not both unusually expensive and also subject to easy damage;

The school will not loan mechanical equipment such as mowers, tillers, etc.

Adopted: 8-17-76

Revised: 2-8-10

Reviewed: 8-14-17, 6-10-19, 6-14-21



BAYARD PUBLIC SCHOOLS  
BAYARD, NEBRASKA

Application for Use of School Equipment

In accordance with Board Policy NO. 1405 school equipment may be loaned to responsible community groups for a worthy, education, civic or charitable purpose and to school employees when:

1. Written application is made to the superintendent or principal and permission is granted;
2. The principal of the building where the equipment is located will, upon receipt of written approval of the superintendent or principal, check out and check in the equipment; the equipment is returned, the building principal will promptly notify the office of the superintendent;
3. The group borrowing the equipment agrees to accept responsibility for repairing or replacing any equipment damaged or lost while in its possession;
4. The equipment is not both unusually expensive and also subject to easy damage;

The school will not loan mechanical equipment such as mowers, tillers, etc.

Organization or Individual Requesting Use:

Name \_\_\_\_\_ Person Responsible \_\_\_\_\_

Address \_\_\_\_\_ Phone Number \_\_\_\_\_

Period of Use Requested: Date (s) \_\_\_\_/\_\_\_\_/\_\_\_\_ until \_\_\_\_/\_\_\_\_/\_\_\_\_

Equipment

Requested:

---



---



---

RELEASE AND INDEMNIFICATION AGREEMENT

THE APPLICANT OR THE ORGANIZATIONAL REPRESENTATIVE HAS READ AND AGREES TO THE USE OF FACILITIES PROCEDURES AND IN ADDITION TO THE FOLLOWING:

In consideration of the undersigned being allowed or granted permission to use Bayard Public Schools – School District #21 buildings, grounds, facilities or equipment, the undersigned hereby releases and waives any and all claims, demands, causes of action, suites, debts or damages which the undersigned has or which may in the future accrue, for all personal injuries, known or unknown, or injuries or damage to property, caused or arising out of the undersigned’s use or Bayard Public Schools buildings, grounds, facilities or equipment.

Additionally, in consideration of the undersigned being allowed or granted permission to use Bayard Public Schools’s buildings, ground, facilities or equipment, the undersigned hereby covenants to indemnify and save harmless the Bayard Public Schools, buildings, grounds, facilities or equipment.

The undersigned acknowledges and agrees that without executing the Release and Indemnification Agreement permission would not be granted to use Bayard Public School’s buildings, grounds, facilities or equipment. The undersigned further understands and agrees that this Release shall be binding on the undersigned, and the undersigned’s heirs, executors, administrators or assigns, and that by executing this Release and Indemnification Agreement, the undersigned is hereby releasing and agreeing to Indemnify Bayard Public Schools, all of its present or future Board members in their individual or official capacities, and all successors thereto.

The Bayard Public Schools does not sponsor or in anyway endorse the views, aims, policies, opinions or content of any speakers or presenters, or materials disseminated as part of the program of the person or persons or entity allowed access to Bayard Public School’s facilities and remains totally neutral with regard thereto.

The undersigned acknowledges having read this Agreement, understands the rights which are being waived or release hereby, understands the indemnification obligation assumed hereby, and executes the same voluntarily and with full knowledge of its significance.

---



---

Representative’s Signature	Title	Date
----------------------------	-------	------

Certificate of Insurance furnished by: (Note: Will be required of some organizations depending on rental purpose and risk.)

\_\_\_\_\_  
Insurance Company Phone Number

REQUEST IS DENIED \_\_\_\_\_ REQUEST IS APPROVED \_\_\_\_\_ SUBJECT TO THE FOLLOWING CONDITIONS

SCHOOL DISTRICT SUPERINTENDENT \_\_\_\_\_  
DATE \_\_\_\_\_

Adopted: 6-11-12

Reviewed: 8-14-17, 6-10-19, 6-14-21

## **POLICY NO.1406 - USE OF SCHOOL GROUNDS & FACILITIES**

School grounds and school facilities shall be available for approved students and approved general public use, activities, practices and extracurricular events during the regular school day, evenings, weekends and vacation periods as necessary to accommodate such uses. The use of school grounds and facilities shall be governed by Policy 1401.

Anyone found on school property after 9:00 p.m., if no school activity, practice, extracurricular or approved general public event is taking place, will be considered as trespassing and, at the option of the superintendent, may be prosecuted. IN addition, anyone found on school property or in school facilities in an area other than where the activity, practice, or event is taking place will be considered as trespassing and, at the option of the superintendent, may be prosecuted. It shall be the responsibility of the parents or guardians of students or other minors attending school activities to assure that such minors abide by this policy.

Students violating this policy shall also be subject to the suspension and expulsion provisions of Policy 5089.

Adopted: 8-17-76

Revised: 8-13-01

Reviewed: 1-11-10, 8-14-17, 6-10-19, 6-14-21

## **POLICY NO.1407 - LIBRARY**

The Bayard School Board declares that it is a policy of the Bayard City School's Elementary and Secondary libraries to provide a wide range of instructional materials on all levels of difficulty, with diversity of appeal, and the presentation of different points of view and to allow the review of allegedly inappropriate instructional materials through established procedures.

### **Objectives of Selection**

In order to assure that the school media program is an integral part of the educational program of the school, the following selection objectives are adopted:

1. To provide materials that will enrich and support the curriculum and personal needs of the users, based on their interests, abilities, and learning styles;
2. To provide materials that will stimulate growth in factual knowledge, literary appreciation, values and ethical standards;
3. To provide information which will enable pupils to make intelligent judgments in their daily lives;
4. To provide material on opposing sides of controversial issues so that users may develop under guidance the practice of critical analysis;
5. To provide materials which realistically represent our society and reflect the contribution of groups and individuals to our American heritage;
6. To place reason above personal opinion and prejudice in the selection of materials of the highest quality in order to assure a comprehensive media collection appropriate for the users.

### **Responsibility for Selection**

Although the Bayard School Board is legally responsible for the operation of the school, the responsibility for the selection of library materials is delegated to the certified librarian.

While selection of materials involves many people, including the librarian, teacher, students, administrators, and the community persons, the responsibility for coordinating and recommending the selection and purchase of library materials rests with the librarian. The selection and purchase of textbooks rests with the teachers.

### Criteria for Selection

Library materials should: (1) be relevant to today's world; (2) represent artistic, historic, and literary qualities; (3) reflect problems, aspirations, attitudes and ideals of a society; (4) contribute to the objectives of the school's instructional programs; (5) be appropriate to the level of the users; (6) represent differing viewpoints on controversial subjects; (7) provide stimulus to creativity.

### Procedures for Selection

In selecting materials the librarian will evaluate the existing collection, examine materials and consult reputable and professionally prepared selection aids. Recommendations for acquisition will be solicited from faculty and students.

Gift materials should be judged by the criteria listed in the preceding section and should be accepted or rejected on the basis of those criteria.

It should be understood that selection is an on going process which should include the removal of materials no longer appropriate and the replacement of lost or work materials still of educational value.

### Procedures for Reconsideration of Materials

Occasional objections to library materials will be made despite the quality of the selection process. The Bayard School Board supports the principles of intellectual freedom as stated in the First Amendment of the Constitution of the United States and expressed in the Library Bill of Rights of the American Library Association and Student's Right to Read of the National Council of Teachers of English. In the event that materials are questioned, the

principles of intellectual freedom, the right to access of materials and the integrity of the certificated librarian must be defended rather than the materials.

If a complaint is made, the following procedures should be followed:

1. Inform the complainant of the selection procedures and make no commitments.
2. Request the complainant to submit a formal "Request of Reconsideration of Instructional Materials".
3. Inform the superintendent of other appropriate personnel.
4. Keep challenged material on the shelves during the reconsideration process.
5. Upon receipt of the completed form the principal requests review of the challenged material by the review committee within 15 days. The review committee is appointed by the principal with the assistance of the librarian and includes classroom teachers, one or more parents, and one or more students.
6. The review committee takes the following steps after receiving the challenged materials; (a) reads, views, or listens to the material in its entirety; (b) reads reviews of the material and consults recommended lists; (c) determines if the material supports the curriculum; (d) completes the appropriate "Checklist for School Media Advisory Committee's Reconsideration of Instructional Materials" judging the material for its strength and value as a whole and not as a part;
7. Present a written recommendation of the review committee to the principal and the superintendent.
8. Retain or withdraw challenged materials as mandated by the decision of the administration.
9. This process will also be used in handling complaints of textbooks and/or curriculum areas.

10. The decision of the administration may be appealed to the Board of Education. The appeal will be considered by a committee of three (3) Board members, selected by the Board President. This committee will give a written recommendation of the appealed material within forty-five (45) days after the appeal has been filed. The Board of Education will make their decision on the committee recommendation at the next regular meeting of the Board of Education.

Adopted: 7-13-81

Revised: 11-9-87

Reviewed: 1-11-10, 8-14-17, 6-10-19, 6-14-21



Request for Reconsideration of Instructional Materials

School \_\_\_\_\_

Please check type of material:

Book       Film       Record

Periodical    Filmstrip    Kit

Pamphlet    Cassette    Other

Title \_\_\_\_\_

Author \_\_\_\_\_

Publisher or Producer \_\_\_\_\_

Request initiated by \_\_\_\_\_

Telephone \_\_\_\_\_ Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

The following questions are to be answered after the complainant has read, viewed, or listened to the school library material in its entirety. If sufficient space is not provided, attach additional sheets. (Please sign your name to each additional attachment.)

1. To what in the material do you object? (Please be specific, site pages, frames in a filmstrip, film sequence, etc.)

\_\_\_\_\_

---

---

2. What do you believe is the theme or purpose of the material?

---

---

---

3. What do you feel might be the result of a student using this material?

---

---

---

4. For what age group would you recommend this material?

---

---

---

5. Is there anything good in this material? Please comment.

---

---

---

6. Would you care to recommend other school library material of the same subject and format?

---

---

Signature of Complainant

Date

Checklist for School Media Advisory Committee's Reconsideration of  
Instructional Material – Nonfiction

Title \_\_\_\_\_

Author \_\_\_\_\_

A. Purpose

1. What is the overall purpose of the material? \_\_\_\_\_  
\_\_\_\_\_

2. Is the purpose accomplished? \_\_\_\_\_ Yes \_\_\_\_\_ No

B. Authenticity

1. Is the author competent and qualified in the field? \_\_\_\_\_ Yes \_\_\_\_\_ No

2. What is the reputation and significance of the author and publisher/producer in the  
field?

\_\_\_\_\_  
\_\_\_\_\_

3. Is the material up-to-date? \_\_\_\_\_ Yes \_\_\_\_\_ No

4. Are Information sources well documented? \_\_\_\_\_ Yes \_\_\_\_\_ No

5. Are translations and retellings faithful to the original? \_\_\_\_\_ Yes \_\_\_\_\_ No

C. Appropriateness

1. Does the material promote the educational goals and objectives of the curriculum of the District schools? \_\_\_\_\_ Yes \_\_\_\_\_ No

2. Is it appropriate to the level of instruction intended? \_\_\_\_\_ Yes \_\_\_\_\_ No

3. Are the illustrations appropriate to the subject and age level? \_\_\_\_\_ Yes \_\_\_\_\_ No

D. Content

1. Is the content of this material well presented by providing adequate scope, range, depth and continuity? \_\_\_\_\_ Yes \_\_\_\_\_ No

2. Does this material present information not otherwise available? \_\_\_\_\_ Yes \_\_\_\_\_ No

3. Does this material give a new dimension or direction to its subject?  
\_\_\_\_\_ Yes \_\_\_\_\_ No

E. Review

1. Source of review \_\_\_\_\_  
Favorable review \_\_\_\_\_ Unfavorable review  
\_\_\_\_\_

2. Does this title appear in one or more reputable selection aids? \_\_\_\_\_ Yes \_\_\_\_\_ No  
If answer is yes, please list title of selection aids. \_\_\_\_\_  
\_\_\_\_\_

Additional Comments

---

---

---

Recommendation by School Media Advisor Committee for Treatment of Challenged Materials

---

---

---

---

---

Date \_\_\_\_\_

Signature of Media Advisory Review Committee

_____	_____
_____	_____
_____	_____

Checklist for School Media Advisory Committee's Reconsideration of Instructional Material – Fiction and Other Literary Forms

Title \_\_\_\_\_

Author \_\_\_\_\_

A. Purpose

1. What is the purpose, theme or message of this material? How well does the author Producer/composer accomplish this purpose?

---

---

---

2. If the story is fantasy, is it the type that has imaginative appeal and is suitable for children? \_\_\_\_\_ Yes \_\_\_\_\_ No; for young adults? \_\_\_\_\_ Yes \_\_\_\_\_ No. If both are marked no, for what age group would you recommend? \_\_\_\_\_

3. Will the reading and/or viewing and/or listening to material result in more compassionate understanding of human beings? \_\_\_\_\_ Yes \_\_\_\_\_ No

4. Does it offer an opportunity to better understand and appreciate the aspirations, achievements, and problems of various minority groups? \_\_\_\_\_ Yes \_\_\_\_\_ No

#### B. Content

1. Does a story about modern times give a realistic picture of life as it is now? \_\_\_\_\_ Yes \_\_\_\_\_ No

2. Does the story avoid an oversimplified view of life, one which leaves the reader with the general feeling that life is sweet and rosy or ugly and meaningless? \_\_\_\_\_ Yes \_\_\_\_\_ No

3. When factual information is part of the story, is it presented accurately? \_\_\_\_\_ Yes \_\_\_\_\_ No

4. Is prejudicial appeal readily identifiable by the potential reader? \_\_\_\_\_ Yes \_\_\_\_\_ No

5. Are concepts presented appropriately to the ability and maturity of the potential reader? \_\_\_\_\_ Yes \_\_\_\_\_ No

6. Do characters speak in a language true to the period and section of the country in which they live? \_\_\_\_\_ Yes \_\_\_\_\_ No
7. Does the material offend in some special way the sensibilities of women or a minority group by the way it presents either the chief character or any of the minor characters?  
\_\_\_\_\_ Yes \_\_\_\_\_ No
8. Is there preoccupation with sex, violence, cruelty, brutality, and aberrant behavior that would make this material inappropriate for children? \_\_\_\_\_ Yes \_\_\_\_\_ No
9. If there is use of offensive language, is it appropriate to the purpose of the text for children? \_\_\_\_\_ Yes \_\_\_\_\_ No
10. Is the material free from derisive names and epithets that would offend minority groups? \_\_\_\_\_ Yes \_\_\_\_\_ No
11. Is the material well written or produced? \_\_\_\_\_ Yes \_\_\_\_\_ No
12. Does the story give a broader understanding of human behavior without stressing differences of class, race, color, sex education, religion or philosophy in any adverse way? \_\_\_\_\_ Yes \_\_\_\_\_ No
13. Does the material make a significant contribution to the history of literature or ideas?  
\_\_\_\_\_ Yes \_\_\_\_\_ No
14. Are the illustrations appropriate and in good taste? \_\_\_\_\_ Yes \_\_\_\_\_ No
15. Are the illustrations realistic in relation to the story? \_\_\_\_\_ Yes \_\_\_\_\_ No

Additional Comments

---

---

---

---

---

---

---

---

Recommendations by School Media Advisory Committee for Treatment of Challenged Materials

---

---

---

---

---

---

---

---

Date \_\_\_\_\_

Signature of Media Advisory Review Committee




Reviewed: 8-14-17, 6-10-19, 6-14-21

## **POLICY NO.1408 - PERFORMANCE REPORTING POLICY**

In order to provide information to the local community about the condition and progress being made in Bayard Public Schools a performance report will be prepared by the Superintendent each October of the current school year for community wide distribution.

The report shall contain the following information:

1. Student success in achieving the State Standards in Mathematics, Science, Social Studies/History, and Reading/Writing
2. School system demographics
3. School improvement goals and progress
4. Financial information
5. Results of a follow-up study of high school graduates
6. School system learning climate

All test scores will be kept confidential and no identification of individual students will be made.

Adopted: 8-13-90

Revised: 8-9-04

Reviewed: 1-11-10, 8-14-17, 6-10-19, 6-14-21



## **POLICY NO.1409 - NO SMOKING**

Smoking or the use of smokeless tobacco in the school buildings or school vehicles will not be allowed. This policy applies to staff, students, and the general public. Smoking or the use of smokeless tobacco will be allowed outside the buildings or vehicles by staff and the general public. At no time will students be allowed to smoke or use smokeless tobacco on any school property.

Adopted: 11-11-91

Reviewed: 1-11-10, 8-14-17, 6-10-19, 6-14-21

## **POLICY NO.1410 - TEXTBOOK LOAN PROGRAM**

The Textbook Loan Program is intended to provide textbooks to students in private schools approved under Title 92, Nebraska Administrative Code (NAC), Chapter 10, Nebraska Department of Education, and who are also residents of the Bayard Public Schools. The loan program is a state program administered at the local level.

The district shall not expend district funds to establish or administer the program. There will be no negative fiscal impact to the district. All costs will be borne by the state. However, in the event that state funds are prorated, the operation of the program shall be prorated accordingly.

Textbooks available for loan are those defined as ones currently in use as the principal source of student. The district shall prepare an annual listing of eligible textbooks.

The Superintendent of Schools or designee is responsible for developing rules and regulations for operation of the program. The Superintendent or designee is responsible for management of the program and reporting program results.

1. The district will annually prepare a lists of the textbooks designed for use during the current year. Copies of the listing will be available in the Superintendent's office. Individuals requesting personal copies of the textbook listing shall pay, in advance, a fee of \$3.00 to cover the costs of reproduction.

2. Application forms to request textbooks are available in the Superintendent's office.

Applications for textbooks for the subsequent year are due in the office of the Superintendent

of Schools on or before January 15 of the year preceding the school year for which the books are requested. Applications must be signed by the parent/guardian who must reside within the boundaries of the Bayard Public Schools. The students must also be a resident of the school district and must be enrolled in kindergarten to grade 12 of a private school which is approved for continued legal operation under Title 92, NAC, Chapter 10.

3. No later than "ten" (10) days prior to the beginning of the academic year the

Superintendent will notify the applicant of the textbooks that are available in the Office of the Superintendent. Parents/guardians shall sign a receipt for all textbooks received.

4. Each applicant is limited to “ten” (10) textbooks per student in grades K-6 and “eight” (8) textbooks per student in grades 7-12 provided in Chapter 4, NDE>

5. The textbooks are provided at no cost to the parent/guardian unless the text is not returned or is damaged and must be replaced. The applicant shall return the textbooks to the office of the Superintendent within “fifteen” (15) days of the last day of classes for the academic year of the Bayard Public Schools.

Payment for the replacement cost will be required for all textbooks not returned by the deadline. Lost or damaged books shall require reimbursement to the school district for replacement of the lost or damaged books.

6. In the event that state funds are insufficient to cover the requests for textbooks, the Superintendent shall establish priorities for the titles and number of textbooks to be purchased to the extent of the funds available.

7. All textbooks handled under the Textbook Loan Program (77-4, 118 and Rule 4) shall be separate and apart from regular district inventories. All textbooks used in the program shall be purchased separately, stamped with the label “Textbook Loan Copy” and inventoried separately.

8. All funds involved in the Textbook Loan Program shall be accounted for separately and apart from all other district funds.

9. The Superintendent shall designate an individual responsible for directing and supervising the program. An annual report of program use and a fiscal memo will be filed with the Board of Education.

10. The district will submit a five (5) percent indirect cost assessment to the state for

administration of the program.

Adopted: 8-9-93

Reviewed: 1-11-10, 8-14-17, 6-10-19, 6-14-21

## **POLICY NO.1411 - EVALUATION/MODIFICATION OF THE INSTRUCTIONAL PROGRAM**

The Board expects the faculty and administration to regularly evaluate the educational program of the District. Such evaluation may lead to recommendations for modifications of practice, changes in content and new courses.

After planning by the faculty and approval by the Administration, new courses will be presented to the Board for approval.

When the Administration considers that a pilot course should become a regular part of the curriculum, such recommendation will be presented to the Board for adoption.

Adopted: 8-9-93

Reviewed: 1-11-10, 8-14-17, 6-10-19, 6-14-21

## **POLICY NO. 1412 - PARENTAL INVOLVEMENT**

Bayard Public School District #21 declares that it shall be the policy of the District to provide access to parents to all textbooks, tests, curriculum materials, and any other instructional materials used by the school.

If a parent has a complaint or objection to any such materials, it shall be the policy of the District to make provisions for personal conferences with the parent and appropriate school personnel as the Superintendent or his/her designee may deem appropriate. The purpose of the conference will be to discuss the concerns of the parents. If the parent wishes to file, a format complaint policy 1407 will be followed.

Upon any reasonable advance request by a parent to attend and monitor courses, assemblies, counseling sessions, and other instructional activities, it shall be the policy of the District to permit such parent to be in attendance at such activities unless such attendance would substantially interfere with a legitimate school interest.

The District encourages communications from parents when the parent believes it to be appropriate for his/her child to be excused from testing, classroom instruction, and other school experiences that the parent finds objectionable. The Superintendent or his/her designee shall make a provision on the complaint form hereinabove referred to for receiving information from a parent concerning what specific testing, classroom instruction, or other school experience the parent finds objectionable, the basis for the parent's objection and a proposed solution for dealing with the objection that would be satisfactory to the parent. (Policy 1407)

It shall further be the policy of the District to provide full access to the records of the students to a parent or guardian as set forth in S79-4,1 157, the Federal Education Right to Privacy Act, and other applicable law during regular business hours of the school.

It shall be the policy of the District to use only testing methods and testing instruments that are not of an experimental nature and to avoid using any testing materials or testing techniques that are not generally recognized by educational professionals to be within sound educative standards or otherwise educationally appropriate.

Prior to any school sponsored survey being administered to the students of the District, it shall be the duty of the Superintendent or his/her designee to notify the parent or parents of each student involved in the survey of the nature of the survey, the date and time when such survey



shall be administered, and the purpose for which and the uses of which survey exist from the school's perspective.

It shall be the policy of the District as a general matter to leave substantive decision making processes to the professional staff, administration and Board of Education, subject to an effort to receive information from parents as to any concerns, objections, or other information such parents would wish to prove to the school district concerning a parents access, involvement, and participation in all activities of the school as it relates to the students of the District.

It shall be the policy of the District to hold a public hearing each year regarding this policy.

Adopted: 6-12-95

Revised: 8-12-02

Reviewed: 8-11-08; 1-11-10; 8-8-11, 8-14-17, 6-10-19, 6-14-21

## **POLICY NO. 1413 – COMBINED DISTRICT AND SCHOOL TITLE I PARENTAL AND FAMILY ENGAGEMENT POLICY**

Bayard Public Schools intends to follow the Title I Parent and Family Engagement Policy guidelines in accordance with federal law, Section 1116(a -f) ESSA, (Every Student Succeeds Act) of 2015.

### In General

The written District parent and family engagement policy has been developed jointly with, updated periodically and distributed to parents and family members of participating children and the local community in an understandable and uniform format. This policy agreed on by such parents describes the means for carrying out the requirements as listed below.

- Parents and family members of all students are welcomed and encouraged to become involved with their child's school and education; this includes parents and family members that have limited English proficiency, limited literacy, are economically disadvantaged, have disabilities, racial or ethnic minority background or are migratory children. Information related to school and parent programs, meetings, school reports and other activities are sent to the parents of participating children in a format, and to the extent practicable, in a language the parents can understand.
- Parents are involved in the planning, review, evaluation and improvement of the Title I program, Parent and Family Engagement Policy and the School-Parent Compact at an annual parent meeting scheduled at a convenient time. This would include the planning and implementation of effective parent and family involvement activities.
- Conduct, with meaningful parent and family involvement, an annual evaluation of the content and effectiveness of the Parent and Family Engagement Policy. Use the evaluation findings to design evidence-based strategies for more effective parental involvement, and to revise the Parent and Family Engagement Policy.
- Opportunities are provided for parents and family members to participate in decisions related to the education of their child/children. The school and local educational agency shall provide other reasonable support for parental involvement activities.

- Parents of participating children will be provided timely information about programs under this part, a description and explanation of the curriculum in use, the forms of academic assessment used to measure student progress and the achievement levels of the challenging State academic standards. The school will provide assistance, opportunities, and/or materials and training to help parents work with their children to improve their children's academic achievement in a format, and when feasible, in a language the parents and family members can understand.
- Educate teachers, specialized instructional support personnel, principals, and other school leaders, with the assistance of parents in the value and utility of contributions of parents, how to reach out to, communicate with and work with parents as equal partners.
- Coordinate and integrate parental involvement programs and activities with other Federal, State and local programs, including preschool programs that encourage and support parents in more fully participating in the education of their children.

Adopted: 6-12-95

Reviewed: 1-11-10, 8-14-17, 6-10-19, 6-14-21

Revised: 11-14-16, 3-9-20

## **POLICY NO. 1414 - ELECTRONIC SIGNATURES AND ACKNOWLEDGEMENTS**

If any District Policy requires the signature of a party, a digital or electronic signature or acknowledgment of that party may be accepted by the District. The District reserves the right to refuse digital or electric signatures or acknowledgments at any time. This policy shall amend any other District Policy to the extent it is inconsistent.

Adopted: 06/10/19

Reviewed: , 6-14-21

Revised:

## **2000 Series – Administration**

### **POLICY NO.2000 - CENTRAL ADMINISTRATION**

The officers of the central administrative system shall include the Superintendent.

The function of the central administration shall be to plan for and to control, coordinate, supervise, and direct the whole system as a unified enterprise in accordance with the purposes, policies, plans, procedures and programs authorized by the Board of Education.

Adopted: 8-17-76

Reviewed: 2-8-10, 10-12-20, 7-12-21

## **POLICY NO.2001 - THE SUPERINTENDENT OF SCHOOLS**

The Superintendent of Schools shall be the chief executive officer of the Board of Education. He/She shall be in charge of the administration of the school system in all of its aspects. He/She shall carry out his/her administrative function in accord with the policies adopted by the Board of those mandated by the statutes. He/She shall be responsible for the efficient operation of the system in all its divisions.

Adopted: 8-17-76

Reviewed: 2-8-10, 10-12-20

Revised: 12-14-20, 7-12-21

## **POLICY NO.2002 - SUPERINTENDENT QUALIFICATIONS, RECRUITMENT, APPOINTMENT**

The board shall employ a superintendent to serve as the chief executive officer of the board, to conduct the daily operations of the school district, and to implement board policy with the power and duties prescribed by the board and the law.

The board shall consider applicants that meet or exceed the standards set by the Nebraska Department of Education and the qualifications established in the job description for the superintendent position. In employing a superintendent, the board shall consider the qualifications, credentials and records of the applicants with regard to race, color, religion, sex, national origin, religion, age or disability. The board will look closely at the training, experience, skill and demonstrated competence of qualified applicants in making its final decision.

In choosing a superintendent, the board shall also consider the school district's educational philosophy, financial situation, organizational structure, education programs and other factors deemed relevant to the board.

The board may contract for assistance in the search for a superintendent.

The superintendent shall be appointed or not appointed in December of each year at the regular monthly meeting.

Adopted: 8-17-76

Revised: 8-8-77; 8-13-01; 3-8-10

Reviewed: 10-12-20, 7-12-21

## **POLICY NO.2003 - SUPERINTENDENT OF SCHOOLS: DUTIES**

As the chief executive of the local school district, responsible directly to the Board of Education, he/she shall have the following responsibilities and duties:

- a) To attend all meetings of the Board and Board committees except when his/her own employment status or salary is being considered.
- b) To formulate and present the Board action policies, plans, programs, and proposals for curriculum revision, together with full information pertaining thereto, which will make for improved school conditions,
- c) To keep the Board fully and regularly informed as to the effectiveness of the operation of existing policies.
- d) To recommend to the Board for appointment all certificated personnel required for teaching and supervision, or any other type of service which may be necessary for the operation of the schools.
- e) To hire, on behalf of the Board, all non-certificated personnel for clerical work, maintenance of buildings, custodial service, or any other type of service which may be necessary for the operation of the schools.
- f) To be responsible for the assignment, alteration of assignment, transfer, suspension and recommendations for promotion or dismissal of any certificated employee.
- g) To be responsible for the assignment, alteration of assignment, transfer, suspension and promotion or dismissal of any non-certificated employee.
- h) To prepare, transmit and explain the annual school budget for the Board's consideration and action.
- i) To administer the budget as approved by the Board and to interpret it to the community.
- j) To be responsible for the conduct of the instructional program and to provide courses of study, textbooks, supplies, and supervisions for the instructional program.
- k) To conduct a program of public relations that will keep the people fully informed of the activities, successes and needs of the school. He/She shall cause to be maintained a wholesome and cooperative working relationship between the schools and the community.
- l) To have the right to consolidate classes, assign pupils to buildings and classes, transfer pupils from one elementary school to another and, for cause, suspend pupils from schools. It shall be his/her duty to establish or alter the attendance boundaries for all the schools in the interest of a sound administration of the instructional program of the schools.
- m) To be responsible for the development, maintenance, and operation of a constructive program of in-service training and education for all employees of the school system and for this service he/she shall have power under budget control to employ lecturers, grant temporary leaves from work, and develop professional library facilities as required.



- n) To appoint, subject to the Board's approval, persons or committees to aid him in an advisory capacity in the discharge of his/her responsibilities.
- o) To exercise such other responsibilities and duties as will assist the Board in fulfilling its legislative function for the schools in an efficient and just manner.

Adopted: 8-17-76

Revised: 10-10-88, 12-14-20

Reviewed: 2-8-10, 10-12-20, 7-12-21

## **POLICY NO. 2004 - SUPERINTENDENT CONTRACT AND CONTRACT RENEWAL**

It shall be the responsibility of the board to provide the contract for the position of superintendent. The length of the contract for employment between the superintendent and the board shall be determined by the board, but shall not exceed three years. The contract will begin on July 1 and end on June 30. The contract shall state the terms of employment.

Before the board approves a proposed contract for superintendent services, or any proposed amendment to an existing contract, the board shall publish a copy of the contract or amendment, and a reasonable estimate and description of all current and future costs to the district if the proposed contract or amendment were to be approved, at least three days before the board meeting at which it will be considered. This publication shall also specify the date, time, and place of this public meeting. Electronic publication on the web site of the district shall satisfy this publication requirement if it is prominently displayed and allows public access to the entire proposed contract or amendment.

After the board approves the contract or contract amendments the board shall publish a copy of the contract, and a reasonable estimate and description of all current and future costs to the district that will be incurred as a result of the contract, within two days after the board meeting at which it was approved. Electronic publication on the web site must be prominently displayed as described above.

After approval of the contract or contract amendments, the board shall file a copy of the contract or amendments with the State Department of Education on or before August 1.

The superintendent serves the board as a probationary certificated employee, regardless of length of services. The superintendent's contract shall be deemed renewed and will remain in full force unless it is amended or not renewed. The superintendent and board may mutually agree to terminate the superintendent's contract at any time.

In the event of nonrenewal, termination or amendment of a contract, the board shall afford the superintendent appropriate due process, including notice of its intent by the regular December Board Meeting. Unless continued by mutual written agreement according to statutory procedures, the board shall take final action on the contract by regular January Board Meeting.

If the superintendent wishes to resign, to be released from a contract, or to retire, the superintendent must comply with board policies dealing with retirement, release or resignation.

Legal Reference: Nebraska Statute 79-822 et seq.

Adopted: 3-8-10

Revised: 8-11-14

Reviewed: 10-12-20, 7-12-21

## **POLICY NO.2110 - PRINCIPALS: GENERAL PROVISIONS**

All building principals shall act as the chief administrative officer for their own school building and grounds. They shall be responsible for and shall have authority over the actions of students, professional and non-professional employees and visitors.

Adopted: 8-17-76

Reviewed: 2-8-10, 10-12-20, 7-12-21

## **POLICY NO.2111 - PRINCIPAL QUALIFICATIONS, RECRUITMENT, APPOINTMENT**

The board shall employ building principals in addition to the superintendent, to assist in the daily operations of the school district.

The board shall consider applicants who meet or exceed the standards set by the Nebraska Department of Education and the qualifications established in the job description for the position. In employing a principal the board shall consider the qualifications, credentials, and records of the applicants without regard to race, color, religion, sex, national origin, age or disability. The board will look closely at the training, experience, skill and demonstrated competence of qualified applicants in making its final decision.

In choosing a principal, the board shall also consider the school district's educational philosophy, financial condition, organizational structure, education programs, and other factors deemed relevant by the board.

It shall be the responsibility of the superintendent to make a recommendation to the board for filling a principal position based on the requirement stated in this policy. The board shall act only on the superintendent's recommendation.

The board may contract for assistance in the search for principals.

Adopted: 8-17-76

Revised: 3-8-10, 9-13-21

Reviewed: 10-12-20, 7-12-21

## **POLICY NO.2112 - PRINCIPALS: DUTIES**

The administration of the individual school is the responsibility of the building principal. He/She serves as an authority on matters pertaining to organization, supervision, and administration of the building in all its aspects, subject to the approval of the Superintendent of Schools in accordance with the policies adopted by the Board of Education.

*Instruction.* While the principal will receive specialized help from coordinators, supervisors, or consultants, who work through him/her, he/she is finally responsible, under the direction of the Superintendent, for the success of the instructional program in his/her school. He/She visits classrooms frequently and makes suggestions to teachers for improvement in their methods of instruction and classroom management. He/She conducts regular teachers' meetings aimed toward the educational and professional development of his/her staff.

*Business.* The principal is responsible for the success of the non-instructional phases of his/her school program as they directly affect the instructional services. This includes certain phases of the custodial and maintenance services, building cafeteria operation, clerical services, and all other areas of the operation outside the classroom as they apply in his/her building.

*Public Relations.* The school is a center of neighborhood or community life, and the building principal must necessarily be the school system's representative in such local relationships. His/Her leadership in keeping parents informed concerning the educational plan and activities in his school is a vital part of the system's public relations program. To this end the principal, within the framework of general policy, is delegated such authority as will make him/her an effective local representative of the school administration and the Board of Education.

*Pupils.* The principal is responsible for the administration of policies concerning pupils, as adopted by the Board of Education. These include regulations with respect to entrance age, requirements for graduation, health, safety, fire drills, pupil personnel services, discipline, and provision of books and supplies. He/She assists in referring children for services available through consulting specialists employed by the District and is responsible for pupil accounting and records as required by the Board of Education and the State of Nebraska.

*Personnel.* The principal evaluates the work of all personnel in his/her building, and makes recommendations for their continued employment, their salary increment, reassignment, or separation from the system.

*Supervision.* The principal is expected to be at and help supervise all functions of his/her school. All school functions, i.e., football games, basketball games, band concerts, track meets, etc., will be supervised by all administrative personnel.

Adopted: 8-17-76

Reviewed: 2-8-10, 10-12-20

Revised: 12-14-20, 7-12-21

## **POLICY NO. 2113 - EVALUATION OF SUPERINTENDENT**

The members of the Board of Education shall conduct a written evaluation of the Superintendent. At a minimum the board will formally evaluate the superintendent twice in the first year and annually thereafter. The written report will be given to the superintendent and discussed with the superintendent during the regular December Board of Education Meeting.

Adopted: 11-11-91

Revised: 3-8-10

Reviewed: 10-12-20, 7-12-21



## **3000 Series – Business**

### **POLICY NO.3001 - CASH RESERVE**

BE IT RESOLVED, that in accordance with the regulations of the Nebraska Department of Education that the School District of Bayard shall be authorized to have a cash reserve not to exceed forty-five percent (45%) of the total budget adopted for such fund, exclusive of capital outlay items.

Adopted: 8-17-76

Revised: 8-19-93; 3-12-07

Reviewed: 3-8-10, 11-9-20, 8-16-21

## **POLICY NO. 3101 - SALE AND DISPOSAL OF SCHOOL PROPERTY**

The Superintendent is authorized and directed to dispose of books, furniture, equipment, real estate, and other property that is obsolete or no longer needed for school operations. Any sale of school property is contingent on approval by the vote of at least two-thirds of the members of the Board of Education at a regular meeting.

Such disposal may be by private sale, auction, trade-in, or by taking bids and selling to the highest or most responsible bidder.

The following procedures shall be followed for an auction or when taking bids:

1. The intention to sell shall be publicized, via school newsletter, a weekly memo, a bulletin posting, a newspaper advertisement, or other means suitable to the value and nature of the property.
2. Real estate will be sold to the highest bidder, except that a minimum acceptable price may be established prior to bidding.
3. Items which are offered for sale in an approved manner which are not sold after a reasonable period of time may be considered to have no value and may be disposed of as determined by the Superintendent and reported to the Board of Education.

Property that has little or no value shall be discarded or recycled as appropriate. No school employee shall take such property for their personal use, even if the item has been placed in the trash, without the express written approval of the superintendent.

Adopted: 8-17-76

Reviewed: 3-8-10, 11-9-2020, 8-16-21

Revised: 11-14-11, 11-14-16



## **POLICY NO. 3131 - PROCUREMENT PLAN – SCHOOL FOOD AUTHORITIES**

The following procurement policy statement shall govern all purchasing activities that relate to any aspect of the National School Lunch and Breakfast Programs. This statement is meant to provide guidance to our personnel and vendors on acceptable and/or required procurement practices. Our goal is to fully implement all required and recommended procurement rules, regulations and policies set forth in 2 CFR 200, 7 CFR parts 210, 3016 and 3019, and by the State Agency.

### **Procurement Policy**

The purchasing procedure to be followed shall be determined by the anticipated total annual expenditure on items related to the food service program:

When the annual total for food service program related items is less than \$150,000 per year (per procurement event or in aggregate purchases) this organization will follow the informal Small Purchase Procedure.

When the annual total for food service program related items is greater than \$150,000 per year (per procurement event or in aggregate purchases) this organization will follow the Formal Competitive Solicitation Procedures.

### **Micro-Purchase Procedures**

Micro-Purchases may be used for annual transactions under \$3,500 made with a vendor [2 CFR 200.320(a)].

Prices will be reviewed for reasonableness [2 CFR 200.320(a)].

Purchases will be spread equitably among all qualified sources [2 CFR 200.320(a)].

### **Small Purchase Procedures**

For purchases made below the small purchase threshold, Small Purchase Procedures will be utilized to purchase necessary goods and services. When Small Purchase Procedures are used, this organization will take the following steps:

1. Contact a minimum of three potential vendors
2. Document each vendor's quoted price
3. Select the company that provides the lowest, most responsive, and responsible bid
4. Inform all bidding companies in writing of the final decision made by the sponsor
5. Write contract for meal service between the sponsor and the winning bidder.

### **Formal Competitive Solicitation Procedures**

For purchases made in excess of the small purchase threshold, a Formal Competitive Solicitation will be conducted. When Formal Competitive Solicitation Procedures are used, this organization will take the following steps:

1. Prepare an Invitation for Bid (“IFB”) or Request for Proposal (“RFP”) document specifically addressing the items to be procured
  - a. Include detailed specifications
  - b. Ensure price will be most heavily weighted
2. Publicly announce and advertise the bid/proposal at least 21 calendar days prior to bid opening
  - a. Announcements will include the date, time and location in which bids will be opened
3. Determine the most responsive and responsible bid/proposal by using the selection criteria set forth in the bid/proposal document
  - a. Responsible bidders will be those whose bid/proposal conform to all of the terms, conditions and requirements of the IFB/RFP
4. Award the contract
  - a. To the most responsive and responsible bidder based on the criteria set forth in the IFB/RFP
  - b. At least two weeks before program operations begin
  - c. If a protest is received, it must be handled in accordance with 7 CFR 210.21
5. Retain all records pertaining to the formal competitive bid process for a period of five years plus the current year

(Note: If the bid threshold established in the sponsor’s procurement policy statement is less than \$150,000, the smaller bid threshold will govern.)

This organization incorporates the following elements into the Procurement Policy Statement, as required by 2 CFR 200 and 7 CFR parts 210, 3016 and 3019.

- A. Competition: We shall demonstrate our goods and services are procured in an openly competitive manner. Competition will not be unreasonably restricted. [7 CFR 210.21(c)(1)] [2 CFR Part 200.319(a)(1-7)]
- B. Comparability: We recognize for true competition to take place, we must maintain reasonable product specifications to adequately describe the products to be purchased and

the volume of planned purchases based upon pre-planned menu cycles. 2 CFR 200.319(a)(6)/7 CFR 3016.36(c)(3)(i)/7 CFR 3019.44(a)(3)(iv)]

- C. Documentation: We shall maintain for the current year and the preceding three years all menus, production records, invitations to bid, bid results, bid tabulations or any other significant materials that will serve to document our policies and procedures. [2 CFR 200.318(i)/7 CFR 3016.36(9)]
- D. Code of Conduct: This program shall be governed by the attached Code of Conduct and it shall apply to all personnel, employees, directors, agents, officers, volunteers or any person(s) acting in any capacity concerning the food service procurement program. [2 CFR 200.318(c)(1)/7 CFR 3016.36(3)(1-1 v)]
- E. Procurement Review Process: This procurement plan shall receive an internal program review on an annual basis by a staff person who is not associated with food service procurement process. This review shall be summarized in written form and kept with the other required program documentation.
- F. Contract Administration: Purchases shall be checked or verified by designated staff to assure that all goods and services are received and prices verified. All invoices and receipts shall be signed, dated, and maintained in the documentation file. [2 CFR Part 200.318(b)] [7 CFR Part 3016.36(b)(2)]
- G. General Requirements:
- Small, minority and women's businesses enterprises and labor surplus firms are used when possible. [2 CFR 200.321]
  - A cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. [2 CFR 200.323(a)]
  - Documented Procurement Procedures and activities will be maintained. [2 CFR 200.318(a)]
- H. Duties of Food Service Supervisor:
1. To work with staff and clients in developing acceptable menus for breakfast and lunch.
  2. To compile market orders or requisitions for purchases which accurately reflect the total quantities of required foods to be ordered per (day, week or month).
  3. To place and confirm orders with vendors, or make plans to purchase the required items.

4. To keep program menus up to date by testing and using new products and seeking feedback from staff and clients.
5. To send out bid quotation forms to vendors who have expressed an interest in doing business with the sponsor.
6. To make procurement awards based on the lowest and best vendor's response as determined by quality, availability, service and price.
7. To work with vendors on a fair and equal basis.
8. To develop a list of acceptable brands. (Multiple brands per bid item when possible.)
9. To conduct an in-house procurement review once per year.

Adopted: 10-9-17

Reviewed: 11-9-20, 8-16-21

## **POLICY NO. 3140 - CONTRACTING FOR SERVICES**

Contractual services which by their nature are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill, where the ability or fitness of the individual plays an important part, are not subject to bid but are subject to approval by the Board of Education in conformity with established policy.

Every contract for services to be provided to Bayard Public Schools shall require that the contractor use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska. Such requirement shall be deemed to be included and a part of the terms of every contract for services with the School District, including but not limited to oral contracts.

Legal Reference:      Neb. Rev. Stat. § 4-114

Adopted: 6-14-10

Reviewed: 11-9-20, 8-16-21



## **POLICY NO.3201 - BIDDING**

The Superintendent shall periodically estimate the requirements of standard items or classes of items and make quantity purchases. All purchases for supplies, materials, equipment and contractual services involving more than \$5,000.00 shall be based on competitive bids.

Competitive bidding shall be practiced by one of the following: formal bid with written specifications, written price quotations, or oral price quotations.

Bid instructions shall be clear and complete, conducive to competitive bidding.

The Superintendent shall seek bids from those sources who are able to offer the best prices, consistent with quality, delivery and service. Consideration must be given to local vendors whenever the following factors are equal: quality of product, suitability of product, price, conformance with the specifications, convenience of delivery, and past services to the school district.

Formal bids shall be opened in public at the prescribed time and place as indicated and tabulated for study.

After bids have been opened and tabulated they will be available for those interested in copy or study. They shall not, however, be removed from the purchasing office.

The right is reserved to reject any bid as submitted, and to make selection of materials or equipment as is, in the best judgment of the Board of Education or its purchasing agent, best suited for the purposed indicated. In the event of a tie bid the following procedure shall be followed:

- a) In the case of single items, the award will be made to a local vendor, if any, or if not, shall be made to the vendors who have offered the most consistent service and reliability in the past.
- b) In the case of multiple items where only a part of the items are tie bids, the award of all tie bids shall be made to a local vendor, if any, or if not, to the vendor who has done the best on the whole.

Adopted: 8-17-76

Reviewed: 3-8-10, 11-9-20, 8-16-21

Revised: 11-14-11

## **POLICY NO. 3202 – GENERAL PURCHASING AND PROCUREMENT AND CREDIT CARD PURCHASING PROGRAM**

### **I. Applicability of this policy.**

Purchases made with federal funds, whether those funds are derived directly from the federal government (e.g. award of a federal grant) or are derived by passthrough awards from the Nebraska Department of Education (e.g. special education funds, school lunch funds, Title I funds) are subject to the policy on Purchasing and Procurement with Federal Funds, which is found elsewhere in this section. This policy applies to all purchases made by the school district except construction, remodeling, repair and site improvements.

### **II. General Purchasing Policy**

- A. The school district's budget shall be the guide for all purchases. No employee of the district may make a purchase that is not provided for in the budget without board or administrative approval.
- B. The board intends to purchase competitively, whenever possible, without prejudice and to seek maximum educational value for every dollar expended.
- C. 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.
- D. Purchases or commitments of district funds that are not authorized by this policy will be the responsibility of the person making the commitment.

### **III. Building-Specific Purchasing**

- A. School buildings are operationally under the control of building principals. Principals have control and responsibility for the building and grounds, for all supplies and equipment housed at the building, for all school-related activities in the building, and for all pupils, teachers, and other employees assigned to the building.
- B. Principals, in consultation with their staff, are responsible for requisitioning, managing, distributing, and utilizing supplies within the building.
- C. The superintendent of schools or his designee is responsible for the requisitioning, managing, distributing, and utilizing of supplies for maintenance and transportation.
- D. The administration is responsible for purchasing of goods, services and supplies and for providing the necessary forms for establishing efficient procedures to facilitate the process.

#### **IV. Purchasing Procedures**

- A. School personnel must secure the approval of an authorized administrator before making any purchases.
- B. Employees seeking reimbursement for a purchase made with their personal funds must attach an itemized receipt or invoice to all requests for reimbursement; must sign all purchase receipts or charge slips; and must submit itemized receipts and any purchasing card or credit card receipts to the office of the superintendent no later than 5 days prior to the next regular board meeting. A non-itemized credit card receipt is not sufficient.
- C. Employees making purchases with a school district credit card or purchasing program must comply with the steps set forth in the district's Purchasing (Credit) Card Program.
- D. All purchases of goods and services made with district funds must be made on a properly executed purchase order.
- E. All purchases shall be initiated with a purchase order. Purchase orders are signed by the person responsible for that particular budget and finally by the superintendent.
- F. For purchases of more than \$10,000 authorized staff members must secure written quotes and/or estimates from a reasonable number of vendors. Staff will purchase from a responsible vendor with the lowest price unless the board approves the purchase from the more expensive vendor.

#### **V. Relations with Vendors**

- A. The board wishes to maintain good working relations with vendors who supply materials, supplies and services to the school system. The school shall not extend favoritism to any vendors. Each order shall be placed on the basis of quality, price and delivery, with past services being a factor if all other considerations are equal. The administrative team may, in its discretion, use a Nebraska state-wide cooperative purchasing program in lieu of obtaining quotes or bids under this policy to the extent such a bid or quote is not otherwise independently required by law.
- B. No purchase shall be made that violates any conflict of interest policy or law.
- C. No employee shall endorse any product of any type or kind in such a manner as will identify him/her in any way as an employee of the school district.
- D. The board believes in patronizing local businesses. Consequently, when proposals are judged to be equal in terms of quality, price, and/or service, the contract or purchase will be awarded to the firm that is located within the district. However, the board will not sacrifice either quality or economy to patronize local businesses.

#### **VI. Credit Card Purchasing Program**

- A. The Board of Education authorizes the Superintendent or designee to contract with one or more financial institutions, card-issuing banks, credit card companies, charge

card companies, debit card companies, or third-party merchant banks capable of operating a purchasing card program on behalf of the District.

- B. The Board of Education delegates to the Superintendent or designee: (a) the determination of the type of purchasing card or cards to be utilized in the District's purchasing card program; and (b) the determination of which employees shall be approved or disapproved to be assigned a purchasing card in the District's purchasing card program. The Superintendent shall submit the approved names to the Board, from time to time.
- C. The District's purchasing card program may only be utilized for the purchase of goods and services for and on behalf of the District. No officer or employee of the District shall use a purchasing card for any unauthorized use.
- D. An itemized receipt for purposes of tracking expenditures shall accompany all purchasing card purchases. In the event that a receipt does not accompany an authorized cardholder's purchase, the Superintendent or designee shall temporarily or permanently suspend said cardholder's purchasing card privileges.
- E. Upon the termination or suspension of employment of an individual using a purchasing card, the Superintendent or designee shall immediately close such individual's purchasing card account and said employee shall immediately return the purchasing card.

Adopted: 8-17-76

Reviewed: 3-8-10, 11-9-20, 8-16-21

Revised: 11-14-16, 3-9-20

## **POLICY NO. 3202.1 - FISCAL MANAGEMENT FOR PURCHASING AND PROCUREMENT USING FEDERAL FUNDS**

### **II. Applicability of this 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.

### **III. 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

c) 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. Procurement by Competitive Proposals.**

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

a) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;

b) Proposals must be solicited from an adequate number of qualified sources;

c) The District must have or produce a written method for conducting technical evaluations of the proposals received and for selecting recipients;

d) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

e) The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

f) 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.

**5. 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:

- i. The item is available only from a single source;
- ii. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- iii. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District; or
- iv. 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 reviewing 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, with the limited exception of unsolicited items of nominal value.

#### **D. Enforcement**

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

### **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 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 passthrough 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: 3-9-2020

Reviewed: 11-9-20, 8-16-21

Revised:

## **POLICY NO. 3203 - EMPLOYEES INVOLVED IN OUTSIDE BUSINESS**

An employee in the Bayard Public Schools may engage in business, activities outside the school provided he does not use any school time or school facilities or equipment for any part of this venture.

The Bayard Public Schools will not purchase any commodity, supply or service from a business owned or operated by an employee where that employee is employed by said business and is involved with the selection, specification or requisitioning of the commodity, supply or services to be used by the schools, or where said employee, either directly or indirectly, would receive any remuneration, commission, or gift because of such purchase.

Any exception to this policy would require action by the Board of Education.

Adopted: 8-17-76

Reviewed: 3-8-10, 11-9-20, 8-16-21

## **POLICY NO. 3205 - INSURANCE**

The school district will maintain a comprehensive insurance program to provide adequate coverage against major types of risk loss, or damage, as well as legal liability.

Administration of the insurance program, making recommendations for additional insurance coverage, placing the insurance coverage and loss prevention activities shall be the responsibility of the superintendent.

General and personal liability insurance will cover district Board members and employees only when acting in their official capacity.

The district will provide liability coverage for all district-owned or leased vehicles.

The district will establish and provide the opportunity for students to purchase student accident insurance. The district will not carry student accident insurance other than liability insurance.

The district will not be liable for theft and damage of personal property of students that is not a requirement for attendance or participation. Additionally, the district will not be liable for theft and damage of personal property of staff.

Adopted: 8-17-76

Revised: 7-13-81; 4-12-10

Reviewed: 11-9-20, 8-16-21

## **POLICY NO. 3206 - CONFLICT OF INTEREST**

Board members will abstain from voting on items that will place them in violation of State Statutes. They may declare to the Board in writing, of any possible areas where a conflict of interest may occur.

Adopted: 8-15-83

Reviewed: 3-8-10, 11-9-20, 8-16-21

## **POLICY NO. 3207 - EMPLOYMENT OF IMMEDIATE FAMILY MEMBERS**

1. A member of the Board of Education or an administrator or other employee with supervisory responsibilities may employ or recommend or supervise the employment of an immediate family member if:
  - a) He or she does not abuse his or her official positions as such “abuse” is defined at paragraph 5 below;
  - b) He or she makes a full disclosure on the record to the Board of Education and a written disclosure to the Superintendent and/or Secretary of the Board; and,
  - c) The Board of Education approves the employment or supervisory position.
  
2. No immediate family member of a Board of Education or an administrator or other employee with supervisory responsibilities shall be employed by the School District:
  - a) Without first having made a reasonable solicitation and consideration of applications for such employment;
  - b) Who is not qualified for and able to perform the duties of the position;
  - c) For any unreasonable high salary;
  - d) Who is not required to perform the duties of the position.
  
3. Neither the Board of Education nor an administrator or other employee with supervisory responsibilities shall terminate the employment of another employee so as to make funds or a position available for the purpose of hiring an immediate family member.
  
4. This policy shall not apply to an immediate family member of a member of the Board of Education or an administrator or other employee with supervisory responsibilities who was previously employed in a position with the School District prior to the election or appointment of the Board member or employee. Prior to or as soon as reasonably possible after the official date a Board member takes office or an employee assumes his or her responsibilities, such Board member, administrator or other employee with supervisory responsibilities shall make a full disclosure or any immediate family member employed in a position subject to this policy.
  
5. Abuse of an official position includes, but is not limited to, employing an immediate family member:
  - a) Who is not qualified for and able to perform the duties of the position;
  - b) For any unreasonably high salary; or,



c) Who is not required to perform the duties of the position.

6. A member of the Board of Education cannot teach in the School District. Nor shall a member of the Board of Education cast a vote in favor of the election of any employee when blood or marriage relates the Board member to such employee.

Legal Reference: Neb. Rev. Stat 79-818; 79-544 and Sections 16 and 17 of LB 242, Laws of  
2001

Adopted: 8-13-01

Revised: 4-12-10

Reviewed: 11-9-20, 8-16-21

## **POLICY NO. 3560 - BUSINESS OPERATIONS PROCEDURES - BIDDING CONSTRUCTION PROJECTS**

The District shall bid every project for the construction, remodeling, or repair of any school-owned building or for site improvements when the contemplated expenditures for the project is in excess of \$109,000.00, or such sum as adjusted pursuant to §73-106. The bidding procedures shall comply with the requirements of state law and shall include the following:

1. **Notice to Bidders:** The Administration shall prepare a notice to bidders containing a general description of the scope of the project being bid; the location of the project; the means of obtaining project documents, including plans and specifications; the date and hour bids will close; and the date, hour and place bids are to be returned, received and opened, and a provision that such bids will be immediately and simultaneously opened in the presence of the bidders or representatives of the bidders, when the hour is reached for the bids to close.
  
2. **Regular Manner of Advertisement for Bids:** The notice to bidders shall be published one time in a newspaper of general circulation in the School District. The notice shall be published at least seven (7) days prior to the date designated for the opening of such bids. The Board of Education or Administration may, in its sole discretion, elect to utilize further advertisement for bids as it may determine appropriate to secure a sufficient number of qualified bidders for the scope of the project.
  
3. **Bid Opening:** When the hour is reached for such bids to close, bids will be immediately and simultaneously opened in the presence of the bidders or representatives of the bidders.
  
4. **Contract Award:** The contract shall be awarded to the lowest responsible bidder as to the extent required by law. When not so required, the award shall be made on the basis of consideration of the contract award criteria determined appropriate by the Board or administration.
  
5. **Performance and Payment Bonds.** Whenever any contract is entered into for the erecting, furnishing, or repairing of any building or other public structure or improvement, the contractor shall be required, before commencing such work, to furnish a performance, labor and material payment bond. The bond requirement shall not apply, however, to any project bid or proposed which has a total cost of \$10,000 or less unless the School Board or Administration includes a bond requirement in the specifications for the project. The bond shall be in an amount not less than the contract price. The bond shall be conditioned on the faithful performance of the contract and the payment by the contracting party of all laborers and mechanics for

labor that is performed and of all material and equipment rental that is actually used or rented in connection with the improvement project and the performance of the contract. Such bond shall contain such provisions as are required by statutes, and be in a form prescribed and required by the district.

6. Retention of an Architect or Engineer. The School District shall not engage in the construction of any public works involving architecture or engineering unless the plans, specifications, and estimates have been prepared and the construction has been observed by an architect, a professional engineer, or a person under the direct supervision of an architect, professional engineer, or those under the direct supervision of an architect or professional engineer; provided that such requirement shall not apply to any public work in which the contemplated expenditure for the complete project does not exceed one hundred thousand dollars (\$118,000), as adjusted from time to time by § 81-3445 or other applicable law.
  
7. Additional Procedures. Each bid for which a labor and material bond is required shall be accompanied by a bid bond or certified check in the amount of five percent (5%) of such bid unless the School Board or Administration waives such requirement. The Board of Education or Administration may provide for additional procedures for the procurement, opening and acceptance of bids as deemed appropriate for a particular project.

Legal Reference: Neb. Rev. Stat. ' 52-118; Neb. Rev. Stat. ' 73-101 *et seq.*; Neb. Rev. Stat. ' 73-106; Neb. Rev. Stat. ' 81-3445

Legal Reference:

Neb. Rev. Stat. 52-118

Neb. Rev. Stat. 73-101 *et seq.*

Neb. Rev. Stat. 73-106

Neb. Rev. Stat. 81-3445

Adopted: 8-9-04

Reviewed: 3-8-10, 11-9-20, 8-16-21

Revised: 08-11-14, 08-10-15, 8-8-22

## POLICY NO. 3561 - RECORDS MANAGEMENT AND DISPOSITION

1. General Standard. Records should generally be organized, managed, retained and disposed of in accordance with law and the Secretary of State's schedules for retention and disposition of public records.
2. Records Officer. The Superintendent is hereby designated as the records officer of the school district for purposes of this policy. Any questions about the type or category of a record or the required retention period for it should be addressed to the records officer.
3. Electronic Messages. Electronic messages are communications using an electronic system for the conduct of school district business internally, between other state and local government agencies, and with parents, students, patrons and others in the outside world. These messages may be in the form of e-mail, electronic document exchange (electronic fax), and electronic data interchange (EDI). In this policy, the terms electronic messages and e-mail are used, depending on the context, to mean the same thing. The school district's electronic system in which records are collected, organized, and categorized to facilitate preservation, retrieval, use, and disposition is as follows:
  - a. End-User Management. End-user means anyone who creates or receives electronic messages on the school district's electronic system. Electronic messages are to be managed at the end-user's desktop rather than from a central point. Each end-user is responsible for organizing, managing and disposing of records that are part of his or her desktop computer.
  - b. Categories for Retention. Electronic messages fall within three categories: (1) transitory messages; (2) records with a less than permanent retention period; and (3) records with a permanent retention period. End-users are to organize, store, retain and dispose of electronic messages according to these three categories. This means determining which electronic messages require long-term retention, determining who is responsible for making this decision, and establishing storage and disposition requirements for electronic messages.
    - i. *Transitory messages*. Transitory messages include copies posted to several persons and casual and routine communications similar to telephone conversations. For example, as determined on an individual case-by-case basis by the end-user, transitory messages include certain

embryonic materials, notes or drafts; unwanted and unneeded “junk” mail; “personal” mail for employees not related to school business; unsolicited sectarian, religious, partisan, political or commercial messages, or political advertising or advertisements promoting particular personal or religious beliefs, a specific ballot question, or controversial topics or positions. There is no retention requirement for transitory messages. Employees sending or receiving such communications may delete them immediately without obtaining approval.

- ii. *Less than permanent retention records.* These records are governed by the retention period for equivalent hard copy records as specified in the approved records retention and disposition schedules. These records should be converted to hard copy (printed) or an electronic format which can be retrieved and interpreted (downloaded) for the legal retention period. Employees creating or receiving such communications may delete or destroy the records only according to the applicable retention schedule. Questions relating to the retention or destruction of these records should be referred to the records officer.
  - iii. *Permanent/archival retention records.* These are records scheduled for transfer to the Nebraska State Historical Society (NSHS). Decisions relating to such records should be made by the records officer in consultation with NSHS, and the State Records Administrator about either transferring the records or maintaining them in the agency of origin. If the transfer decision is made, the method, frequency and format of the transfer should be determined cooperatively by the records officer, the NSHS, and the State Records Administrator.
- c. Electronic Storage Limitations. The district’s computer systems have storage limitations. E-mails are deleted by the computer system within 60 to 90 days to avoid operational problems. End-users are instructed that electronic messages that are required to be maintained past that time period should be converted to hard copy (printed) or an electronic format which can be retrieved and interpreted (downloaded) for the legal retention period. The retention period for the particular record is the best indicator of which storage medium or format to choose.
- d. Proper Use of Electronic Messages.
- i. Non-Discrimination. Electronic messaging is not permitted to be used to promote discrimination on the basis of race, color, national origin, age,

marital status, sex, political affiliation, religion, disability or sexual preference; promote sexual harassment; or to promote personal, political, or religious business or beliefs.

- ii. Permissible Use. Electronic messaging is to be used only for purposes that are consistent with the mission of the school district. Electronic messaging is not permitted to be used for personal purposes except for: incidental, intermittent or occasional use which does not interfere with performance of duties as determined by the administration, use that is authorized pursuant to an individual use agreement, and use that represents a form of the employee's compensation. Electronic messaging is not permitted to be used for personal financial gain or for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. Electronic messaging is not permitted to be used for purposes of assisting a non-profit organization except when and to the extent such use serves a school purpose or facilitates school district business.
- iii. Conduct. Employees shall not read electronic messages received by another employee when there is no school purpose for doing so, send electronic messages under another employee's name without the employee's consent or administrative authorization, or change or alter any portion of a previously sent electronic message without administrative authorization.
- iv. Other Regulations. Electronic messaging is subject to all requirements of the school district's "Acceptable Use of Computers, Network, Internet and Websites" policy and may be monitored and accessed at any time without prior notice. The school district has complete authority to regulate all electronic messaging. Electronic messaging is a privilege and not a property right and is not a public forum. Electronic messaging is made available subject to all board policy and regulations, these regulations, building guidelines, use agreements, handbook provisions, and all administrative orders or directives as issued from time to time.

#### 4. Litigation Holds

When litigation against the District or its employees is filed or threatened, the District will take all reasonable action to preserve all documents and records that pertain to the issue. Such action

will in particular be taken when the litigation may be filed in federal court or otherwise subject to federal rules of discovery.

As soon as the District is made aware of pending or threatened litigation, a litigation hold directive will be issued by the records officer or designee. The directive will be given to all persons suspected of having records that may pertain to the litigation issue.

The litigation hold directive overrides any records retention schedule that may otherwise call for the disposition or destruction of the records until the litigation hold has been lifted. E-mail and computer accounts of separated employees that have been placed on a litigation hold will be maintained by the records officer until the hold is released.

Employees who receive notice of a litigation hold are to preserve all records that pertain to the litigation issue. This includes preserving electronic messages that would otherwise be deleted by the computer system; such messages are to be converted by the recipients of the litigation hold to hard copy (printed) or electronic format which can be retrieved and interpreted (downloaded) for the duration of the litigation hold.

No employee who has been notified of a litigation hold may alter or delete an electronic or other record that falls within the scope of the hold. Violation of the litigation hold may subject the employee to disciplinary actions, up to and including dismissal, as well as personal liability for civil and/or criminal sanctions by the courts or law enforcement agencies.

## 5. Settlement Agreements

A public written or electronic record of all settled claims shall be maintained.

The record for all such claims settled in the amount of fifty thousand dollars or more (or one percent of the total annual budget of the School District, whichever is less) shall include a written executed settlement agreement. The settlement agreement shall contain a brief description of the claim, the party or parties released under the settlement, and the amount of the financial compensation, if any, paid by or to the School District or on its behalf. Any such settlement agreement shall be included as an agenda item on the next regularly scheduled public meeting of the School Board for informational purposes or for approval if required.



Any such settled claim or settlement agreement shall be a public record. Nonetheless, specific portions of the record may be withheld from the public to the extent permitted or provided by statute.

The foregoing does not apply to claims made in connection with insured or self-insured health insurance contracts.

Legal Reference:      Neb. Rev. Stat. " 84-712 through 84-712.09  
                                 Neb. Rev. Stat. " 84-1201 to 84-1227

Laws 2010, LB 742

State Records Administrator Guidelines:

Schedule 10: Records of Local School Districts (Feb. 1989)

Schedule 24: Local Agencies General Records (March 2005)

Electronic Imaging Guidelines (March 2003)

Adopted: 8-13-07

Reviewed: 3-8-10, 11-9-20, 8-16-21

Revised: 6-14-10

## POLICY NO. 3570 - ESSA

It is the policy of the District to comply with the Every Student Succeeds Act (“ESSA”) and federal grant programs in which the District participates.

1. Authority to Sign Applications. The Superintendent is authorized to sign applications for any of the ESSA formula grants on behalf of the District and may delegate such authority to other administrators in the Superintendent’s discretion. The Superintendent shall submit such applications as determined appropriate so long as acceptance of the funds does not include conditions contrary to the policies of the Board of Education.
2. Supplement not Supplant. Federal funds shall be used to supplement, not supplant the amount of funds or services available from non-federal sources, in compliance with the requirements of federal law. ESSA funds shall not be used to provide services otherwise required by law to be made available.
3. Equitable Allocation. Federal funds shall be used in a manner to ensure equitable allocation of resources. Staff are to be assigned and curriculum materials and instructional supplies are to be distributed to the schools in such a way that equivalence of personnel and materials is ensured among the schools in compliance with the requirements of federal law.
4. Maintenance of Effort. The District shall maintain fiscal effort related to ESSA programs in compliance with the requirements of federal law.
5. Resources. The procurement of resources related to the ESSA programs, including contracts and purchase or service agreements for such program, shall be in accordance with the District’s written procedures for purchasing and contracting. Purchase orders and invoices shall indicate an appropriate record of expenditures. All equipment purchased with federal funds, including those used in nonpublic and other facilities, shall be appropriately identified, inventoried, and when no longer useful to the program, properly disposed. Resources such as staff, materials and

equipment funded by Title I shall be used only for children participating in the program.

6. Maintenance of Records. Records of all federal financial and program information shall be kept for a minimum of 5 years after the start date of the project.
7. Identification of Eligible Children. The Superintendent and the designees shall implement an appropriate process to identify children eligible for services provided under federal programs.
8. Coordination of Services. Title I services shall be coordinated and integrated with the regular classroom, with other agencies providing services and with other federal, state and local programs.
9. Standards and Expectations. Students receiving services in Title I are held to the same standards and expectations as all other students.
10. Assessments. Students receiving services in Title I are assessed with the regular population without accommodations.
11. Parents Right to Know. At the beginning of each school year, if the District receives Title I funding, the District shall notify the parents of each student attending any school receiving Title I funds that the parents may request, and the District will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following:
  - (A) Whether the student's teacher—
    - (i) has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
    - (ii) is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and
    - (iii) is teaching in the field of discipline of the certification of the teacher.

(B) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

12. Testing Opt-Out. At the beginning of each school year, if the District receives Title I funding, the District shall notify the parents of each student attending any school receiving Title I funds that the parents may request, and the District will provide the parents on request (and in a timely manner), information regarding any State or District policy regarding student participation in any State or District assessments, including the District's policy and procedure on the parental right to opt the child out of such assessment(s). The District shall also make widely available through public means (including by posting in a clear and easily accessible manner on the District's website) information on each State or District assessment, including:

- (A) the subject matter assessed;
- (B) the purpose for which the assessment is designed and used;
- (C) the source of the requirement for the assessment;
- (D) the amount of time students will spend taking the assessment, and the schedule for the assessment; and
- (E) the time and format for disseminating results.

13. Language Instruction Programs. At the beginning of each school year, if the District receives Title I funding, the District will implement an effective means of outreach to parents of English learners to inform the parents regarding how the parents can—

- (A) be involved in the education of their children; and
- (B) be active participants in assisting their children to—
  - (i) attain English proficiency;
  - (ii) achieve at high levels within a well-rounded education; and
  - (iii) meet the challenging State academic standards expected of all students.

The District will also inform parents of an English learner identified student of opportunities to participate in various school programs, as set forth in ESSA.

14. Other Requirements. The Superintendent shall take or cause other staff to take such action as required by law for the District to maintain compliance with ESSA and specific ESSA grant programs in which the District participates.
  
15. Certification Regarding Debarment, Suspension and Ineligibility. The District will endeavor to ensure that all contracts and purchase orders reimbursed using federal funds will include the following “suspension and disbarment” language:

To the best of its knowledge and belief, the contractor or any of its principals are not presently debarred, suspended, proposed for debarment or otherwise declared ineligible for the award of contracts by any Federal agency by the inclusion of the contractor or its principals in the current “LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT OR NONPROCUREMENT PROGRAMS” published by the U.S. General Services Administration Office of Acquisition Policy.

The prospective lower tier participant shall provide immediate written notice to the District if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. Should the prospective lower tier participant enter into a covered transaction with another person at the next lower tier, the prospective lower tier participant agrees by accepting this agreement that it will verify that the person with whom it intends to do business is not excluded or disqualified.

Notwithstanding anything to the contrary, all persons or entities contracting with the District with any reimbursement using federal funds shall be bound by this certification and shall fully abide by and comply with the same.

Legal Reference: ESSA

Adopted: 8-13-07

Reviewed: 3-8-10, 11-9-20, 8-16-21

Revised: 7-11-11, 11-14-16, 10-9-17

## **4000 Series – Personnel**

### **POLICY NO. 4000 - ROLE OF AND GUIDING PRINCIPLES FOR EMPLOYEES**

This series of the board policy manual is devoted to the board's goals and objectives for employees in the performance of their jobs. Employees provided a variety of important services for the children of the school district community. They may be teaching or assisting in the classroom, working in the office, maintaining the facilities, driving or repairing the school buses, or cooking lunches. Each employee plays a vital role in providing an equal opportunity for a quality education for students commensurate with the students' individual needs. While the teachers have the most direct impact on the formal instruction of students, all employees have an impact on the school environment by their dedication to their work and their actions. As role models for the students, employees shall promote a cooperative, enthusiastic, and supportive learning environment for the students.

In striving to achieve a quality education program, the board's goal is to obtain and retain qualified and effective employees. The board shall have complete discretion to determine the number, the qualifications, and the duties of the positions and the school district's standards of acceptable performance. It shall be the responsibility of the superintendent to make recommendations to the board in these areas prior to board action. The board recognizes its duty to bargain collectively with duly certified collective bargaining units.

Board policies in this series relating to general employees, shall apply to employees regardless of their position as a certified employee, support staff, substitute or administrator. Board policies relating to certified employees shall apply to positions that require a teaching license or administrator's certificate or other professional license, certificate or endorsement, unless administrative positions are specifically excluded from the policy. Support staff policies included in this series shall apply to positions that do not fall within the definition of certified employees.

Approved: 8-12-02

Reviewed: 4-12-10, 9-13-21

## **POLICY NO. 4000-A - EQUAL EMPLOYMENT OPPORTUNITY**

The Bayard School District shall provide equal opportunity to employees and applicants for employment in accordance with applicable equal employment opportunity and affirmative action laws, directives and regulations of federal, state and local governing bodies. Opportunity to all employees and applicants for employment includes hiring, placement, promotion, transfer or demotion, recruitment, advertising or solicitation for employment, treatment during employment, rates of pay or other forms of compensation, and layoff or termination. The school district shall take affirmative action in major job categories where women, men, minorities and persons with disabilities are underrepresented. Employees will support and comply with the district's established equal employment opportunity and affirmative action policies. Employees shall be given notice of this policy annually.

The Board shall appoint an affirmative action coordinator. The affirmative action coordinator shall have the responsibility for drafting the affirmative action plan. The affirmative action plan shall be reviewed by the board.

Individuals who file an application with the school district will be given consideration for employment if they meet or exceed the qualifications set by the Board, Administration, and Nebraska Department of Education for the position for which they apply. In employing individuals, the district will not discriminate in any aspect of employment with regard to race, color, religion national or ethnic origin, sex, disability, age, marital status, or genetic background, veteran status, pregnancy, or childbirth or related medical condition. In keeping with the law, the Board shall consider the veteran status of applicants.

Advertisements and notices for vacancies within the district shall contain the following statement: "The Bayard School District is an equal employment opportunity employer." The statement shall also appear on application forms.

Inquires by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, shall be directed to the Affirmative Action Coordinator by writing to the Affirmative Action Coordinator, Bayard School District, Bayard, Nebraska 69334; or by telephoning (308) 586-1325.

Inquires by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, may also be directed in writing to the Director of the Kansas Office of Civil Rights, U.S. Department of Education, 10220 North Executive Hills Boulevard 8<sup>th</sup> Floor, Kansas City, MO 64153-1367, (816) 880-4200 or the Nebraska Equal Opportunity Commission, State Office Building, 301 Centennial Mall South, 5<sup>th</sup> Floor, P.O. Box 94394, Lincoln, NE 68509-4934, (402) 471-2024 or (800) 642-6112.

This inquiry or complaint to the federal office may be done instead of, or in addition to, an inquiry or complaint at the local level.



Further information and procedures for filing a complaint are available at the website of the Nebraska Equal Opportunity Commission, <http://www.neoc.ne.gov/comp/comp.htm>.

Legal Reference: 29 U.S.C. \*\* 621-634 (1994).

42 U.S.C. \*\* 2000e et seq. (1994).

42 U.S.C. \*\* 12101 et. seq. (1994).

Neb. Statute 48-1101 et seq. (Nebr. Fair Employment Practice Act)

Approved: 8-12-02

Reviewed: 4-12-10, 9-13-21

Revised: 8-10-15

## **POLICY NO. 4000-B - EMPLOYEE RECORDS**

The school district shall maintain personnel records on employees. The records are important for the daily administration of the educational program, for implementing board policy, for budget and financial planning, and for meeting state and federal requirements.

The record shall include, but not be limited to, records necessary for the daily administration of the school district, salary records, evaluations, applications for employment, references, and other items needed to carry out Board Policy. Employee personnel files are school district records and are considered confidential records and therefore are not generally open to public inspection or accessibility. Only in certain limited instances, when the employee has given a signed consent, will employee personnel records be accessible to individuals other than the employee or authorized school officials.

Employees may have access to their personnel files, with the exception of letters of reference, and copy items from their personnel files at a time mutually agreed upon between the Superintendent and the employee. The school district may charge a reasonable fee for each copy made. However, employees will not be allowed access to the employment references written on behalf of the employee. Board members will generally only have access to an employee's file when it is necessary because of an employee related matter before the board.

It shall be the responsibility of the Superintendent to keep employee's personnel files current.

It shall be the responsibility of the Superintendent to develop administrative regulations for the implementation of this policy.

Legal Reference: NE Statute 79-539

NE Statute 84-1201 et seq.

Adopted: 8-17-76

Revised: 8-10-98; 8-12-02

Reviewed: 4-12-10, 9-13-21

## **POLICY NO. 4001 - CERTIFIED EMPLOYEE QUALIFICATIONS, RECRUITMENT, SELECTION**

Persons interested in a certificated position, other than administrative positions which will be employed in accordance with board policies in Series 200. "Administration," shall have an opportunity to apply and qualify for certificated positions in the school district without regard to age, race, creed, color, sex, national origin, religion or disability. Job applicants for licensed positions shall be considered on the basis of the following:

Training, experience, and skill;

Nature of the occupation;

Demonstrated competence; and

Possession of, or ability to obtain, state certificated or license if required for the position.

Announcement of the position shall be in a manner which the superintendent believes will inform potential applicants about the position. Applications for employment may be obtained from and completed application shall be returned to the school district administrative office. Whenever possible, the preliminary screening of applicants shall be conducted by the administrator who will be directly supervising and overseeing the person being hired.

In the initial employment process, including on the initial application, the applicant shall not be asked to disclose, orally or in writing, information concerning the applicants criminal record or history, until it has been determined that the applicant meets the minimum employment qualifications. This does not prohibit the requirement to disclose an applicant's criminal record or history relating to sexual or physical abuse. Following a determination that the applicant meets minimum employment qualifications, a criminal history information check and questions regarding the applicant's criminal record or history are allowed.

It shall be the general policy of the Board of Education to employ as teachers new to the system only those who hold a Bachelor's Degree, or above, granted by an accredited, standard college. The board shall employ certificated employees after receiving a recommendation from the superintendent. However, the superintendent shall have the authority to employ a certificated employee on a temporary basis until a recommendation can be made and action can be taken by the board on the position.

The requirement stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding qualifications, recruitment and selections of

Such employees shall be followed.

Legal Reference: 29 U.S.C. \*\*621-634 (1994); 42 U.S.C. \*\*2000e et seq. (1994);  
42 U.S.C. \*\*12101 et seq.(1994).

Adopted: 8-17-76

Reviewed : 9-13-21

Revised: 8-10-98, 8-12-02, 5-10-10, 8-11-14

## **POLICY NO. 4002 - PERMANENT PERSONNEL – CERTIFICATION**

Each teacher must hold a Nebraska teacher certificate of the proper class for the position for which they have been employed. The certificate must be registered in the office of the Bayard Public Schools Superintendent of Schools before any salary will be issued. Any contract is subject to cancellation if these requirements are not met.

Adopted: 8-17-76

Revised: 8-13-01

Reviewed: 4-12-10, 9-13-21

## **POLICY NO. 4003 - ANTI-DISCRIMINATION, ANTI-HARASSMENT AND ANTI-RETALIATION**

### **A. Elimination of Discrimination.**

The [Name] Public Schools hereby gives this statement of compliance and intends to comply with all state and federal laws prohibiting discrimination. This school district intends to take any necessary measures to assure compliance with such laws against any prohibited form of discrimination.

The [Name] Public Schools does not discriminate on the basis of sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. Reasonable accommodations will be provided to employees with disabilities and to those who are pregnant, have given birth, or have a related medical condition, as required by law. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Students: Secondary Principal, 726 4th Avenue, Bayard, NE 69334 (308) 586-1700.

Employees and Others: Superintendent, 726 4th Avenue, Bayard, NE 69334 (308) 586-1325

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office of Civil Rights in the U.S. Department of Education (OCR), please contact the OCR at One Petticoat Lane, 1010 Walnut Street, 3<sup>rd</sup> Floor, Suite 320, Kansas City, Missouri 64106, (816) 268-0550 (voice), Fax (816) 268-0599, (800) 877-8339 (telecommunications device for the deaf), or [ocr.kansascity@ed.gov](mailto:ocr.kansascity@ed.gov).

### **B. Prohibited Harassment, Discrimination, and Retaliation of Employees, Students and Others.**

#### **1. Purpose:**

The [Name] Public Schools is committed to offering employment and educational opportunities to its employees and students in a climate free of discrimination. Accordingly, unlawful discrimination, harassment or retaliation of any kind by District employees, including, co-workers, non-employees (such as volunteers), third parties, and others is strictly prohibited and will not be tolerated.

Harassment is a form of discrimination and includes verbal, non-verbal, written, graphic, or physical conduct relating to a person's sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status, that is sufficiently serious to deny, interfere with, or limit a person's ability to participate in or benefit from an educational or work program or activity, including, but not limited to:

- a. Conduct that is sufficiently severe or pervasive to create an intimidating, hostile, or abusive educational or work environment, or
- b. Requiring an individual to endure the offensive conduct as a condition of continued employment or educational programs or activities, including the receipt of aids, benefits, and services.

Educational programs and activities include all academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere.

Discriminatory harassment because of a person's sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status, may include, but is not limited to:

- a. Name-calling,
- b. Teasing or taunting,
- c. Insults, slurs, or derogatory names or remarks,
- d. Demeaning jokes,
- e. Inappropriate gestures,
- f. Graffiti or inappropriate written or electronic material,
- g. Visual displays, such as cartoons, posters, or electronic images,
- h. Threats or intimidating or hostile conduct,
- i. Physical acts of aggression, assault, or violence, or
- j. Criminal offenses

The following examples are additional or more specific examples of conduct that may constitute sexual harassment:

- a. Unwelcome sexual advances or propositions,
- b. Requests or pressure for sexual favors,
- c. Comments about an individual's body, sexual activity, or sexual attractiveness,

- d. Physical contact or touching of a sexual nature, including touching intimate body parts and inappropriate patting, pinching, rubbing, or brushing against another's body,
- e. Physical sexual acts of aggression, assault, or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking), against a person's will or where a person is incapable of giving consent due to the victim's age, intellectual disability, or use of drugs or alcohol,
- f. Requiring sexual favors or contact in exchange for aids, benefits, or services, such as grades, awards, privileges, promotions, etc., or
- g. Gender-based harassment; acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex-stereotyping, but not involving conduct of a sexual nature.

If the District knows or reasonably should know about possible harassment, including violence, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred (see section entitled "Grievance Procedures," below), and take appropriate interim measures, if necessary. If the District determines that unlawful harassment occurred, the District will take prompt and effective action to eliminate the harassment, prevent its recurrence, and remedy its effects, if appropriate. If harassment or violence that occurs off school property creates a hostile environment at school, the District will follow this policy and grievance procedure, within the scope of its authority.

All District employees are expected to take prompt and appropriate actions to report and prevent discrimination, harassment, and retaliation by others. Employees who witness or become aware of possible discrimination, including harassment and retaliation, must immediately report the conduct to his or her supervisor or the compliance coordinator designated to handle complaints of discrimination (designated compliance coordinator).

## **2. Anti-retaliation:**

The District prohibits retaliation, intimidation, threats, coercion, or discrimination against any person for opposing discrimination, including harassment, or for participating in the District's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing. Retaliation is a form of discrimination.

The District will take immediate steps to stop retaliation and prevent its recurrence against the alleged victim and any person associated with the alleged victim. These steps will include, but are not limited to, notifying students, employees, and others, that they



are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment, or retaliation have occurred. If retaliation occurs, the District will take prompt and strong responsive action, including possible discipline, including expulsion or termination, if applicable.

### **3. Grievance (or Complaint) Procedures:**

Employees or students should initially report all instances of discrimination, harassment or retaliation to their immediate supervisor or teacher or to the compliance coordinator designated to handle complaints of discrimination. If the employee or student is uncomfortable in presenting the problem to the supervisor or teacher, or if the supervisor or teacher is the problem, the employee or student may report the alleged discrimination, harassment or retaliation to the designated coordinator, or in the case of students, to another staff person (such as a counselor or principal).

Other individuals may report alleged discrimination to the designated coordinator. If the designated coordinator is the person alleged to have committed the discriminatory act, then the complaint should be submitted to the Superintendent for assignment. A discrimination complaint form is attached to this grievance procedure and is available in the office of each District building, on the District's website, and from the designated coordinators.

Under no circumstances will a person filing a complaint or grievance involving discrimination be retaliated against for filing the complaint or grievance.

#### *i. Level 1 (Investigation and Findings):*

Once the District receives a grievance, complaint or report alleging discrimination, harassment, or retaliation, or becomes aware of possible discriminatory conduct, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred. If necessary, the District will take immediate, interim action or measures to protect the alleged victim and prevent further potential discrimination, harassment, or retaliation during the pending investigation. The alleged victim will be notified of his or her options to avoid contact with the alleged harasser, such as changing a class or prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the District's investigation. The District will minimize any burden on the alleged victim when taking interim measures to protect the alleged victim.

The District will promptly investigate all complaints of discrimination, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts

and allegations. The District will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by this grievance procedure. If the allegation(s) involve possible criminal conduct, the District will notify the complainant of his or her right to file a criminal complaint, and District employees will not dissuade the complainant from filing a criminal complaint either during or after the District's investigation.

The District will aim to complete its investigation within **ten (10) working days** after receiving a complaint or report, unless extenuating circumstances exist. Extenuating circumstances may include the unavailability of witnesses due to illness or incapacitation, or additional time needed because of the complexity of the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple complainants or victims. If extenuating circumstances exist, the extended timeframe to complete the investigation will **not exceed ten (10) additional working days without the consent of the complainant, unless the alleged victim agrees to a longer timeline.** Periodic status updates will be given to the parties, when appropriate.

The District's investigation will include, but is not limited to:

- a. Providing the parties with the opportunity to present witnesses and provide evidence.
- b. An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.
- c. For allegations involving harassment, some of the factors the District will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students' education, 4) the type, frequency, and duration of the conduct, 5) the identity of and relationship between the alleged harasser and the suspect or suspects of the harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment, 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.
- d. A review of the evidence using a "preponderance of the evidence" standard (based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?)

The designated compliance coordinator (or designated investigator) will complete an investigative report, which will include:

- a. A summary of the facts,

- b. Findings regarding whether discrimination, harassment or other inappropriate conduct occurred, and
- c. If a finding is made that discrimination, harassment or other inappropriate conduct occurred, the recommended remedy or remedies necessary to eliminate such discrimination, harassment or other inappropriate conduct.

If someone other than the designated compliance coordinator conducted the investigation, the compliance coordinator will review, approve, and sign the investigative report. The District will ensure that prompt, appropriate, and effective remedies are provided if a finding of discrimination, harassment, or retaliation is made. The District will maintain relevant documentation obtained during the investigation and documentation supportive of the findings and any subsequent determinations, including the investigative report, witness statements, interview summaries, and any transcripts or audio recordings, pertaining to the investigative and appeal proceedings.

The District will send concurrently to the parties written notification of the decision (findings and any remedy) regarding the complaint within **one (1) working day** after the investigation is completed. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Sec. 11232g; 34 C.F.R. Part 99, permits the District to disclose relevant information to a student who was discriminated against or harassed.

*ii. Level 2 (Appeal to the Superintendent):*

If a party is not satisfied with the findings or remedies (or both) set forth in the decision, he or she may file an appeal in writing with the Superintendent within **five (5) working days** after receiving the decision. The Superintendent will review the appeal and the investigative documentation and decision, conduct additional investigation, if necessary, and issue a written determination about the appeal **within ten (10) working days** after receiving the appeal. The party who filed the appeal will be sent the Superintendent's determination at the time it is issued, and a copy will be sent to the designated compliance coordinator. [If the Superintendent is the subject of the complaint, the party will file the appeal directly with the Board.]

*iii. Level 3 (Appeal to the Board):*

If the party is not satisfied with the Superintendent's determination, he or she may file an appeal in writing with the Board of Education **within five (5) working days** after receiving the Superintendent's determination. The Board of Education will review the appeal, the Superintendent's determination, the investigative documentation and decision, and allow the party to address the Board at a Board meeting to present his or her appeal. The party will be allowed to address the Board at the Board's next regularly scheduled Board meeting (unless the Board receives the appeal within one week of the next

regularly scheduled Board meeting) or at a time and date agreed to by the Board, designated compliance officer and the party. The Board will issue a written determination about the appeal **within thirty (30) days** after the party addresses the Board. The party who filed the appeal will be sent the Board's determination at the time it is issued, and a copy will be sent to the designated compliance coordinator. The Board's determination, and any actions taken, will be final on behalf of the District.

**4. Confidentiality:**

The identity of the complainant will be kept confidential to the extent permitted by state and federal law. The District will notify the complainant of the anti-retaliation provisions of applicable laws and that the District will take steps to prevent retaliation and will take prompt and strong responsive actions if retaliation occurs.

If a complainant requests confidentiality or asks that the complaint not be pursued, the District will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation, as long as doing so does not prevent the District from responding effectively to the harassment and preventing harassment of other students. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the District will inform the complainant that its ability to respond may be limited. Even if the District cannot take disciplinary action against the alleged harasser, the District will pursue other steps to limit the effects of the alleged harassment and prevent its recurrence, if warranted.

**5. Training:**

The District will ensure that relevant District employees are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate District officials or employees.

In addition, the District shall ensure that employees designated to address or investigate discrimination, harassment, and retaliation, including designated compliance coordinators, receive training to promptly and effectively investigate and respond to complaints and reports of discrimination, and to know the District's grievance procedures and the applicable confidentiality requirements.

**6. Designated Compliance Coordinators:**

Designated compliance coordinators will be responsible for:

- a. Coordinating efforts to comply with anti-discrimination, anti-harassment, and anti-retaliation laws and regulations.

- b. Coordinating and implementing training for students and employees pertaining to anti-discrimination, anti-harassment and anti-retaliation laws and regulations, including the training areas listed above.
- c. Investigating complaints of discrimination (unless the coordinator designates other trained individuals to investigate).
- d. Monitoring substantiated complaints or reports of discrimination, as needed (and with the assistance of other District employees, if necessary), to ensure discrimination or harassment does not recur, and that retaliation conduct does not occur or recur.
- e. Overseeing discrimination complaints, including identifying and addressing any patterns or systemic problems, and reporting such patterns or systemic problems to the Superintendent and the Board of Education.
- f. Communicating regularly with the District's law enforcement unit investigating cases and providing current information to them pertaining to anti-discrimination, anti-harassment, and anti-retaliation standards and compliance requirements.
- g. Reviewing all evidence in harassment or violence cases brought before the District's disciplinary committee or administrator to determine whether the complainants are entitled to a remedy under anti-discrimination laws and regulations that was not available in the disciplinary process.
- h. Ensuring that investigations address whether other students or employees may have been subjected to discrimination, including harassment and retaliation.
- i. Determining whether District employees with knowledge of allegations of discrimination, including harassment and retaliation, failed to carry out their duties in reporting the allegations to the designated compliance coordinator and responding to the allegations.
- j. Recommending changes to this policy and grievance procedure.
- k. Performing other duties as assigned.

**7. Preventive Measures:**

The District will publish and widely distribute on an ongoing basis a notice of nondiscrimination (notice) in electronic and printed formats, including prominently displaying the notice on the District's website and posting the notice at each building in the District. The District also will designate an employee to coordinate compliance with anti-discrimination laws (see Designated Compliance Coordinator section, above, for further information on compliance coordinator), and widely publish and disseminate this grievance procedure, including prominently posting it on the District's website, at each building in the District, reprinting it in District publications, such as handbooks, and sending it electronically to members of the school community.

The District also may distribute specific harassment and violence materials (such as sexual violence), including a summary of the District's anti-discrimination, anti-harassment, and anti-retaliation policy and grievance procedure, and a list of victim resources, during events such as school assemblies and back to school nights, if recent incidents or allegations warrant additional education to the school community.

Legal Reference: Title VI, 42 U.S.C. Sec. 2000d, Title VII, 42 U.S.C. Sec. 2000e, Title IX; 20 U.S.C. Sec. 1681, and the Nebraska Fair Employment Practices Act, Neb. Rev. Stat. Sec. 48-1101 et seq.

Age Discrimination in Employment Act (ADEA), the Older Workers Benefit Protection Act (OWBPA), 29 U.S.C. Sec. 621 et seq., and the Nebraska Age Discrimination in Employment Act, Neb. Rev. Stat. Sec. 48-1001 et seq.;

Americans with Disabilities Act (ADA), 42 U.S.C. Sec. 12101 et seq.

Section 504 of the Rehabilitation Act of 1973 (Section 504)

Pregnancy Discrimination Act, 42 U.S.C. Sec. 2000e(k)

Uniform Service Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Sec. 4301 et seq.

Neb. Rev. Stat. Sec. 79-2,115, et seq

Adopted: 7-11-11

Reviewed: 9-13-21

Revised: 9-13-21

## **POLICY NO. 4003A – NOTICE OF NONDISCRIMINATION**

### **Notice of Nondiscrimination**

The Bayard Public School District does not discriminate on the basis of sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Students: Secondary Principal, 726 4th Avenue, Bayard, NE 69334 (308) 586-1700.

Employees and Others: Superintendent, 726 4th Avenue, Bayard, NE 69334 (308) 586-1325

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the OCR at One Petticoat Lane, 1010 Walnut Street, 3rd Floor, Suite 320, Kansas City, Missouri 64106, (816) 268-0550 (voice), Fax (816) 268-0599, (800) 877-8339 (telecommunications device for the deaf), or [ocr.kansascity@ed.gov](mailto:ocr.kansascity@ed.gov).

Adopted: 9-13-21

**POLICY NO. 4003B – COMPLAINT FORM – DISCRIMINATION, HARASSMENT OR RETALIATION**

**Complaint Form**

**Discrimination, Harassment or Retaliation**

The Bayard Public School District does not discriminate on the basis of sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status, in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. This complaint form is to be used when a person has a complaint related to discrimination, harassment or retaliation on such bases in regard to employment or the programs and activities of the school district.

Refer to Board Policy 4003 and/or 5401 for the particulars of the complaint and grievance process. You may attach additional materials to this form if needed.

The applicable coordinator may be contacted if you have questions about filling out this complaint form:

Students: Secondary Principal, 726 4th Avenue, Bayard, NE 69334 (308) 586-1700.

Employees and Others: Superintendent, 726 4th Avenue, Bayard, NE 69334 (308) 586-1325

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

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

(1) Description of the complaint: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

(2) Names of any witnesses to the matter being complained about: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

(3) Identify and attach any document supporting the complaint: \_\_\_\_\_

\_\_\_\_\_.

(4) Confidentiality: I \_\_\_ do\_\_\_ do not give consent to my identity being shared with the person(s) against whom I am complaining. If I do not give consent, I understand that the investigation may be hindered, but that the District will nonetheless investigate and take prompt and effective action to remediate the concerns I have raised, if appropriate.

\_\_\_\_\_



---

(5) Relief requested (what I want done in response to this complaint):

---

---

The undersigned states: The facts in this complaint are true to the best of my knowledge, information and belief. I give permission for an investigation to be made into this complaint. I understand that the District will take steps to prevent me being retaliated against for filing this complaint, that I am to notify the District if any such retaliation occurs, and that the District will take prompt and strong responsive action if retaliation occurs.

Received by: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

Adopted: 9-13-21

## **POLICY NO. 4004 -PERMANENT PERSONNEL – PHYSICAL EXAMINATIONS**

Physical examinations of teachers may be required at the option of the Board of Education to be paid for at the School District expense.

Adopted: 8-17-76

Revised: 8-10-98

Reviewed: 4-12-10, 9-13-21

## **POLICY NO. 4005 - CONTRACT TERMINATION**

The termination of contract, non-renewal of contract, cancellation of contract, amendment of contract or disciplinary actions less severe than cancellation, non-renewal, termination or amendment will be in accordance to Nebraska Statutes 79-822 to 79-849.

Adopted: 8-17-76

Revised: 11-8-82; 8-14-00

Reviewed: 4-12-10, 9-13-21

## **POLICY NO. 4005-A - CERTIFICATED EMPLOYEE REDUCTION IN FORCE**

The Board of Education has the exclusive authority to determine the appropriate number of certificated employees. Reductions in force of certificated staff members may be required for reasons including but not limited to changes in the size or nature of the student population, limited financial resources, elimination or changing of programs, and staff realignment. Reduction in force may result in termination of employment or an amendment to the employee's contract.

Before a reduction in force occurs, the Board and the Administration shall present competent evidence demonstrating that a change in circumstances has occurred necessitating a reduction in force. Any change in circumstances must be specifically related to the employee or employees to be reduced and there shall be no other vacancies on the staff for which the employee to be reduced is qualified by endorsement or professional training to perform.

Due to the often intimate, confidential, and unique personal working relationship between the Administration and the Board, a certificated employee who is not serving in a predominantly administrative capacity at the time of a reduction in force shall have no rights under this policy to any administrative position within the District.

The selection of personnel to be terminated or otherwise reduced as a result of a reduction in force shall be based on the following criteria (not listed in the order of priority):

1. Certifications and endorsements;
2. Contributions to activity programs;
3. Special qualifications achieved from specific training and/or experience which will benefit the District;
4. The organizational and educational impact created by multiple part-time certificated employees;
5. Qualifications and competence based on past performance as determined by Administration through evaluations conducted pursuant to the District's Evaluation of Certificated Employee Policy, or any previous or successor policy in place at the time the evaluation was conducted, all of which are incorporated herein by this reference; and
6. Any other reasons which can be rationally related to the instruction in or administration of the school system.

If, after consideration of the above criteria, there is no difference between certificated employees being considered for reduction in force, then the employee with the shortest amount of service to the District shall be reduced.

Notwithstanding anything herein to the contrary, no permanent employee shall be reduced while a probationary employee is retained to render a service which the permanent employee is qualified by certification and endorsement to perform or where certification is not applicable, by reason of college credits in the teaching area.

Any certificated employee whose contract of employment may be amended or terminated as a result of a reduction in force shall be provided due process in the manner provided by law.

Any certificated employee whose contract has been terminated because of reduction in force shall be considered to have been dismissed with honor, shall, upon request, be provided a letter to that effect, and shall have recall rights only to the extent specifically provided by law.

It shall be the responsibility of each certificated employee to file with the Superintendent a copy of the employee's teaching certificate (including endorsements) upon initial employment with the district. On or before March 15th of each year thereafter (for so long as the employee is employed in the school system or has rights of recall), an employee shall file with the Superintendent evidence of any changes in the employee's certification or endorsements which have occurred since the previous year or are pending.

Any certificated employee whose employment contract is terminated as a result of a reduction in force shall report his or her address and, for so long as the employee has rights of recall, report any change of address, to the Superintendent. If a vacancy occurs for which the employee has rights of recall, the offer of such employment may be sent by the Superintendent via regular U.S. mail to the employee's most recent address reported hereunder. If no acceptance of such offer is received from the employee within fourteen days of mailing, then the employee shall be deemed to have waived his or her rights to recall to the employment position.

Legal Reference:                   Neb. Statute 79-846 to 849  
  79-824 to 844

Cross Reference Policy 4008

Adopted: 8-14-78

Revised: 7-13-81, 7-8-85, 8-10-98, 11/11/13

Reviewed: 4-12-10, 9-13-21

## **POLICY NO. 4007 - PROFESSIONAL PERSONNEL RESIGNATIONS**

Professional employees have a responsibility to the District and the students of the District to allow for a uniform transition in the event of resignation. Late resignations place the District at a disadvantage in hiring replacement personnel. Therefore, resignations received after May 1st for an upcoming school year will only be accepted when a qualified replacement has been employed by the District.

Adopted: 8-17-76

Revised: 8-12-85, 8-14-00, 8-12-02, 6-9-08

Reviewed: 4-12-10, 9-13-21

## **POLICY NO. 4008 - EVALUATION OF CERTIFICATED EMPLOYEES**

All certificated employees to be evaluated shall be notified annually in writing. A certified administrator, with the exception of the local Board of Education when it is evaluating the Superintendent, will observe and evaluate each probationary certified employee for a full instructional period once each semester and each permanent certificated employee for a full instructional period once each school year. If the probationary certificated employee is a Superintendent, he or she shall be evaluated twice during the first year of employment and at least once annually thereafter. The evaluation will include, but not be limited to evaluating the employee's instructional performance, classroom organization and management, personal conduct, and professional conduct. Evaluation of instructional performance and classroom organization and management is applicable to teachers only. The administrator will provide the employee with a written list of deficiencies, suggestions and a timeline for correcting the deficiencies and improving performance, and sufficient time to improve. The evaluation form will include notice that the employee may respond to the evaluation in writing. \

The school district will train administrators in evaluation annually through meetings with the Superintendent or other administrator, attendance at regional, state or national workshops, or any other method approved by the Superintendent.

For the purposes of this policy, the terms "actual classroom observation" and "entire instructional period" are defined as follows:

**Entire Instructional Period.** For certificated employees whose classes are held during defined periods of time (e.g., senior high classes), an entire instructional period consists of one such time period. For those whose time periods are not so defined (e.g., elementary classroom teachers), an entire instructional period consists of 40 minutes. The instructional period for those whose work does not necessarily involve continuous instruction for 40-minute periods (e.g., librarians or speech therapists) consists of no less than 40 minutes total during the semester. The entire instructional period for administrators cannot be defined in terms of an instructional period and shall be satisfied by the actual observation of an administrator's work during the semester for no less than 40 minutes.

**Actual Classroom Observation.** Actual classroom observation consists of observing the certificated employee in any activities in a classroom setting. When a certificated employee does not have classroom responsibility (e.g., administrators or librarians), the requirement of "actual classroom observation" will be satisfied by observing the certificated employee performing activities that are typical of his or her position.

This policy and the evaluation instrument shall be included in the teacher handbook which will be distributed to staff members upon their employment and annually thereafter.

Adopted: 11-14-11

Reviewed: 9-13-21

## **POLICY NO. 4017 – CLASSIFIED STAFF QUALIFICATIONS, RECRUITMENT, AND SELECTION**

Managing the qualifications, recruitment and selection of candidates for these positions shall be the responsibility of the superintendent or designee who shall confer with principals and other supervisory personnel in making a selection.

Persons interested in a classified staff position shall have an opportunity to apply and qualify for support staff positions in the school district without regard to age, race, creed, color, sex, national origin, religion or disability. Job applicants for support staff positions shall be considered on the basis of the following:

- Training, experience, and skill;
- Nature of the occupation;
- Demonstrated competence; and
- Possession of, or ability to obtain, state or other license or certificate, if required, for the position.

Announcement of the position shall be through means the superintendent believes will inform potential applicants about the position. Applications for employment may be obtained from, and completed applications shall be returned to the school district administration office. Whenever possible, the preliminary screening of applicants shall be conducted by the administrator who will be directly or indirectly supervising and overseeing the person being hired.

In the initial employment process, including on the initial application, the applicant shall not be asked to disclose, orally or in writing, information concerning the applicants criminal record or history, until it has been determined that the applicant meets the minimum employment qualifications. This does not prohibit the requirement to disclose an applicant's criminal record or history relating to sexual or physical abuse. Following a determination that the applicant meets minimum employment qualifications, a criminal history information check and questions regarding the applicant's criminal record or history are allowed.

Prior to hiring any person, the district may conduct background checks regarding the applicant's fitness for employment.



The superintendent shall notify the board of new support staff hires.

Legal Reference: Nebraska Statute 79-501  
79-802

Cross Reference: 402.01 Equal Opportunity Employment  
402.02 Employee Orientation  
404 Employee Health and Well-Being

Adopted: 8-11-14

Reviewed: 10-11-21

## **POLICY NO. 4018 - PERSONNEL**

### **Fair Labor Standards Act (Minimum Wage & Overtime)**

**Work Week:** The work week for overtime purposes shall be 12:00 a.m. Sunday until 11:50 p.m. Saturday. The administration may establish a different 7 day period workweek from time to time for specified employees or employee groups.

**Overtime:** Overtime will be paid to non-exempt employees as required by law. Compensatory pay in-lieu of overtime pay may be implemented in accordance with law. A non-exempt employee shall not work overtime without the express approval of the employee's supervisor.

**Salaried Basis:** The District's policy is to not permit improper deductions from the salary of exempt employees who are required to meet a "salaried basis" test for the exemption to be applicable. (Teaching professionals are not subject to the "salaried basis" test). An employee who feels an improper deduction affecting exemption status has occurred may submit a complaint to the Superintendent's designee, who shall promptly investigate the complaint. Reimbursement shall be made and a good faith commitment to comply in the future will be given in the event it is determined that an improper deduction affecting overtime exemption has been made.

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

Legal Source: Fair Labor Standards Act, 29 U.S.C. §201 et seq.;

29 CFR § 541.303; 541.602; 541.603, 541.710; 553.20-28; 771.105.

Adopted: 8-9-04

Reviewed: 4-12-10, 10-11-21

## **POLICY NO. 4019 - NON-CERTIFICATED (CLASSIFIED) PERSONNEL**

### Part-Time Non-Certificated Employees

A part-time non-certificated employee is one who works less than 30 hours per week.

### Full-Time School Year Non-Certificated Employees

A full-time school year non-certificated employee is one who works a minimum of 30 hours per week for less than twelve months per year.

### Full-Time Fiscal Year Non-Certificated (Classified) Employees

A full-time fiscal year non-certificated employee is one who works a minimum of 30 hours per week for twelve months per year.

### Role of Non-Certificated Personnel

The primary role of non-certificated personnel is to support and enhance the efforts of certified staff. The following is a list of non-certificated (classified) positions:

1. Bus drivers and transportation manager
2. Food service personnel
3. Clerical personnel
4. Custodial and maintenance personnel
5. Teacher aides
6. Accompanist

The number of employees in each supportive area shall be determined by the superintendent, who shall make recommendation for employment to the Board of Education for approval.

### Condition of Employment

Non-certificated employees are at will employees subject to all applicable policies of the Board of Education and the administrative rules and regulations which may apply.

No acts of discrimination in hiring practices shall be made because of race, color, creed, religion, national origin, sex, disability, or marital status. Assignment and duties shall be at the discretion of the superintendent or his designee.

Assignment or Transfer

The superintendent or his/her designee can transfer non-certificated personnel according to his/her judgment.

Fringe Benefits

1. Part-Time Non-Certificated Employees

Long Term Disability Insurance  
Retirement

2. Full-Time School Year Non-Certificated Employees

Single Health Insurance paid by the district  
Long Term Disability Insurance  
Retirement  
Sick Leave Days as per Board Policy No.4061

3. Full-Time Fiscal Year Non-Certificated Employees

Single Health Insurance or Family Health Insurance (whichever is applicable) paid by the district  
Long Term Disability Insurance  
Retirement  
Sick Leave Days as per Board Policy No. 4061  
Vacation as per Board Policy No. 4103

Nine and a half (9.5) paid holidays per year [New Years (1.5 days), Easter (1.5 days) Memorial Day (1 day), Fourth of July (1.5 days), Labor Day (1 day), Thanksgiving Day (1.5 days), Christmas Day (1.5 days)]

Two (2) Personal days

### Jury Duty

All non-certificated personnel selected to serve on jury duty will be paid the difference between what the court allows them and what they would have earned in a regular working day.

### Monthly Payment

Monthly payments are made on or before the 20th of each month. New pay rates begin with the first payment following the start of the fiscal year (September).

Effective June 21, 2020: Payroll periods begin with the first workday of the month and end with the last workday of the month. During the transition of the payment cycle in the summer of 2020, pay for June 21 through June 30, 2020 will be added to the August payroll for staff working those dates. Thereafter, pay for the work period is made on the 20th following the previous month's last workday. The September payroll will reflect days worked in August. The check will be small for staff that did not work all possible August days.

Adopted: 7-11-05

Reviewed: 4-12-10

Revised: 11-11-13, 3-9-20, 10-11-21

## **POLICY NO. 4020 - CLASSIFIED STAFF PAY POLICY**

Classified staff compensation will be based on the attached salary schedule. The placement and advancement of employees on the salary schedule shall be at the discretion of the superintendent of schools.

Adjustments to the salary schedule may be made through approval of the Board of Education.

Classified staff shall be evaluated by their immediate supervisor annually using the attached Performance Management Program.

Adopted: 10-9-06

Reviewed: 4-12-10, 10-11-21

Revised: 8-13-12

Affirmed: 9-10-12

<b>STEP</b>		<b>GRADE 1</b>	<b>GRADE 2</b>	<b>GRADE 3</b>	<b>GRADE 4</b>	<b>GRADE 5</b>
<b>1</b>	1.000 0	7.25	9.00	10.00	12.00	16.00
<b>2</b>	1.035 0	7.50	9.32	10.35	12.42	16.56
<b>3</b>	1.070 0	7.76	9.63	10.70	12.84	17.12
<b>4</b>	1.105 0	8.01	9.95	11.05	13.26	17.68
<b>5</b>	1.140 0	8.27	10.26	11.40	13.68	18.24
<b>6</b>	1.175 0	8.52	10.58	11.75	14.10	18.80
<b>7</b>	1.210 0	8.77	10.89	12.10	14.52	19.36
<b>8</b>	1.245 0	9.03	11.21	12.45	14.94	19.92
<b>9</b>	1.280 0	9.28	11.52	12.80	15.36	20.48
<b>10</b>	1.315 0	9.53	11.84	13.15	15.78	21.04
<b>11</b>	1.350 0	9.79	12.15	13.50	16.20	21.60
<b>12</b>	1.385 0	10.04	12.47	13.85	16.62	22.16
<b>13</b>	1.420 0	10.30	12.78	14.20	17.04	22.72
<b>14</b>	1.455 0	10.55	13.10	14.55	17.46	23.28
<b>15</b>	1.490 0	10.80	13.41	14.90	17.88	23.84
<b>16</b>	1.525 0	11.06	13.73	15.25	18.30	24.40

<b>17</b>	1.550 0	11.24		13.95	15.50	18.60	24.80
<b>18</b>	1.575 0	11.42		14.18	15.75	18.90	25.20
<b>19</b>	1.600 0	11.60		14.40	16.00	19.20	25.60
<b>20</b>	1.625 0	11.78		14.63	16.25	19.50	26.00
<b>21</b>	1.650 0	11.96		14.85	16.50	19.80	26.40
<b>22</b>	1.675 0	12.14		15.08	16.75	20.10	26.80
<b>23</b>	1.700 0	12.33		15.30	17.00	20.40	27.20
<b>24</b>	1.725 0	12.51		15.53	17.25	20.70	27.60
<b>25</b>	1.750 0	12.69		15.75	17.50	21.00	28.00
<b>26</b>	1.775 0	12.87		15.98	17.75	21.30	28.40
<b>27</b>	1.800 0	13.05		16.20	18.00	21.60	28.80
<b>28</b>	1.825 0	13.23		16.43	18.25	21.90	29.20
<b>29</b>	1.850 0	13.41		16.65	18.50	22.20	29.60
<b>30</b>	1.875 0	13.59		16.88	18.75	22.50	30.00
<b>31</b>	1.890 0	13.70		17.01	18.90	22.68	30.24
<b>32</b>	1.905 0	13.81		17.15	19.05	22.86	30.48
<b>33</b>	1.920 0	13.92		17.28	19.20	23.04	30.72
<b>34</b>	1.935 0	14.03		17.42	19.35	23.22	30.96



<b>35</b>	1.950 0	14.14		17.55	19.50	23.40	31.20
<b>36</b>	1.965 0	14.25		17.69	19.65	23.58	31.44
<b>37</b>	1.980 0	14.36		17.82	19.80	23.76	31.68
<b>38</b>	1.995 0	14.46		17.96	19.95	23.94	31.92
<b>39</b>	2.010 0	14.57		18.09	20.10	24.12	32.16
<b>40</b>	2.025 0	14.68		18.23	20.25	24.30	32.40

**GRADE 1: Custodial Assistants**  
**GRADE 2: Cooks, Para-Educators, Secretaries**  
**GRADE 3: Custodians**

**GRADE 4: Bus Mechanic/Transportation Supervisor, Head Cook, Head Custodian/Maintenance Supervisor, Piano Accompanist**  
**GRADE 5: Bookkeeper**

**BAYARD PUBLIC SCHOOLS**  
**CLASSIFIED STAFF**  
**PERFORMANCE MANAGEMENT PROGRAM**

EMPLOYEE'S NAME:

DATE:

DEPARTMENT :

LOCATION :

POSITION:

INSTRUCTIONS

**GENERAL**

The purpose of the "Classified Staff Performance Management Program" is to bring about a mutual understanding of how the employee's performance is viewed by his/her supervisor. By doing so, appropriate recognition is given to the employee's performance accomplishments and required/desired improvements can be identified and undertaken. While not intended to be a salary action discussion, the results of the "Classified Staff Performance Management Program" are an important factor in the Salary Review Process. A "Classified Staff Performance Management Report" must be prepared within the 60 day period preceding the employee's merit review date.

**THE 'PERFORMANCE MANAGEMENT' PROCESS**

- Step 1. Review the employee's performance over the preceding review period, making preliminary notes in the appropriate sections.
- Step 2. Review these judgments with the employee's supervisor/administrator.
- Step 3. Discuss the various performance areas with the employee, providing your evaluation of the employee's performance and seeking his/her input. Attempting to reach mutual understanding is an important part of the process.
- Step 4. Appropriate sections should be completed in final form, required signatures affixed and forwarded

to the Superintendent's Office for inclusion in the individual's personnel records. A copy of the "Performance Management" form may be provided to the employee for future reference.

### RESPONSIBILITY AREAS

(Review the employee's performance in the indicated areas, check 1-4 to indicate: 1. Below Standard, 2. Satisfactory, 3. Good, 4. Commendable/outstanding) and provide a brief comment for each item. Comments on areas receiving 1 or 2 ratings should include a development/corrective recommendation. Attach additional pages if necessary.

<b>Q U A N T I T Y</b>	Amount of Work Performed	1		Comments:
		2		
		3		
		4		
	Work Completed on Schedule	1		Comments:
		2		
		3		
		4		
<b>Q U A L I T Y</b>	Accuracy of Work	1		Comments:
		2		
		3		
		4		
	Thoroughness of Work	1		Comments:
		2		
		3		
		4		
	Neatness of Work	1		Comments:
		2		
		3		

		4		
	Written/Oral Expression	1		Comments:
		2		
		3		
		4		
<b>C O M P L I A N C E W I T H W O R K I N G I N S T R U C T I O N S</b>	Attendance	1		Comments:
		2		
		3		
		4		
	Promptness	1		Comments:
		2		
		3		
		4		
	Compliance of Written/Verbal Directions	1		Comments:
		2		
		3		
		4		
	Working Relationships	1		Comments:
		2		
		3		
		4		

RESPONSIBILITY AREAS (Continued)

<b>A D A P T A B I L I T Y</b>	Performance in New Situations	1		Comments:
		2		
		3		
		4		
	Performance with Minimum Instructions	1		Comments:
		2		
		3		
		4		
	Flexibility	1		Comments:
		2		
		3		
		4		
<b>J O B K N O W L E D G E</b>	Technical Knowledge of Job	1		Comments:
		2		
		3		
		4		
	Knowledge of Related Activities	1		Comments:
		2		
		3		
		4		
	Factors Unique to This Position. Specify:	1		Comments:
		2		
		3		
		4		

SECTION II – GENERAL STATEMENT OF EMPLOYEE PERFORMANCE

<u>Strengths</u>
------------------

Development Needs:

General Statement of Employee Performance:

OVER-ALL PERFORMANCE RATING      \_\_\_ Commendable      \_\_\_ Good  
Satisfactory      Below Standard

SECTION III – REVIEW AND ACKNOWLEDGEMENT

PREPARED BY: \_\_\_\_\_

REVIEWED BY:

\_\_\_\_\_

(Date)

(Supervisors Signature)

(Superintendent)

(Date)

I acknowledge receipt of a copy of this appraisal and the opportunity to attach my comments as to my agreement/disagreement with it.

\_\_\_\_\_

Employee Signature

Date

**POLICY NO. 4020A - REGULAR AND SUBSTITUTE BUS DRIVER PAY AND BENEFITS POLICY**

Substitute bus driver compensation is established at \$17.00 per hour for bus routes.

Compensation for activity trips is established at \$15.00 per hour for regular drivers and substitute drivers.

Regular bus driver compensation will be based on the following salary schedule. The placement and advancement of bus drivers on the salary schedule shall be at the discretion of the superintendent of schools.

Adjustments to the salary schedule may be made through approval of the Board of Education.

Classified staff shall be evaluated by their immediate supervisor annually using the attached Performance Management Program.

Step	Factor	Pay
1	1.000	\$ 20.00
2	1.020	\$ 20.40
3	1.040	\$ 20.80
4	1.060	\$ 21.20
5	1.080	\$ 21.60
6	1.100	\$ 22.00
7	1.120	\$ 22.40
8	1.140	\$ 22.80
9	1.160	\$ 23.20
10	1.180	\$ 23.60
11	1.200	\$ 24.00
12	1.220	\$ 24.40
13	1.240	\$ 24.80
14	1.260	\$ 25.20
15	1.280	\$ 25.60
16	1.300	\$ 26.00
17	1.320	\$ 26.40
18	1.340	\$ 26.80
19	1.360	\$ 27.20
20	1.380	\$ 27.60
21	1.400	\$ 28.00
22	1.420	\$ 28.40
23	1.440	\$ 28.80
24	1.460	\$ 29.20
25	1.480	\$ 29.60

Regular bus route drivers will receive the following benefits:

Single Health Insurance paid by the district

Long Term Disability Insurance (Paid by employee and reimbursed by district)

Retirement (As per Nebraska Public Employees Retirement System rules)

Sick Leave Days as per Board Policy No. 4061

Adopted: 6-13-16

Reviewed: 10-11-21





## **POLICY NO. 4021 - SUBSTITUTE TEACHERS**

The Bayard Public School District will employ only individuals that meet the Nebraska Department of Education requirements to service as substitute teachers. Substitutes will be paid a per day rate. Pay for working less than a full day will be pro-rated.

Adopted: 8-17-76

Revised: 8-8-77, 7-13-81, 8-14-89, 8-14-00

Reviewed: 4-12-10, 10-11-21

## **POLICY NO. 4022 - SOCIAL SECURITY NUMBERS**

Employee social security numbers shall be kept confidential to the extent required by law. Use of more than the last four digits of an employee's social security number shall be made by the District only for:

- 1. Legal Mandates.** Compliance with state or federal laws, rules, or regulations.
- 2. Internal Administration.** Internal administrative purposes, including provision of employee social security numbers to third parties for such purposes as administration of personnel benefits and employment screening and staffing. However, the internal administrative uses shall not permit use of employee social security numbers:
  - a.** As an identification number for occupational licensing.
  - b.** As an identification number for drug-testing purposes except when required by state or federal law.
  - c.** As an identification number for District meetings.
  - d.** In files with unrestricted access within the District.
  - e.** In files accessible by any temporary employee unless the temporary employee is bonded or insured under a blanket corporate surety bond or equivalent commercial insurance.
  - f.** For posting any type of District information.
- 3. Voluntary Transactions.** Commercial transactions freely and voluntarily entered into by the employee with the District for the purchase of goods or services

The District will not use or require an employee to use more than the last four digits of an employee's social security number for:

- 1. Public Posting or Display.** Any public posting or display available to the general public or to an employee's co-workers.

2. **Internet Transmission.** Transmissions over the Internet unless the connection is secure or the information is encrypted.
3. **Internet Access.** To access an Internet web site unless a password, unique personal identification number, or other authentication device is also required to access the Internet web site.
4. **Identifier.** As an employee number for any type of employment-related activity.

Full implementation of this Policy shall occur by September 1, 2008.

Legal Reference: Laws 2007, LB 674

5 USCS 552a (note) (Privacy Act of 1974)

Adopted: 8-13-07

Reviewed: 4-12-10, 10-11-21

## **POLICY NO. 4023 - MILITARY AND FAMILY MILITARY LEAVE**

Military leave and family military leave will be granted to the extent required by state and federal law.

Employees requesting military leave must notify the Superintendent as soon as they receive notification of activation. Employees are to attach a copy of their orders to a District leave request form when they prepare the request for military leave.

Employees requesting to take family military leave under the Nebraska statutes must notify the Superintendent at least 14 days in advance of taking such a leave if the leave will be for 5 or more consecutive days, consult with their supervisor to schedule the leave so as to not unduly disrupt operations of the school, and for leaves of less than 5 days, notify the Superintendent of the leave request as soon as practicable.

Family military leave under the Family and Medical Leave Act (FMLA) will be provided in accordance with that law and subject to the provisions of the Board policy pertaining to FMLA leave.

Legal Reference: Neb. Rev. Stat. 55-160 to 55-160

Neb. Rev. Stat. 55-501 to 55-507

29 U.S.C.A. 2611, et seq. and 29 CFR Part 825

38 USC Sections 4301 to 4333 and 20 CFR Part 1002

Adopted: 5-14-07

Revised: 7-14-08

Reviewed: 4-12-10, 10-11-21

**APPLICATION FOR LEAVE UNDER THE FAMILY MILITARY LEAVE ACT**

**EMPLOYEE:** \_\_\_\_\_ **POSITION:** \_\_\_\_\_

**LEAVE REQUESTED:** I request to take a family military leave.

Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

**SPOUSE OR CHILD DEPLOYED:** \_\_\_\_\_ (full name)

Is: \_\_\_\_\_ My Spouse \_\_\_\_\_ My Child (check one) and has been called to military service lasting 179 days or longer with the State or the United States pursuant to the orders of the \_\_\_\_\_ Governor or the \_\_\_\_\_ President of the United States. The dates the deployment orders are in effect are: \_\_\_\_\_ (start date) \_\_\_\_\_ (end date).

**CERTIFICATION:** I certify that the above information is correct. I understand that the family military leave is unpaid. I understand that my benefits will be continued. I will be responsible for my share of health or other insurance premiums. I will on request submit certification from the proper military authority to verify eligibility for the family military leave.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

SIGNED BY: \_\_\_\_\_ (Employee)

**ACTION ON FAMILY MILITARY LEAVE REQUEST**

Your leave request is:

\_\_\_\_\_ Granted

\_\_\_\_\_ Pending. Will be acted on after you submit certification from the proper military authority to verify the deployment orders.

\_\_\_\_\_ Denied for the reason(s) that:

\_\_\_\_\_ You failed to give the required advance notice.

\_\_\_\_\_ The requested leave schedule would unduly disrupt operations of the school. Please contact me to consult about alternative scheduling.

\_\_\_\_\_ You are not eligible for family military leave.

Comments: \_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

BY: \_\_\_\_\_, Superintendent

## **POLICY NO. 4024 - WAGE AND DEDUCTION INFORMATION**

Within ten working days after a written request is made by an employee, the Superintendent or designee shall furnish the employee with an itemized statement listing the wages earned and the deductions made from the employee's wages for each pay period that earnings and deductions were made. The statement may be in print or electronic format.

Legal Reference:      Neb. Rev. Stat. § 48-1230

Adopted: 6-14-10

Reviewed: 10-11-21



## **POLICY NO. 4026 - PROHIBITION ON AIDING AND ABETTING SEXUAL ABUSE**

A school employee, contractor, or agent of the school district is prohibited from assisting another school employee, contractor or agent in obtaining a new job if the individual knows or has probable cause to believe, that such other employee, contractor, or agent engaged in sexual misconduct with a minor or student in violation of the law.

“Assisting” does not include the routine transmission of administrative and personnel files.

Exceptions to giving such assistance may only be made where the exception is authorized by the Every Student Succeeds Act (for example, where the matter has been investigated by law enforcement and the person has been exonerated and approved by the Superintendent or designee.)

Legal Reference: ESSA sec. 8038, § 8546

Adopted: 11-14-16

Reviewed: 10-11-21

## **POLICY NO. 4027 - WORKPLACE PRIVACY POLICY**

1. The District will abide by the Nebraska Workplace Privacy Act and will not:

Require or request that an employee or applicant provide or disclose any user name or password or any other related account information in order to gain access to the employee's or applicant's personal Internet account by way of an electronic communication device;

Require or request that an employee or applicant log into a personal Internet account by way of an electronic communication device in the presence of the District in a manner that enables the District to observe the contents of the employee's or applicant's personal Internet account or provides the District access to the employee's or applicant's personal Internet account;

Require an employee or applicant to add anyone, including the District, to the list of contacts associated with the employee's or applicant's personal Internet account or require or otherwise coerce an employee or applicant to change the settings on the employee's or applicant's personal Internet account which affects the ability of others to view the content of such account;

Take adverse action against, fail to hire, or otherwise penalize an employee or applicant for failure to provide or disclose any of the information or to take any of the actions prohibited by the Workplace Privacy Act.

Require an employee or applicant to waive or limit any protection granted under the Workplace Privacy Act as a condition of continued employment or of applying for or receiving an offer of employment.

Notwithstanding anything to the contrary, all employees must abide by the District's technology policies, procedures and guidelines, including the District's Internet Use policy and/or practice. Pursuant to the Workplace Privacy Act, the District may also:

Monitor, review, access, or block electronic data stored on an electronic communication device supplied by or paid for in whole or in part by the District or stored on the District's network, to the extent permissible under applicable laws;

Access information about an employee or applicant that is in the public domain or is otherwise obtained in compliance with the Workplace Privacy Act;

Conduct an investigation or require an employee to cooperate in an investigation if the District has specific information about potentially wrongful activity taking place on the employee's personal Internet account, for the purpose of ensuring compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct;

Any other reason permitted by the Workplace Privacy Act.

Legal Reference:       Laws 2016, LB 821

Adopted: 11-14-16

Reviewed: 11-8-21

## **POLICY NO. 4028 - EMPLOYEE FUNDRAISING**

Any employee who directly or indirectly seeks to use their position as a District employee to fundraise (such as through a crowd funding initiative) must obtain prior approval from the Superintendent or Superintendent's designee before taking any action to fundraise.

An employee who receives permission to fundraise shall abide by the following requirements:

The employee shall inform the Superintendent or Superintendent's designee of any content (including online messages or requests) that the employee intends to publish.

The employee shall not violate any District policy, rule or law in any fundraising efforts and shall keep all student information confidential.

The employee must account for any money raised through the approved fundraising effort and shall provide evidence to the Superintendent or Superintendent's designee as to how the money was spent.

District employees who engage in fundraising efforts in their private capacities need not abide by this policy.

Date of Adoption: 10-9-17

Reviewed: 11-8-21

## **POLICY NO. 4031 - APPEARANCE BEFORE LEGISLATIVE BODY**

No one may appear before a legislative committee purporting to represent the Bayard Public Schools unless first cleared by the Bayard Board of Education. This policy is not to infringe in any way upon the individual's rights as a private citizen.

Adopted: 8-17-76

Reviewed: 4-12-10, 11-8-21

## **POLICY NO. 4041 - CERTIFICATED EMPLOYEE SALARY SCHEDULE**

The board shall establish salary schedules for certificated employees' positions keeping in mind the financial condition of the school district, the education and experience of the certificated employee, the educational philosophy of the school district, and other factors deemed relevant by the board.

It shall be the responsibility of the superintendent to make recommendations to the board annually regarding the salary schedule. The salary schedule shall be subject to review and modification through the collective bargaining process.

The requirements stated in the Negotiated Agreement between employees in the certified collective bargaining unit and the board regarding wages and salaries of such employees shall be followed.

Adopted: 8-17-76

Reviewed: 11-8-21

Revised: 6-14-10

## **POLICY NO. 4042 - EXCEPTIONS TO SCHEDULE**

The following positions in the Bayard Schools are not considered to be on the salary schedule:

1. Superintendent
2. Principals
3. Special Education Director, Curriculum Director, Activities Director, Assessment Director

Adopted: 8-17-76

Revised: 6-13-05, 2-8-16

Reviewed: 5-10-10, 11-8-21

## **POLICY NO. 4046 - DISABILITY INSURANCE**

Employees of the Bayard Public School District shall be provided a LTD plan. Staff shall purchase long-term disability income protection insurance through a carrier selected by the district. The district shall deduct the insurance premium for each staff member from their monthly salary. The district will add the annual cost of the premium to the staff member's yearly salary.

Adopted: 8-17-76

Reviewed: 5-10-10, 11-8-21

Revised: 8-11-14

## **POLICY NO. 4047 - REIMBURSEMENT FOR TRAVEL EXPENSE**

Recognizing that travel to certain educational conferences and conventions provides school personnel with an opportunity to keep abreast of the latest developments and trends in the field of education which ultimately result in an improved program of instruction for the local school system, and that in the course of conducting school business, certain expenses are incurred, the Board of Education authorizes the reimbursement of expenses incurred therein:

Reimbursement regulations shall be as follows:

a. Meals and Lodging

1. Cost of meals must be itemized by date.
2. Hotel bills should be filed with expense report.
3. Reimbursement for tips will be allowed.

b. Transportation

1. When school representative are attending a conference or conducting school business and a private car is used mileage will be allowed at the current IRS Mileage Rate.
2. Parking and storage charges will be allowed.
3. Transportation by public carrier will be reimbursed at the actual cost of the fare minus the federal tax. (Travel or school district business by public carrier is exempt from federal tax).

Adopted: 8-17-76

Revised: 7-13-81; 3-10-08

Reviewed: 5-10-10, 11-8-21



## **POLICY NO. 4040 - LIVE WITHIN DISTRICT**

The Board of Education requires that persons filling the positions of superintendent, secondary principal, elementary principal, and athletic & activity director/assistant principal for the district, live within the boundaries of the school district.

School employees who live within the district tend to be more involved in school and community activities, can relate to the district's tax base, and are less likely to be absent or tardy due to commuting. However, the Board of Education does not require that all employees of the school live within the district. An employee may live anywhere he/she chooses as long as he/she is able to arrive at school on time and perform his/her duties. Any absence due to weather and/or distance from school will result in forfeiture of pay for the time absent.

Adopted: 8-17-76

Reviewed: 11-8-21

Revised: 6-14-10; 11-11-13, 1-8-18

## POLICY NO. 4050 - INSTRUCTIONAL HOURS

Section 79-101, R.R.S., required that the school year for students in grades 9-12 consist of a minimum of 1,080 instructional hours. The minimum school year for students in grades 1-8 shall consist of 1,032 hours.

### Definitions:

Instructional Hours – Sixty minutes of class time when more than one-half of the teachers and students are present in the building.

Instructional Time - Any time more than one-half of the teachers and students are present in the building and engaged in learning activities under the supervision of teachers in regularly scheduled classes or approved activities.

The Superintendent of Schools shall, after consultation with staff members, submit to the Board of Education, no later than the Regular March Board Meeting, a suggested school calendar for the ensuing school year. Such calendar shall become official after approval by the Board of Education.

The calendar shall provide for the minimum number of instructional hours as outlined in the first paragraph above.

The following regulations shall be in effect:

1. Passing time between classes shall count as a part of the instructional time. Scheduled recesses shall count as instructional time.
2. Lunch time does *not* count as instructional time.
3. Assemblies and convocations will count as instructional time if, in the opinion of the principal, such activities contribute to student learning.
4. Staff development activities and in-service meetings are not classified as instructional time.
5. Short-time dismissals for fire and tornado drills will be a part of instructional time.

6. Pre-holiday dismissals, dismissals because of weather conditions, or days when school is not held because of weather or other emergencies, do not constitute instructional time.

Scheduling:

1. Athletic contests shall not be scheduled during regular instructional hours without specific approval of the Superintendent of Schools.
2. Non-athletic contests are to be scheduled on Saturday or after school hours whenever possible.
3. Every effort shall be made to avoid interrupting regular classes for activities of any type.
4. Students qualifying for district and state activities, athletic or non-athletic, will be allowed to participate in these contests.
5. Necessary travel time during school hours for the purpose of meeting schedules for athletic or activity events shall be classified as instructional time under the definition of instructional time above.

Adopted: 8-12-85

Reviewed: 5-10-10, 11-8-21

## **POLICY NO. 4061 - SICK LEAVE**

Provision is made for a ten-day sick leave the first year, five days thereafter, cumulative to a maximum of 100 days before accruals cease. Sick leave is granted for personal illness or accident, or for serious illness or accident, or death in the immediate family. Leave must be approved by the Superintendent of Schools.

Immediate family includes: Spouse, child, grandchild, son-in-law, daughter-in-law, parents, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, and grandparents. Sick leave for these purposes will be limited to five days per year. If needed, additional days may be requested from the building Principals and Superintendent.

This policy shall only apply to non-certificated employees. Sick leave for certificated employees is provided for in such employees' contracts and/or the Negotiated Agreement between the Board and Bayard Education Association, as applicable.

Adopted: 8-17-76

Reviewed: 11-8-21

Revised: 7-13-81; 6-14-10, 3-9-20

## **POLICY NO. 4062 – INJURY LEAVE**

A District employee who believes that they have been physically injured within the employee's scope of employment by another individual who intentionally, knowingly, or recklessly causes bodily injury to such employee must report such injury to the employee's administrator as soon as practical. An administrator will then investigate the circumstances to determine if the employee qualifies for paid injury leave. The employee may be required to provide confirmation from a physician regarding the causation and the period of time for which an employee is unable to work. If the administrator determines that the employee qualifies for paid injury leave, then the employee will receive up to seven calendar days of paid injury leave to cover the amount of time that the employee was otherwise scheduled to work. Such paid injury leave will not count against the employee's other available leave.

If the administrator determines that the employee does not qualify for paid injury leave, then the employee may be required to use other available leave. There is no appeal process for an employee who has been denied a request for paid injury leave.

Legal Reference: LB 1186 (2020)

Effective Date: 8-13-20

Adopted: 12-14-20

Reviewed: 11-8-21

## **POLICY NO. 4070 – BREASTFEEDING AND PREGNANT AND PARENTING STUDENTS POLICY**

Bayard Public Schools provides a supportive environment to enable employees and parenting students to express milk during work hours

Bayard Public Schools supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child. The provisions of this Breastfeeding Policy are intended to meet the requirements of the Fair Labor Standards Act as it relates to breaks for nursing mothers and shall be interpreted in a manner consistent with such requirements.

For up to one year after the child's birth, any employee or parenting student who is breastfeeding her child will be provided reasonable break times to express breast milk for her newborn.

**BREAK TIME:** Breastfeeding employees or parenting students are allowed to breastfeed or express milk during work hours using their normal breaks and meal times. For time that may be needed beyond the usual break times, employees may use personal leave or may make up the time as negotiated with their supervisors.

**A PLACE TO EXPRESS MILK:** The principal of each school will, upon request, designate a private room located within the school building for employees or parenting students to breastfeed or express breastmilk. The private room must be shielded from view and free from intrusion from coworkers and the public. A bathroom or toilet stall is not an acceptable or sanitary place for an employee or parenting student to express milk or breastfeed. If employees prefer, they may also breastfeed or express milk in another comfortable and private location agreed upon in consultation with the employee's supervisor.

**BREASTMILK STORAGE:** Expressed milk can be stored in general employee refrigerators, in designated refrigerators provided in the lactation room or in the employee's personal cooler. Any breast milk stored in the refrigerator must be labeled with the name of the employee or parenting student and the date of expression. Labeled breastmilk can be stored in a designated refrigerator for up to 6 days. Any non-conforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering.

**PREGNANT OR PARENTING STUDENTS:** The district recognizes that pregnant or parenting students have the right and responsibility to attend school. This attendance right and

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

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

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

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

**ALTERNATIVE MEANS TO COMPLETE COURSE WORK:** The district will provide at least one alternate method, in addition to traditional classroom instruction to keep pregnant or parenting students in school. Such accommodation(s) may include accessing coursework online,

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

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

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

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

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

**BULLYING AND HARASSMENT:** Pregnant or parenting students have the same rights as other students to be free from discrimination, bullying, and harassment. Such school policies are in place and apply to all students.



POLICY DISSEMINATION: This policy will be included in the student handbook and will be available on the district's website.

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

Adopted: 05-11-2015

Revised: 3-9-20

Reviewed: 12-13-21

## **POLICY NO. 4102 - TERMINATIONS – NON-CERTIFIED PERSONNEL**

***At-Will.*** Non-certified employees are employed by the District on an “at-will” basis. This means the employee has the right to end his or her employment with the District at any time with or without advanced notice and the District has the right to end the employee’s employment with the District at any time with or without cause or advanced notice.

***Resignations.*** The District requests at least two weeks written notice of voluntary resignation by a non-certified employee. While this is not required, it gives the District the opportunity to make arrangements for a replacement. The District will maintain in the employee’s file whether or not the employee gave two weeks written notice of voluntary resignation.

Adopted: 8-17-76

Revised: 7-13-81, 8-10-87, 3-9-20

Reviewed: 5-10-10, 12-13-21



**POLICY NO. 4103 - FULL TIME FISCAL YEAR NON-CERTIFIED (CLASSIFIED) PERSONNEL, VACATION LEAVE**

A full time fiscal year classified employee (herein, an “Employee”) shall receive paid vacation leave in the manner set forth herein. Employees who have worked less than 12 years of continuous service with the District shall receive up to 12 days of paid vacation leave per year, subject to a maximum accrual limit of 12 days of paid vacation leave. An Employee who has worked as a full time fiscal year classified employee with the District for over 12 consecutive years shall receive up to the number of paid vacation leave days during the year equal to the number of years of service that Employee has worked for the District as a full time fiscal year classified employee, subject to a maximum accrual limit equal to the Employee’s years of service to the District as a full time fiscal year classified employee (e.g. an Employee with 14 years of continuous service to the District may accrue up to 14 days of paid vacation leave during his or her 14th year, subject to the maximum accrual limit of 14 days). An Employee may carry over his or her paid vacation leave time from year to year, but in no event may the Employee accrue more than the maximum accrual limits set forth above. An Employee will accrue his or her vacation leave time in the manner set forth above on June 1 of each year, provided that an Employee must be employed as a full time fiscal year employee for six months before being entitled to accrue paid vacation leave. Notwithstanding anything herein to the contrary, a new Employee shall accrue paid vacation leave at a rate of one day per month during the time period between the date Employee has worked six months as a full time fiscal year employee and the immediately following June 1 (at which time the Employee will accrue paid vacation leave as set forth above).

Adopted: 8-17-76

Reviewed: 5-10-10, 12-13-21

Revised: 11-11-13

## **POLICY NO. 4104 - PROFESSIONAL GROWTH**

Every six years permanent certificated employees shall give evidence of professional growth. Six semester hours of college credit shall be accepted as evidence of professional growth or, in the alternative, such other activities as are approved by the Bayard Board of Education.

Each six year period beginning September 1, 1982, six semester hours must be earned related to the staff members major teaching assignment. These may come from college classes, workshops, correspondence courses, travel, literary contributions, student teacher supervision, work experience, educational committee work, adult education, adult education or college instruction or state conventions. No more than four semester hours may be credited from any of the above sources. However, all six semester hours may be earned by taking college courses.

### **College Classes**

College courses taken will be at the graduate level and relate closely to the staff members major assignment, an additional endorsement, or towards an advanced degree. Advanced degree courses will only count if the staff member is enrolled in an approved graduate program.

Each semester hour of college credit must be supported by at least fifteen (15) hours of instructional time (classroom hours).

1 semester credit	15 hours of class
2 semester credit	30 hours of class
3 semester credit	45 hours of class
4 semester credit	60 hours of class
5 semester credit	75 hours of class
6 semester credit	90 hours of class

The above restrictions will apply to all college courses taken after September 1, 1982.

### **Workshops**

Workshops taken for college credit must adhere to the same guidelines as regular college courses. Workshops without college credit will award one hour of credit for each fifteen hours of attendance.

### **Correspondence Courses**

Correspondence courses taken for college credit must adhere to the same guidelines as regular college courses.

### **Travel**

Travel with specific educational itinerary. This should have direct application to classroom activity and planned as educational travel. Education travel is valued at one semester hour per trip with a minimum of two weeks being spent. Trips requiring less time may earn credit at a prorated level in direct proportion to the amount of time spent. Special consideration shall be given for foreign travel. Maximum hours of credit from this source will be two.

Approval for credit should be requested prior to the trip. A written itinerary may be requested prior to the trip and a written report may be required at the completion of the trip.

### **Literary Contributions**

Literary contributions of a professional nature which are published in any professional magazine may be considered for credit in fulfillment of the professional growth requirement. No credit will be allowed unless there is evidence of professional quality research and writing. Maximum hours of credit from this source will be two.

### **Student Teacher Supervision**

Student teaching supervisors will receive one semester hour of credit for each student teacher. Credit for part-time supervision of a student teacher will be prorated according to the amount of time spent in supervising the student teacher. Maximum hours of credit from this source will be two.

## **Work Experience**

Work experience may be credited to meet part of the professional growth requirement. Only experience which has a significant relationship to the educational field in which the individual is teaching will be considered. The key is to be found in the word “professional.” The work experience which will meet the demands of professional growth will fall into one or more of the three following categories:

1. The work will provide increased competence in the field which the teacher teaches or contemplates teaching, over and above the increase which might accrue from a repetition of experience.
2. The work will provide increased knowledge of subject matter over and above that increase which might accrue from continued or repeated teaching of a subject.
3. The work will prepare the individual for a new or different educational position from the one which he/she now holds.

Maximum hours of credit from this source will be two.

## **Educational Committee Work**

Fulfilling a work assignment on a Bayard School Education Committee will allow a staff member to acquire one hour of credit for each fifteen hours of committee work carried out. The maximum credit earned from this source will be two. Committees which do not require fifteen hours will be granted credit on a prorated basis.

## **Adult Education**

Any work taken in Adult Education should be relative to the teaching profession of the teacher. A maximum of two hours may be earned from this source.

15 hours	1 hour credit
22 hours	1 ½ hours credit
30 hours or more	2 hours credit

## **Adult Education or College Instruction**

Adult education or college courses taught by staff members shall carry one hour of credit with a maximum of two hours earned in this manner. The course(s) must relate closely to the staff members assignment.

### **State Conventions**

Attendance at a state convention may be credited to meet part of the professional growth requirement. One hour of credit may be given for attendance at a state convention which has at least fifteen hours of meetings. A copy of the agenda and request for credit must be presented to the superintendent prior to the convention. A maximum of two hours credit may be earned in this manner. No credit may be earned if college credit can be earned for attending the convention. A maximum of two hours credit may be earned in this manner. No credit may be earned if college credit can be earned for attending the convention. The guidelines for college courses would then be followed.

### **Successful Teaching Experience**

A maximum of two hours may be earned by completing six years of successful teaching or administrative experience in the Bayard District.

Personnel who do not meet the professional growth requirements by the end of the sixth year (September 1) will not advance further on the salary schedule until the work is completed and the individual could have their contract terminated because they could not show evidence of professional growth as required by state statutes (79-12,113,1982). Not fulfilling the professional growth requirement is legal just cause for contract termination. A teacher who has not completed the requirements by September 1, ending the six year period, must wait one year for advancement on the salary schedule even though the work is completed at sometime during the year following the end of the six year period. The next six year period starts on September 1<sup>st</sup>, following completion of the requirements. The six year period for probationary teachers will begin on September 1, of their first year of employment within the district.

For further clarification it should be stated that no more than six semester hours earned in any six year period will be allowed to count toward the fulfillment of the professional growth requirement. There will be no credit carry-over of hours earned in any stated six year period into the next six year period.

Only hours earned in college courses will be allowed for movement across the salary schedule. Other hours earned will count for meeting the professional growth requirement but will not advance a teacher on the salary schedule.

Each staff member will be sent notices annually indicating work completed and work required for completion of the professional growth requirements, according to the records in the Superintendent's office. Staff members who have not completed requirements by the time of re-election in April of the sixth year of their employment under this policy will be given a contract for the same step as they are currently contracted for on the salary schedule. They will move up to the next step of the salary schedule if the requirement is completed and approved prior to September 1, of that year. Transcripts or proof of professional growth received after September 1, shall not be honored until the following contract year.

Each teacher is responsible for providing the Superintendent with proof of their professional growth. The Superintendent will be responsible for determining what will be allowed or acceptable for professional growth and will maintain a record of professional growth for each staff member and will make a report annually to the Board of Education.

Adopted: 9-13-82

Reviewed: 5-10-10, 12-13-21



## **POLICY NO. 4105 - REPORTING CHILD ABUSE OR NEGLECT**

It is mandatory that every employee of Bayard Public Schools report child abuse and neglect as set forth in this policy.

### **A. Child Abuse or Neglect Defined**

As used herein, “child abuse or neglect” means knowingly, intentionally, or negligently causing or permitting a minor child to be:

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

The foregoing definition shall apply regardless of whether the perpetrator or perpetrators are student(s), school employee(s), the child’s parent(s), or any other person.

### **B. Reporting**

1. **Mandatory Employee Reporting to Law Enforcement**: If any school employee has reasonable cause to believe that a child has been subjected to child abuse or neglect or observes such child being subjected to conditions or circumstances which reasonably would result in child abuse or neglect, then the employee shall immediately report such incident to the Bayard Police Department, the Morrill County Sheriff’s Department, the Nebraska State Patrol, or the Nebraska Department of Health and Human Services.
2. **Substance of Report**: A report to a proper law enforcement agency or the Department of Health and Human Services may be made orally by telephone with the caller giving his or her name and address and shall be followed by a written report, and to the extent

available shall contain the address and age of the abused or neglected child, the address of the person or persons having custody of the abused or neglected child, the nature and extent of the child abuse or neglect or the conditions and circumstances which would reasonably result in such child abuse or neglect, any evidence of previous child abuse or neglect including the nature and extent, and any other information which in the opinion of the reporter may be helpful in establishing the cause of such child abuse or neglect and the identity of the perpetrator or perpetrators.

3. **Reporting to Principal:** After an employee makes an oral report as set forth above, the employee shall immediately notify a principal of the report. The employee shall then, within 24 hours, draft a written report as required above and provide the written report to a principal. The principal shall include in the report any additional information known by the principal and submit the form to the proper law enforcement agency or the Department of Health and Human Services. The principal shall also provide a copy of the report to the Superintendent of Schools. If there is no principal available within 24 hours, then the employee shall provide his or her report directly to the proper law enforcement agency or the Department of Health and Human Services and provide a copy of the report to the Superintendent.
4. **Uncertainty.** *Any uncertainty as to whether reasonable cause exists shall be resolved in favor of making a report to the proper law enforcement agency or the Department of Health and Human Services.* An employee is not obligated to “prove” that child abuse or neglect has occurred or could occur. Having reasonable cause to believe could include having information as minor as an allegation. Employees should not take it upon themselves to investigate the case or contact the family of the child. Law enforcement and the Department of Health and Human Services are responsible for investigating.
5. **Record Keeping.** All employees shall keep written records of information obtained and reports made pursuant hereto.
6. **No Retaliation.** No employee shall be retaliated against for making a report hereunder.
7. **Immunity.** Any employee making a report under this policy is immune from civil or criminal liability, except for in the case of making maliciously false statements.

Legal Reference: Neb. Rev. Stat. 28-710 *et seq.*

Adopted: 8-11-86

Reviewed: 5-10-10, 12-13-21

Revised: 1-9-12; 11-11-13

## **POLICY NO. 4106 - SAFETY INSTRUCTION**

All head coaches will conduct a safety lecture in regards to potential dangers that might be incurred by participating in that particular sport. All coaches will instruct participants in their sports in the correct fundamentals of the sport and will not teach fundamentals that have been determined as illegal or unsafe.

All other faculty members who supervise activities or classroom activities where a student could sustain an injury from the activity will also conduct a class on the dangers and the safety precautions to be used during the activity or classroom sessions.

Adopted: 8-10-87

Reviewed: 5-10-10, 12-13-21

## **POLICY NO. 4107 RESTRAINT AND SECLUSION**

Restraint and seclusion (as further described in this policy) are behavioral and/or safety interventions and shall only be used in accordance with this policy.

### **1. General Guidelines**

- A. Restraint and/or seclusion should not be used as a first method of safety intervention, except in emergency situations. When used as a safety intervention, other de-escalation efforts such as voice commands should be used prior to using restraint or seclusion.
- B. Restraint and/or seclusion shall never be used as a form of discipline or for retaliation or convenience.
- C. Restraint or seclusion should only be used when and to the extent reasonably necessary to maintain order or prevent a student from causing physical harm to himself or herself or others.
- D. School personnel shall continuously monitor a student's status during periods of restraint or seclusion.
- E. This policy does not apply to physical interventions which a student's health care provider has indicated are medically necessary for the treatment or protection of the student.
- F. Nothing in this policy shall prevent a staff member from using restraint and seclusion as provided for in a student's IEP, 504 plan, or behavior intervention plan.
- G. If a student develops a pattern of behavior which requires or is anticipated to require a recurring pattern of restraint and/or seclusion, the school should conduct a functional behavioral assessment or call a meeting of the student's IEP team to develop or revise a plan to reduce or eliminate the need for restraint or seclusion.
- H. Nothing in this policy shall allow a staff member to use restraint or seclusion which is unreasonable in duration and/or intensity considering the circumstances and school administration shall at all times maintain the authority to discipline a staff member if

the administration deems unreasonable the staff member's use of restraint or seclusion.

## **2. Restraint**

A. Physical Restraint. Physical restraint means the use of physical force to restrict significantly the student's movement. The following circumstances are examples when physical restraint is appropriate:

- i. To obtain possession of weapons or other dangerous objects.
- ii. To prevent or break up a fight.
- iii. As self-defense or in defense of others.
- iv. To escort a student from one area to another in the interest of safety or to maintain order.
- v. To calm or comfort a student.
- vi. To prevent self-injurious behavior.
- vii. As reasonably necessary to prevent imminent, severe destruction to school or another person's property.

B. Mechanical Restraint.

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

- ii. Mechanical restraints do not include adaptive or protective devices used as recommended by the student's health care provider or safety equipment used as intended by the general population (e.g. seatbelts).
- iii. Mechanical restraints should only be used in the case of an emergency to prevent imminent danger to the student or others when physical restraint or seclusion would not be effective or is not possible.

C. Chemical Restraint.

- i. Chemical restraint is the administration of medication for the purpose of restraint.
- ii. Chemical restraint does not include medication as prescribed by and administered in accordance with the student's health care provider.
- iii. Chemical restraints of students are not permissible under any circumstances.

**3. Seclusion**

A. Definition. Seclusion is the confinement of a student in a room or other space from which the student is physically prevented from or incapable of leaving. Behavior interventions and/or disciplinary methods which do not restrict the student's physical movement or ability to leave are not considered to be seclusion. Examples of behavior interventions and/or disciplinary methods which are not considered seclusion are as follows:

- i. Timeout: Timeout means a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting.
- ii. In-school suspension.
- iii. Detention.

- B. When Permissible. Seclusion is only appropriate when a student is displaying physical behavior that presents a risk of injury to the student or others and the threat could be diminished if the student is secluded in a safe environment. Seclusion should only be employed as a last resort after other methods of intervention have been attempted without success or would be inappropriate under the circumstances. Seclusion is inappropriate for students who are severely self-injurious or suicidal.
  
- C. Duration. Seclusion should only be used as long as necessary to present the risk of injury.
  
- D. Supervision/Observation. When a student is secluded a staff member or the school's resource officer shall continually monitor and supervise the student and shall immediately notify an administrator as to where and why the student is being secluded. The staff member monitoring the student in seclusion should document all observations.
  
- E. Area of Seclusion. A student in seclusion must be able to exit the room or area if the supervising adult becomes incapacitated or leaves the area. The room or area used for seclusion must have adequate space, lighting, ventilation, heating/cooling for the safety of the student and must be free of objects that could be harmfully used by the student.

#### **4. Documentation/Notices**

- A. Reporting. A Restraint or Seclusion Report must be completed for each incident of restraint or seclusion and shall include:
  - i. Name of the student
  - ii. Name of the staff member(s) administering the restraint or seclusion;

- iii. Date of the incident and the time the restraint or seclusion began and ended;
- iv. Location of the restraint or seclusion;
- v. A description of the restraint or seclusion;
- vi. A description of the student's activity immediately preceding the behavior that prompted the use of restraint or seclusion;
- vii. A description of the behavior that prompted the use of restraint or seclusion;
- viii. Efforts to de-escalate the situation and alternatives to restraint or seclusion that were attempted; and
- ix. Information documenting parent contact and notification.

B. Notice to Administrators. The building principal and Superintendent shall be notified of the restraint and seclusion incident as soon as possible.

C. Notice to Parents. The building principal, Superintendent, or their designee shall attempt to notify the student's parent or guardian of the restraint or seclusion incident as soon as possible after it commences.

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

- i. the date, time of day, location, duration, and description of the incident and interventions;
- ii. the events or events that led up to the incident;
- iii. the nature and extent of any injury to the student; and
- iv. the name of a school employee the parent or guardian can contact regarding the incident.



**5. Training.**

- A. Distribution of Policy. This policy shall be distributed to staff members on an annual basis.
- B. Staff Training. Staff members who are reasonably anticipated to use restraint and/or seclusion on a regular basis shall be trained in the proper and safe use of restraint and seclusion.

Adopted: 3-12-12

Reviewed: 12-13-21

Revised: 10-9-17

## **POLICY NO. 4108 - STAFF HEALTH AND SAFETY**

An employee with a chronic communicable disease may be reassigned to a position that limits student/employee contact or may be placed on medical leave if medical judgments substantiate that such employee poses a significant health threat to students and/or other employees. The Board reserves the right to terminate an employee who is unable to return to work at the conclusion of the medical leave period.

A chronic communicable disease will be defined as a persistent or recurring infection that may be transmitted to a susceptible person by contact with an infected individual. This policy does not apply to acute infectious diseases of childhood such as measles, mumps, and chicken pox. A few diseases it does include are AIDS, C.M.V., and Hepatitis B.

The superintendent will be responsible for assuring that procedural safeguards are used when determining the employment status of employees with chronic communicable diseases.

Adopted: 8-8-88

Reviewed: 5-10-10, 12-13-21

## **POLICY NO. 4109 - DRUG FREE SCHOOL AND COMMUNITY POLICY**

Bayard Public School District is committed to providing an employment environment that is safe and provides appropriate motivation to ensure a creative and productive work force. To this end, the District unequivocally endorses the philosophy that the workplace should be free from the detrimental effects of illicit drugs and alcohol.

It is unlawful and, therefore, absolutely prohibited for any employee of the District to engage in the unlawful possession, use, or distribution of illicit drugs and alcohol on school premises or as a part of the school's activities.

### **DEFINITIONS**

As used in this policy, prohibition against the unlawful possession, use, or distribution of illicit drugs and alcohol on school premises or as a part of the school's activities shall mean, but not be limited to the following:

1. The unlawful possession, use, or distribution of any substance which is declared by the State of Nebraska or any other applicable law to be an illicit substance.
2. The possession, use, or distribution of alcohol on school premises or as a part of the school's activities.

As used herein, the term "school premises" shall mean any property owned, or in the other manner under the control of the Board of Education of the District.

As used herein, the phrase "as a part of the school's activities" shall mean any activity or enterprise carried out in whole or in part under the auspices of the District when supervising students or students are present.

## PROCEDURES

1. All employees and each new employee will receive a copy of this policy.
2. Each employee will acknowledge receipt of this policy and will sign such form acknowledging receipt and acknowledging the District's Policy of absolutely prohibiting conduct as set forth in this policy (Policy #4109), and further acknowledging that serious sanctions can and will be taken against an employee, including termination of employment and referral for prosecution for any failure to comply with the above stated standards of conduct and further acknowledging that such compliance is mandatory, and further acknowledging that this policy is adopted pursuant to P.L. 101-226 34, C.F.R., Part 86, and other applicable statutes, and will further acknowledge that failure to comply with such federal requirements may be the District's receipt of federal funds in jeopardy.
3. In the event the employee does not understand the terms and conditions of this policy, it shall be the duty of the employee to ask for such points of clarification of the Superintendent of Schools or his/her designee at the time this policy is distributed to the employee. If no questions is directed by an employee to the Superintendent of Schools or his/her designee it shall be the legal position of the District to presume that the employee has understood and will abide by this policy.
4. In the event of any non-compliance by any employee with this policy, it shall be the duty of the Superintendent of Schools or his/her designee to inform any employee not in compliance about any drug and alcohol counseling and rehabilitation and re-entry programs that are available to employees within fifty (50) miles of the administrative offices of the District. If no such programs are available within 50 miles, then such other programs as may exist in the State of Nebraska shall be made known to such employee. The Superintendent or his/her designee shall maintain a list of such available services and shall from time to time update such list.

5. Sanctions which may be taken against an employee for non-compliance with this policy may be any one or more of the following:
  - a. An oral reprimand.
  - b. A written reprimand.
  - c. Suspension with pay.
  - d. Suspension without pay.
  - e. Termination of employment.
  - f. Cancellation of employment.
  - g. Non-renewal of employment.
  - h. Referral to appropriate authorities for criminal prosecution.
  - i. Mandatory enrollment in in-patient care or otherwise as a term and condition to any continuing employment by the District.
  - j. Mandatory enrollment in any training programs that are may be provided by the District or others relating to any of the activities prohibited by this policy.
  
6. Disciplinary action sought to be imposed by the Superintendent or his/her designee shall be carried out in accordance with the established policies of the District. However, nothing in this policy shall be construed to vest any right in any employee beyond that required by law and the manner in which each case shall be handled in the sole discretion of the Superintendent or his/her Designee subject to the Superintendent's approval, provided only that such action shall be carried out within the bounds of applicable law.
  
7. Conviction of an employee of the District of any criminal statute relating to the unlawful use, possession, or distribution, of any controlled substance or alcohol, may result in disciplinary action being taken against such employee. When such conviction

shall come to the attention of the Superintendent or other official of the District, an employee convicted as above described may be disciplined in any manner provided by statute, the contract of the employee, any existing policy of the District or any other applicable body of law. As used herein “applicable body of law” shall mean, but shall not be limited to, state and federal statutes, state and federal regulations, and any applicable case law.

8. As an alternative to discipline or as a concurrent requirement to the disciplinary action less severe than the maximum disciplinary action that may be carried out against an employee as referred to in the immediately preceding paragraph, the District, by and through its Superintendent or his/her designee may require the employee to successfully finish a drug abuse program. As used herein, the term “drug abuse program” shall mean a drug abuse program sponsored by an approved private or governmental institution. The Superintendent or his/her designee has written documentation satisfactory to the Superintendent or his/her designee that the employee has successfully finished such program. If aftercare is recommended by such institution, then the Superintendent or his/her designee in his/her sole discretion may require the employee to enroll such aftercare program and to participate in a manner satisfactory to the provider of such aftercare program. The Superintendent or his/her designee may require an employee to participate in aftercare in the same manner and under the same terms as may be required by the Superintendent or his/her designee. The Superintendent or his/her designee may require ongoing reporting of such participation as a term and condition of continuing employment by such employee at the District.

Adopted: 8-13-90

Reviewed: 5-10-10, 12-13-21

## **POLICY NO. 4110 - INTERPERSONAL/HUMAN RELATIONS**

The Board of Education is committed to promoting the worthy and dignity of all individuals regardless of race, creed, religion, physical or mental disability, color, gender, national origin, age, occupation, marital status, political opinion, sexual orientation, or personal appearance. The Board will not tolerate nor condone any act of bias, discrimination, insensitivity, or disrespect toward any person.

The Board of Education believes all students can learn and is committed to a policy of educating children for learning and living by helping them develop an appreciation for the achievements, problems, and aspirations of all people in our culturally diverse society.

The Board of Education directs the superintendent to develop regulations and procedures reflecting the Board's commitment to establish an atmosphere of understanding and respect in the schools which is conducive to providing equitable opportunities for success, promoting and enhancing students' unique talents, contributions, perspectives and cultures, and to encouraging sharing in their commonality and enrichment through their differences.

Adopted: 8-10-92

Reviewed: 5-10-10, 12-13-21

## **POLICY NO. 4111 - SEXUAL/ETHNIC HARRASSMENT POLICY**

The Bayard Public School's Board of Education strongly endorses, and will comply with the provisions of Title VII of the Civil Rights Act of 1972, as amended; Title IX of the Education Amendments of 1972; and the Nebraska Equal Opportunity and Education Act. Therefore, it is the policy of the Bayard Public Schools to prohibit any and all discrimination based on race, color, sex, or national origin.

Sexual/ethnic harassment of any employee, certified or non-certificated, or student by any individual under the jurisdiction of the Bayard Public Schools is, therefore, strictly prohibited. Persons determined to have engaged in either "Quid Pro Quo" sexual harassment or "Hostile Environment" sexual/ethnic harassment shall be subject to disciplinary sanctions as set forth herein.

Regarding school district employees, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature shall constitute "Quid Pro Quo" sexual harassment when:

1. Submission to sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

It is also prohibited for any school district employee or student to verbalize on school district property any racial, ethnic, or gender harassing jokes or stories, or to bring or store on school property any sexual, racial, or ethnic epithets or jokes. School district employees and students



are also prohibited from defacing any school district property with any racial, ethnic or sexual epitaphs or jokes.

If an individual's conduct, epitaphs, or jokes are so excessive, severe, or pervasive so as to create a threatening or uncomfortable working environment, and it adversely affects the ability of another employee to accomplish their work, that employee(s) shall have created and can be responsible for creating a "Hostile Environment" when:

1. The individual harassed belongs to a protected class;
2. The individual was subjected to unwelcome sexual/ethnic harassment;
3. The harassment was based upon sex, race, or national origin; or
4. The harassment affected a term, condition, or privilege of employment.

Regarding students, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual/ethnic nature shall constitute sexual/ethnic harassment when:

1. Submission of such conduct is made either explicitly or implied a term or condition of an individual's enrollment, participation, or affiliation with a course, activity, or other school sanctioned program.
2. Submission to or rejection of such conduct by individuals is used as a basis for any decision that may affect the educational standing of that individual.
3. Such conduct has the purpose or effect of unreasonable interfering with an individual's educational performance or creating an intimidating, hostile or offensive environment.

## **RESPONSIBILITY**

All Bayard Public School employees and students shall have the responsibility of keeping school administrators informed, through the most confidential and direct means possible, of any alleged acts and/or complaints of sexual/ethnic harassment. It is the responsibility of each school

district administrator, principal, department head and supervisor to provide a working and academic environment free of sexual/ethnic harassment or sexual/ethnic intimidation. The school district will take prompt action to investigate and act upon all reported instances of alleged sexual/ethnic harassment.

All complaints and allegations of either sexual or ethnic harassment will be thoroughly investigated by a member of the Bayard Public School administrative team. That team shall consist of: Administrators-Principals and Assistant Principals, and the Superintendent.

The Bayard Public Schools will utilize a three phase process to investigate all allegations of sexual or ethnic harassment:

#### **PHASE I: COMPLAINT**

Any individual who believes that he or she has been either sexually or ethnically harassed, or any individual having knowledge of any incident of alleged sexual or ethnic harassment (hereinafter referred to as “complainant”), should notify a member of the administrative team. Such notification shall be by the most direct means possible and will be considered confidential. The complaint should be made as soon as possible after the alleged incident.

The administrative team member who receives a report of alleged sexual/ethnic harassment shall notify the Superintendent, unless the superintendent is alleged to be the school district employee engaged in sexual/ethnic harassment. If the complaint is made against the superintendent, the information is to be brought to the attention of the President of the Board of Education. He/she shall, in turn, contact the school district’s attorney to conduct an investigation of the allegation.

If the complaint is made by a student, his or her parent(s) or legal guardian(s) shall be notified immediately in writing, by certified mail, by the individual assigned to conduct the investigation. If the person accused of sexual/ethnic harassment is a student, that student’s parent(s) or legal

guardian(s) will be notified both telephonically and in writing, by certified mail, of the alleged complaint, and they shall be present when the accused student is interviewed.

## **PHASE II: INVESTIGATION**

Every effort shall be made to maintain full confidentiality throughout the entire investigation. The investigation phase will be directed towards securing signed statements about the complaint itself. Minimally, it shall include the name(s) of the complainant(s) and person(s) accused of sexual/ethnic harassment; the date(s), time(s), location(s), description of the incident(s), witness(es), and the respective signed statement(s).

Additionally, signed statement(s) by the person(s) accused of sexual/ethnic harassment shall be obtained where possible. The person(s) accused of sexual/ethnic harassment will be advised of due process rights at the time of being informed of the allegation. The intent of this phase is to investigate all of the facts and to corroborate evidence either for or against the complaint.

## **PHASE III: ACTION TAKEN**

In determining whether conduct constitutes sexual/ethnic harassment, the individual conducting the investigation will examine the record as a whole and the totality of the circumstances, such as the nature of the alleged sexual advancements and the context in which the alleged incident occurred. The determination will be on a case-by-case basis. The individual conducting the investigation will review all information with the superintendent. The superintendent may take whatever disciplinary action is deemed appropriate. In any case where the disciplinary action of a school employee or student is subject to the due process procedures set forth in law, they will be followed as required.

If the Superintendent is the alleged individual, the school district's attorney will provide the evidence to the Board of Education, and they will determine the action to be taken.

The Superintendent will inform all parties of any disciplinary action taken by the Superintendent. The record of the investigation will be kept in a confidential file. If the complaint involves the Superintendent, the file will be kept in the office of the school attorney. A simple statement indicating that a complaint has been filed and the action taken, if any, will be placed in the individual's personnel/student file. However, where the complaint is found to be without merit, the complaint will be placed in a separate sexual/ethnic harassment file, which shall be confidential and not placed in the individual's personnel/student file.

If deemed necessary, the academic or employment situation of the complainant may be changed to provide for a non-intimidating or non-hostile atmosphere. These changes may occur but are not limited to: a transfer of work situations, change of instructor, and, if pertinent, waiver of academic requirements. Decisions concerning such action must consider that the complainant is not to be inadvertently or otherwise punished because he or she has allegedly been sexual/ethnically harassed.

Any employee who is found to have engaged in sexual/ethnic harassment of a subordinate, co-worker, or student will be subject to disciplinary sanctions, which may include, but are not limited to: written reprimand, probation, demotion, transfer, required professional counseling, or termination of employment. Where required by law any disciplinary action taken shall be subject to the due process procedures set forth in Sections 79-12, 107 to 79-12, 121, as amended.

A student who is found to have engaged in sexual/ethnic harassment against either an employee or another student, will be subject to disciplinary sanctions, which may include, but is not limited to: written reprimand, disciplinary probation, suspension, and/or expulsion. Where required by law any disciplinary action taken shall be subject to the due process procedures set forth in the Student Suspension or Expulsion Act, Sections 79-4, 170 to 79-4, 205, as amended.

If the complainant or accused is not satisfied with final action taken by the Superintendent, they may request that the Board of Education review the decision and action taken by placing it on the regular Board of Education meeting agenda as a personnel/student matter. Such a request will be held in Executive Session unless the accused individual chooses otherwise. The decision by the Board of Education will be the final administrative act. Likewise, any person accused of sexual/ethnic harassment may appeal the Superintendent's disciplinary action taken by filing a

grievance through the established grievance procedures of the Bayard Public Schools as specified in Board Policy.

Adopted: 1-11-93

Reviewed: 5-10-10, 12-13-21

## **POLICY NO. 4111-A - HARRASSMENT BY EMPLOYEES**

Harassment of employees, student, volunteers or visitors will not be tolerated in the school district. School district includes school district facilities, school district property, or property within the jurisdiction of the school district; while on school-owned or school-operated transportation; while attending or engaged in school activities; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the district.

Harassment includes, but is not limited to, racial, religious, national origin, marital status, disability and sexual harassment. Harassment by board members, administrators, employees, parents, vendors, and others doing business with the school district is prohibited. Employees whose behavior is alleged to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, discharge or other appropriate action. Other individuals whose behavior is alleged to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or board.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, or participation in school programs or activities;
- submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual's employment or education; or

- such conduct has the purposes or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or learning environment.

Sexual harassment as set out above, may include, but is not limited to the following:

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

Harassment on the basis of race, creed, color, religion, national origin, marital status or disability means conduct of a verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble individuals when:

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

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

- verbal, physical or written harassment or abuse;
- repeated remarks of a demeaning nature;
- implied or explicit threats concerning one's grades, achievements, etc.;
- demeaning jokes, stories, or activities directed at an individual.

Employees, students, volunteers or visitors who believe they have suffered harassment shall report such matters to the building principal for harassment complaints. However, claims regarding harassment may also be reported to the Superintendent for harassment complaints.

Upon receiving a complaint, the investigator shall confer with the complainant to obtain an understanding and a statement of the facts. It shall be the responsibility of the investigator to promptly and reasonably investigate claims of harassment and to pass the findings on to the superintendent who shall complete such further investigation as deemed necessary and take such final action as appropriate. Information regarding an investigation of harassment shall be confidential to the extent possible, and those individuals who are involved in the investigation shall not discuss information regarding the complaint outside the investigation process.

No one shall retaliate against an employee or student because they have filed a harassment complaint, assisted or participated in a harassment investigation, proceeding, or hearing regarding a harassment charge or because they have opposed language or conduct that violates



this policy. This policy should be used when an employee is the alleged harasser or the alleged victim. It is strongly recommended the investigator and alternate investigator be of opposite sexes.

It shall also be the responsibility of the Superintendent, in conjunction with the investigator and principals, to develop administrative rules regarding this policy. The Superintendent or Superintendent's designee shall also be responsible for organizing training programs to educate employees, students and others involved with the school district about harassment and the school district's policy prohibiting harassment. The training shall include how to recognize harassment and what to do in case an individual is harassed. The employee training will be documented in personnel files to ensure a record of training for each employee.

Legal Reference: 42 U.S.C. \*\* 2000e et seq. (1994).  
29 C.F.R. Pt. 1604.11 (1996).

## **HARASSMENT INVESTIGATING AND REPORTING**

In keeping with the language of the harassment policy, this procedure sample gives final responsibility to the Superintendent.

Harassment of employees and students will not be tolerated in the school district.

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

Employees whose behavior is alleged to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, discharge or other appropriate action. Other individuals whose behavior is alleged to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the Superintendent or Board.

Individuals who feel that they have been harassed by employees, board members, administrators, parents, vendors or others doing business with the school district should communicate to the harasser that the individual expects the behavior to stop, if the individual is comfortable doing so. If the individual needs assistance communicating with the harasser, he/she should ask a teacher, counselor or principal to help.

### **Complaint Procedure**

An employee or student who believes that they have been harassed shall notify the Superintendent the designated investigator. The alternate investigator is the building Principal. The investigator may request that the employee or student complete the Harassment Complaint form and turn over evidence of the harassment, including, but not limited to, letters, tapes, or pictures. Information received during the investigation shall be kept confidential to the extent possible.

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

## **Investigation Procedure**

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

Upon completion of the investigation, the investigator shall report to the Superintendent. The investigator will outline the findings of the investigation to the Superintendent.

## **Resolution of the Complaint**

The Superintendent will complete the next step in the investigation reasonably and promptly upon receipt of the investigator's report. Following the investigator's report, the superintendent may investigate further, if deemed necessary, and make a determination of the appropriate next step which may include discipline, up to and including, discharge.

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

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

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

## **Conflicts**

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

If the alleged harasser is the superintendent, the alternate investigator shall take the Superintendent's place in the investigation process. The alternate investigator shall report the findings to the Board.

Adopted: 8-12-02

Reviewed: 5-10-10

## **POLICY NO. 4111-B - ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES**

Physical or sexual abuse of students, including inappropriate and intentional sexual behavior, by employees will not be tolerated. The definition of employees for the purpose of this policy includes not only those who work for pay but also those who are volunteers of the school district under the direction and control of the school district. Employees found in violation of this policy will be subject to disciplinary action up to and including discharge.

The school district will respond promptly to allegations of abuse of students by school district employees by investigating or arranging for the investigation of an allegation. The processing of a complaint or allegation will be handled confidentially to the maximum extent possible. Employees are required to assist in the investigation when requested to provide information and to maintain the confidentiality of the reporting and investigation process.

The Superintendent will appoint an investigator and alternate investigator of opposite sexes. The investigator will pass the findings on to the Superintendent who will complete any further investigations as deemed necessary and take appropriate final action. The names of the investigators shall be listed in the student handbook, published annually in the local newspaper and posted in all school facilities.

The Superintendent is responsible for drafting administrative regulations to implement this policy and for organizing employee training relating to this policy. Procedures shall be reviewed annually for adequacy and accuracy.

Legal Reference: NE Statue 79-295

POLICY NO. 4111-B

**ABUSE COMPLAINT FORM**

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

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

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

Date of alleged abuse: \_\_\_\_\_

Date and place of incident or incident(s): \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

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

POLICY NO. 4111-B

**WITNESS DISCLOSURE FORM**

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

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

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

Date of alleged abuse: \_\_\_\_\_

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

---

---

---

---

---



---

---

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

---

---

---

---

---

---

---

---

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

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

## POLICY NO. 4111-B - ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATIONS

Physical or sexual abuse of students, including inappropriate and intentional sexual behavior, by employees will not be tolerated. Employees found in violation of this policy will be subject to disciplinary action up to and including discharge.

### **Definition of Physical Abuse**

Physical abuse is non-accidental physical injury to the student as a result of the action of an employee. Injury occurs when evidence of it is still apparent at least twenty-four hours after its occurrence. The following do not constitute physical abuse, and no employee is prohibited from:

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

2. Using incidental, minor, or reasonable physical contact to maintain order and control. In determining the reasonableness of the contact or force used, the following factors shall be considered:
  - a. The nature of the misconduct of the student, if any, precipitating the physical contact by the school employees.
  - b. The size and physical condition of the student.
  - c. The means or device used in making the physical contact.
  - d. The motivation of the school employee in initiating the physical contact.
  - e. The extent of injury to the student resulting from the physical contact.

“Reasonable force” is that force and no more which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one’s life or safety to the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat.

### **Definition of Sexual Abuse**

Sexual abuse is defined as including sexual acts involving a student, acts that encourage the student to engage in prostitution, inappropriate, intentional sexual behavior or physical manifestations of sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

1. Submission to the conduct is made either implicitly or explicitly a term or condition of the student’s education or benefit.
2. Submission to or rejection of the conduct is used as the basis for academic decisions affecting that student; or

3. The conduct has the purpose or effect of substantially interfering with a student's academic performance by creating an intimidating, hostile or offensive education environment.

## **Complaint Procedure**

An individual who believes he/she has been abused shall notify the superintendent the designated investigator. The alternate investigator is the building principal. The investigator may request that the individual complete the Abuse Complaint Form. Information received during the investigation shall be kept confidential to the extent possible.

The investigator, with the approval of the superintendent, or the superintendent has the authority to initiate a harassment investigation in the absence of a written complaint. The investigator shall have access to the educational records of the student and access to the student for purposes of interviewing the student about the report.

When abuse is reported, the investigator shall make copies of the report and give a copy to the person filing the report, the students' parents and the immediate supervisor of the employee named in the report. The employee names in the report shall not receive a copy of the report until the employee is initially interviewed.

The investigator shall use discretion in handling the information received regarding an investigation of abuse by an employee, and those persons involved in the investigation shall not discuss information regarding the complaint outside the investigation. The entire investigative procedure will be thoroughly explained, including the confidential nature of the proceedings, to the student and other persons involved in the investigation.

The investigator shall notify the parent, guardian or legal custodian of a student in pre-kindergarten through grade six, of the date and time of the interview and of the right to be present or to see and hear the interview or send a representative in the parent's place. The

investigator shall interview the student as soon as possible, but in no case later than five days from the receipt of a report or notice of the allegation of sexual abuse. The investigator may record the interview electronically.

It is the responsibility of the investigator to determine whether it is more likely than not that an incident took place between the employee and the student. If the investigator believes the employee committed a sex act with a student or sexually exploited a student, the investigator shall defer the investigation and immediately notify law enforcement officials, the superintendent, the student's parents and the person filing the report.

The designated investigator shall not interview the school employee named in a report of abuse until after a determination is made that jurisdiction exists, the alleged victim has been interviewed and a determination made that the investigation will not be deferred.

If the investigator determines an incident occurred, while not an illegal sex act with a student or sexual exploitation of a student, but where the employee engaged in inappropriate, intentional sexual behavior, further investigation is warranted. If further investigation is warranted, the investigator may proceed to interview the employee and other individuals who may have knowledge of the circumstances contained in the report. Prior to interviewing other individuals who may have knowledge of the circumstance contained in the report, the investigator shall provide notice of the impending interview of student witnesses or the student who is in pre-kindergarten through grade six, to their parent, guardian, or legal custodian, and may provide notice to the parent or guardian of older students, prior to interviewing those students.

Within five days of receipt of an investigable report, the investigator shall complete an informal investigation. The informal investigation shall consist of interviews with the student, the employee and others who may have knowledge of the alleged incident. If the investigator determines that the allegations in the report are founded and that immediate and professional investigation is necessary, the investigator may defer further investigation and contact appropriate law enforcement officials, the student's parents and the person filing the report.

Within fifteen days of receipt of the report, the investigator shall complete a written investigative report, unless the investigation was temporarily deferred. The written investigative report shall include:

1. The name, age, address and attendance center of the student named in the report.
2. The name and address of the student's parent or guardian and the name and address of the person filing the report, if different from the student's parent or guardian.
3. The name and work address of the employee named in the reports as allegedly responsible for the abuse of the student.
4. An identification of the nature, extent and cause, if known, of any injuries or abuse to the student named in the report.
5. A general review of the investigation.
6. Any action taken for the protection and safety of the student.
7. A statement that, in the investigator's opinion, the allegations in the report are either:
  - Unfounded (It is not likely that an incident, as defined in district rules, took place),
  - Founded. (It is likely that an incident took place).
8. The applicability of exceptions to the investigated incident, or reason for the contact or force used.
9. A statement that, in the investigator's opinion, any physical contact that occurred was:
  - Appropriate (Actions invoking a disciplinary process as defined in district rules),  
or
  - Inappropriate (Actions not requiring any disciplinary process).
10. The disposition or current status of the investigation and recommendations regarding the need for further investigation.
11. A listing of the options available to the parents or guardian of the student to pursue the allegations. These options include, but are not limited to:
  - Contacting law enforcement officials.

- Contacting private counsel for the purpose of filing a civil suit or complaint.
- Filing a complaint with the Nebraska Professional Practices Commission if the employee is a certificated employee.

The investigator shall retain the original and provide a copy of the written investigative report to the school employee named in the report, the employee's supervisor, the superintendent and the student's parent or guardian. The persons filing the report, if not the student's parent or guardian, shall be notified only that the investigation has been concluded and of the disposition or anticipated disposition of the case.

If the investigator's report or law enforcement officials conclude the case involved founded physical or sexual abuse by a certificated employee, or the employee admits the violation, or the employee has surrendered the employee's certificate or license, the investigator shall file a complaint on behalf of the district after obtaining the superintendent's signature with the Nebraska Professional Practices Commission. The investigator shall also arrange for counseling services for the student if the student or student's parents request counseling services. Information of unfounded abuse shall not be kept in the employee's personnel file.

Reviewed: 8-12-02; 5-10-10

## POLICY NO. 4112 - FAMILY LEAVE

It shall be the policy of Bayard School District, (hereinafter the “School District”), whenever it employs 50 employees or more, to grant benefits under the Family and Medical Leave Act to eligible employees up to twelve (12) weeks of leave for certain medical or family emergencies in a twelve (12) month period of time. Such benefits are subject to the following:

1. You must have been employed with the School District for at least twelve months before you can request this leave and have worked a minimum of 1250 hours during the prior twelve month period.
2. The leave is **unpaid**.
3. You must first use all vacation time and sick leave/excused absences time that you have earned. These days or weeks will be counted against the twelve (12) weeks of leave. For example, if you request eight (8) weeks of leave, and you have accrued and have remaining two (2) weeks of vacation and five (5) days of sick leave/excused absence time, you must use the vacation and sick leave/excused absence time of three weeks, and then you will receive an additional five (5) weeks of requested leave, unpaid.
4. Family leave can be used for:
  - a. The birth of a child;
  - b. The adoption of a child;
  - c. To care for a sick spouse, child or parent;
  - d. For your own **serious** health condition.
5. Employees eligible for leave and who are employed primarily in the instructional capacity, who request leave for a foreseeable and planned medical treatment where the leave would last longer than 20% of the total number of school days during the leave



period will be required to (1) either take the leave for a period not to exceed the duration of the planned treatment, or (2) transfer temporarily to an available position for which the employee is qualified which will better accommodate the recurring periods of leave. If transferred, you would receive equal pay and benefits.

6. If your leave is for any reason and begins more than five weeks before the end of an academic term, the School District may require you to continue the leave until the end of the academic term if the leave requested is at least three weeks in length and then your return would take place during the last three-week period of the academic term. If you take leave less than five weeks before the end of the academic term for any reason other than your own serious health condition, the School District may require you to continue your leave until the academic term if the leave is longer than two weeks and your return to work would occur during the last two weeks of the academic term. If you begin leave less than three weeks before the end of the academic term for any reason other than your own serious health condition, the School District may require you to continue your leave until the end of the academic term if the leave is longer than five days.
7. You must give at least thirty (30) days notice except for emergency situations.
8. The School District will maintain your health insurance while you are on leave under the same terms and conditions as when you are employed. You will be expected to pay your share of any health insurance premium each month when it comes due. If you do not return from your leave, you will be expected to repay the School District for the full amount of your health insurance premiums paid by the School District during your leave.
9. The School District will require verification for the reasons stated in the family leave request, including medical certification from any doctors who may be involved. Any employee who submits false reasons or fraudulent records to support a family leave request will be subject to immediate discharge.
10. If both husband and wife are employed by the School District, that husband-wife team is entitled to only twelve (12) weeks **total** for any qualifying event.

11. With limited exceptions, any employee who takes a leave will be returned to his or her former position or an equivalent position with the same pay and benefits.

12. You must fill out the proper family leave form in order to obtain a leave. Your supervisor will not have authority to grant or alter any leave terms or conditions.

Adopted: 12-13-93

Reviewed: 5-10-10, 1-13-20

## **POLICY NO. 4113 - ANTI-DRUG PLAN FOR PERSONS WITH CDL'S**

The Bayard Public School has a vital interest in maintaining safe, healthful and efficient working conditions for all of its employees. Being under the influence of a drug or alcohol on the job poses serious safety and health risks, not only to the user, but to all those who work with or otherwise come into contact with the user. The possession, use, or sale of illegal drugs or alcohol on the job also poses unacceptable risks for safe, healthful, and efficient operations.

It is the school districts right, obligation, and intent to maintain a safe, healthful and efficient working environment for all of its employees and to protect company property, equipment, and operations from the risks associated with drug and alcohol use in the workplace.

The provisions of this Anti-Drug Plan apply to all full-time or substitute bus drivers, bus shop employees, and all other employees who are required to have a commercial driver's license.

The Bayard Public Schools will inform employees of: (1) the dangers of drug and alcohol use in the workplace; (2) the school districts drug-free workplace Anti-Drug Plan; (3) the availability of treatment and counseling for employees seeking such assistance; and (4) the penalties the district will impose for violations of its Drug-Free Workplace Program.

The School District prohibits the following conduct:

- a. Using, being under the influence of, or possessing alcohol while performing school district business or while in or about a company facility or worksite. This will subject the offending employee to disciplinary action up to and including termination of employment.
- b. Using or being under the influence of a legal drug (such as "over-the-counter" and prescription drugs) while performing school district business, or while in or about a

school district facility or worksite, to the extent such use affects the safety of any employee or others. Use common sense and, when in doubt about the effects of a certain drug, consult your physician.

- c. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee while performing school district business, or while in or about a school district facility or worksite.
  
- d. Tampering with a specimen providing for drug testing for the purpose of altering the results of the drug test.

Adopted: 12-11-95

Reviewed: 5-10-10, 1-13-20

## **POLICY NO. 4114 - TESTING FOR CONTROLLED SUBSTANCES**

### **PRE-EMPLOYMENT TESTING**

The Bayard Public School District will require all applicants it intends to hire to be tested for the use of controlled substances as a pre-qualification condition. Applicants who test positive for the use of controlled substances, or who refuse to submit to such testing, will be disqualified from further hiring considerations.

As a part of the pre-employment testing an applicant must show the certified results of every drug test taken with the past two years. Failure to do so will disqualify the person from further hiring considerations.

### **“REASONABLE CAUSE” TESTING**

The school district will require current employees to submit to testing for controlled substances when it believes there is “reasonable cause” to suspect a violation of this policy. “Reasonable cause” includes irrational or unusual behavior; reporting to work in an apparent unfit condition; and conduct of a similar nature.

Employees who are requested to undergo “reasonable cause” testing will be transported to the Collection Site by a school district representative. The employee will be required to submit to the drug test. Any attempt to invalidate or tamper with the test, will subject the employee to disciplinary action, up to and including termination.

### **POST-ACCIDENT/INJURY TESTING**

As soon as practicable following an accident involving a school transportation motor vehicle, the district will test each surviving driver: (a) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or (b) Who receives a citation under state or local law for a moving traffic violation arising from the accident. Federal regulations require such drivers to submit a urine sample within thirty-two (32) hours of the accident. The district would recommend the urine sample be given within eight (8) hours or less.

## **RANDOM TESTING**

Federal regulations also require random testing for bus drivers for controlled substances. The regulations specify that such tests must equal or exceed fifty percent (50%) of the total number of drivers on an annual basis. All drivers will be required to submit to testing for controlled substances under random testing procedures established by the Bayard Public School District.

## **PENALTIES FOR VIOLATION**

Bus drivers found to be in violation of any part or parts of Policies 4113 or 4114 will be removed from their safety sensitive position and may be terminated without further recourse.

Adopted: 12-11-95

Reviewed: 5-10-10, 1-13-20

## **POLICY NO. 4115 - EXTRA-CURRICULAR AND CO-CURRICULAR ACTIVITY OVERSIGHT COMMITTEE**

There is hereby established an extra-curricular and co-curricular activity oversight committee which will consist of the sponsor of the specific activity, the Building Principal, the Activity Director and two activity sponsors selected by the activity director. The Committee shall be responsible for seeing to the establishing of training rules for sports activities, regulations for all such activities and the enforcement of those rules and regulations. The rules and regulations established shall be in writing and shall be provided to each student participating in his or her specific extra-curricular or co-curricular activity.

The Committee shall have the authority to suspend a student from such activities, with or without a hearing. In the event of a suspension without a hearing, the Committee shall, within three (3) days after the suspension hold an informal hearing. The Committee may also propose a suspension and shall notify the student and his or her parents in writing of the proposed suspension. Within (3) days after the Notice of the proposed suspension or three (3) days after the temporary suspension the Committee shall hold an informal hearing with the student and the students parents to determine whether or not the suspension will go into effect or continue as the case may be. The student and the student's parents shall have an opportunity to appear at the hearing and be heard with regard to the suspension. The decisions of the Committee shall be on a majority vote.

The decision may be appealed to the Board of Education by giving notice to the Superintendent of Schools within ten (10) calendar days from the date of the Committee's decision. The Board of Education will hear the case at their next regularly scheduled meeting. The hearing shall be held in an informal manner and the student and the student's parents may appear at the hearing and be heard regarding the suspension.

Adopted: 8-11-97

Reviewed: 5-10-10, 1-13-20

## **POLICY NO. 4116 - DISCLOSURE AND PROTECTION OF EMPLOYEE HEALTH INFORMATION**

The district will comply with all regulations regarding privacy and confidentiality of employee health and insurance information, including the secure interchange and storage of electronic data. The superintendent is directed to promulgate administrative regulations as needed to ensure proper handling of such information.

Employees will be provided with a notice describing the district's practices regarding health information. Employees shall have the right to inspect, copy or amend such information or to revoke authorization to disclose such information. Revocation of authorization will affect the availability of some employee benefits.

Adopted: 8-11-03

Reviewed: 5-10-10, 1-13-20



## **POLICY NO. 4117 - BUS SAFETY PROGRAM**

The Superintendent shall direct the preparation of Safe Pupil Transportation Plan that, at a minimum, shall address weapons, pupil behavior, terroristic threats, severe weather, hazardous materials, medical emergencies, and driver/passenger procedures in the event of mechanical breakdowns of the vehicle.

The Superintendent shall plan and implement a safety-training program for pupil transportation vehicle operators and vehicle passengers. The Superintendent shall monitor the scheduling of in-service and educational opportunities for transportation personnel to improve their awareness and skills regarding pupil transportation vehicle safety. Pupil transportation vehicle operators shall attend local workshops and all in-service meetings.

Administrative rules and regulations shall be adopted to govern the safe operation of pupil transportation vehicle. Students violating these regulations may have their riding privileges revoked or suspended. Parents will be responsible for damage done to transportation vehicles or equipment by their children.

The school district shall conduct pupil transportation vehicle safe riding practices instruction and emergency safety drills at least twice a year for students who utilize school district transportation. The emergency evacuation drill procedure should be conducted according to guidelines established by the Nebraska Department of Education.

Each pupil transportation vehicle shall have, in addition to the regular emergency safety drill, a plan for helping those students who require special assistance to safety during an emergency. This shall include, but not be limited to, students with disabilities.

Pupil transportation vehicle drivers are required to attend each safety drill.

All transportation vehicles shall be acquired and maintained to meet or exceed NDE Minimum Equipment Standards for pupil transportation vehicles. The Superintendent shall develop a systematic preventive maintenance program including daily, weekly, monthly and annual schedules to insure vehicle safety and reliability. This will include a record keeping system for maintaining inspection reports along with procedures for filing reports and certifications to meet requirements of the Nebraska Department of Education.

Legal Reference: NE Statute 79-601 to 610, NDE Rule 91.

Cross Reference: 508-05 Emergency Plans and Drills, 905 Safety Program.

Adopted: 8-9-04

Reviewed: 5-10-10, 1-13-20

## **POLICY NO. 4118 - BUS DRIVER SUPERVISION**

School bus drivers must pass physical examinations and meet other criteria as established by state and federal law and by the Nebraska Department of Education. Bus drivers must have a valid pupil transportation vehicle operator's permit and shall have it in their possession when transporting students. This does not apply to the operator of a small vehicle being used only for extra-curricular activities.

The school district shall obtain a record of satisfactory driving as determined by board policy. It is required that a copy of the individual's driving record be on file with the district before employment as a pupil transportation vehicle operator as defined in NDE rules. The school district shall obtain and keep on file a criminal history record of driver applicants who are not certificated Nebraska teachers or administrators through the Nebraska State Patrol and local law enforcement agency before employment as a pupil transportation vehicle operator.

School bus driver selection procedures will be developed by the Superintendent to ensure acceptance of drivers whose capabilities are commensurate with job responsibilities, including minimum requirements for a satisfactory driving record.

Substitute pupil transportation vehicle operators shall meet the same driver requirements and qualifications as a regular pupil transportation vehicle operator. A pupil transportation vehicle operator shall not have the authority to assign a substitute without the prior approval of any school administrator.

All school bus drivers are required to inform the district immediately of any change in their driving or criminal records that could affect their eligibility to maintain the student transportation vehicle operator's permit.

Pupil transportation vehicle operators shall document and report to the transportation supervisor the occurrence of any events covered by the Safe Pupil Transportation Plan that involved the pupil transportation vehicle operated by the driver, or any pupils transported in it. The Superintendent shall develop such reporting procedures.

Legal Reference: NDE Rule 91

Adopted: 8-9-04

Reviewed: 5-10-10, 1-13-20

## **POLICY NO. 4119 – PROFESSIONAL BOUNDARIES BETWEEN EMPLOYEES AND STUDENTS**

All employees (which for purposes of this policy includes student teachers and interns) are expected to observe and maintain professional boundaries between themselves and students. A violation of professional boundaries will be regarded as a form of misconduct and may result in disciplinary action.

The following non-exclusive list of actions which the board deems unacceptable and will be regarded as a violation of the professional boundaries that employees are expected to maintain with a student:

- Using e-mail, text messaging, instant messaging, social networking sites, or any other type of personal communication system to discuss with a student a matter that does not pertain to school-related activities, such as the student's homework, class activity, school sport or club, or other school-sponsored activity. Electronic communications with students are to be sent simultaneously to multiple recipients, not to just one student, except where the communication is clearly school-related and inappropriate for persons other than the individual student to receive (for example, e-mailing a message about a student's grades).
- Engaging in social-networking friendships with a student on social networking sites. Material that employees post on social networks that is publicly available to those in the school community must reflect the professional image applicable to the employee's position and not impair the employee's capacity to maintain the respect of students and parents or impair the employee's ability to serve as a role model for children. Employees shall not friend or follow students on any social networking site.
- Engaging in sexual activity, a romantic relationship, or dating a student or a former student within one year of the student graduating or otherwise leaving the District.
- Making any sexual advance - verbal, written, or physical - towards a student.
- Showing sexually inappropriate materials or objects to a student.
- Discussing with a student sexual topics that are not related to a specific curriculum.
- Telling sexual jokes to a student.
- Invading a student's physical privacy (e.g., walking in on the student in a restroom).
- Hugging or other physical contact with a student that is initiated by the employee when the student does not seek or want this attention.

- Being overly "touchy" with a specific student.
- Allowing a specific student to get away with misconduct that is not tolerated from other students, except as appropriate for students with an IEP or 504 Plan.
- Discussing with the student the employee's problems that would normally be discussed with adults (e.g., marital problems).
- 
- Giving a student a ride in the employee's personal vehicle without express permission of the student's parent or school administrator unless another adult is in the vehicle.
- Taking a student on an outing without obtaining prior express permission of the student's parent or school administrator.
- Inviting a student to the employee's home without prior express permission of the student's parent and school administrator.
- Going to the student's home when the student's parent or a proper chaperone is not present.
- Giving gifts of a personal nature to a specific student.
- Discussing alcohol, tobacco or other illicit drugs in a non-instructional setting, such as describing a party that the employee attended.
- Discussing another student's or employee's personal matters when it is not appropriate outside of the instructional setting.
- "Grooming," which includes 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.

Appropriate exceptions are permitted to the foregoing for legitimate health or educational purposes and for reasons of family relationships between employees and their children who are students in the District. A staff member seeking an exception must receive advance approval from his or her administrator. If a staff member is unable to communicate with an administrator in advance (such as in the event of an emergency), the staff member must notify the administrator as soon as possible, but not later than 24 hours immediately following the event.

Any person who suspects a District employee of engaging in any prohibited conduct under this policy, including grooming, should contact the Superintendent or other administrator immediately.

An employee who violates this policy may face discipline, up to and including termination of employment, and may be referred to the appropriate certification or credentialing agencies for further discipline.

A violation of this policy will result in referral to the Department of Health and Human Services, law enforcement, or both.

Each school year, all employees shall sign a certification verifying that this policy was received and understood.

Legal Reference: LB 1080 (2020)

Adopted: 10-12-09

Revised: 1-11-21

Reviewed: 5-10-10

## **POLICY NO. 4133 - EMPLOYEE USE OF ELECTRONIC COMMUNICATION DEVICES**

The Board recognizes that employees may carry electronic communication devices and hereby adopts this policy.

### **District-Issued Communications Devices**

The District may elect to issue certain communication devices to employees in order to increase the efficiency of District operations. Issuance and use of District equipment shall be subject to rules promulgated by the Superintendent.

### **Personally Owned Communications Devices**

Employees may carry and use personally owned cellular telephones or pagers/beepers on school property subject to rules and regulations promulgated by the Superintendent.

Visible possession of all cell phones is prohibited in any area where there is an expectation of privacy.

Adopted: 4-10-06

Reviewed: 5-10-10, 1-13-20



**HARRASSMENT COMPLAINT FORM**

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

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

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

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

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

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

---

---

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

---

---

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

---

---

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

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

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

WITNESS DISCLOSURE FORM

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

## **5000 Series – Students**

### **POLICY NO. 5000 - OBJECTIVES FOR EQUAL EDUCATIONAL OPPORTUNITIES FOR STUDENTS**

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

The Board supports the delivery of the education program and services to students free of discrimination on the basis of race, color, sex, martial status, national origin, religion or disability. This concept of equal educational opportunity serves as a guide for the board and employees in making decisions relating to school district facilities, employment, selection of educational materials, equipment, curriculum, and regulations affecting students.

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

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

Inquires by students regarding compliance with equal educational opportunity laws and policies, including but not limited to complaints of discrimination, shall be directed to the superintendent or his or her designee.

Inquires may also be directed in writing to the Director of the Region VII office of Civil Rights, U.S. Department of Education, 10220 N. Executive Hills Blvd., 8<sup>th</sup> Floor, Kansas City, MO. 64153-1367, (816) 891-8156 or Nebraska Department of Education, 301 Centennial Mall South, Lincoln, NE. (402) 471-2444. This inquiry or complaint to the federal or state office may be done instead of, or in addition to, an inquiry or complaint at the local level.

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

center.

Legal Reference: Sect. 504 of the Rehabilitation Act of 1973

20 U.S.C. \* 1681 et seq. (1994)

34 C.F.R. \* 104 et seq.

34 C.F.R. \* 160 et seq.

Neb. Statute 79-2, 114 et seq. (Neb. Equal Opportunity in Education Act).

Adopted: 8-12-02

Reviewed: 6-14-10, 2-10-20

## **POLICY NO. 5001 - STUDENT ADMISSION REQUIREMENTS**

### Admission Requirements

#### Minimum Age:

A child shall be eligible for admission into kindergarten at the beginning of the school year if the child is five years of age or will be five years of age on or before July 31 of the calendar year in which the school year for which the child is seeking admission begins. The School Board may admit a child who will reach the age of five years on or after August 1 and on or before October 15 of such school year if the parent or guardian requests such entrance and provides an affidavit stating that (i) the child attended kindergarten in another jurisdiction in the current school year; (ii) the family anticipates a relocation to another jurisdiction that would allow admission within the current year; or (iii) the child has demonstrated through a recognized assessment procedure approved by the School Board that the child is capable of carrying the work of kindergarten.

#### Early Admission to Kindergarten:

The following assessment procedure for determining if a child is capable of carrying the work of kindergarten is approved and shall be made available to interested persons:

The kindergarten early entrance assessment procedures are designed to identify and place in kindergarten those children who:

- a. will turn 5 years of age between August 1 and October 15;
- b. are deemed by parents or guardians as being intellectually advanced and likely to benefit from advanced grade placement; and
- c. are selected on the basis of testing by professionals trained to administer the assessments that will produce evidence of strength determined by:
  1. achieving a score at the 25th percentile or greater on a composite of all subtests of the Pre-Kindergarten Screen (PKS). Skills assessed by the PKS-Pre-Kindergarten Screen include fine- and gross-motor development, understanding of verbal directions, visual



perception and discrimination, rudimentary letter and number identification, and impulse control; or

2. achieving a total of standard scores equal to or greater than 500 on the Young Children's Achievement Test (YCAT). This test assesses General Information, Reading, Writing, Mathematics, and Spoken Language.

The assessment(s) may be administered by the School District's professional staff, or the parents or guardians may, at their own expense, have one of the required assessments completed by reputable professionals and submit the results of such assessments to the School District.

Parents will be notified in writing of the results of the Early Kindergarten Entrance assessment procedures and the determination of the School District in a timely fashion; not to exceed three weeks after the assessments are completed.

Families who seek early admission of their child into kindergarten must obtain an *Early Entrance to Kindergarten Packet* from the School District Administrative Office. The *Early Entrance to Kindergarten Packet* must be completed and returned to the School District Administrative Office no later than June 1st of the spring before fall enrollment to allow summer assessment to be completed. The Superintendent may grant an extension of this deadline at his or her discretion.

#### Admission to First Grade:

A child may be eligible to enter first grade, even if the child has not attended kindergarten, if the child is six years of age or will be six years of age on or before October 15 of the current school year and school officials determine that first grade is the appropriate placement for the child.

#### Graduates:

A student who has received a high school diploma or received a General Equivalency Diploma shall not be eligible for admission or continued enrollment.

Age 21:

A student shall not be admitted or continued in enrollment after the end of the school year in which the student reaches the age of 21. The school year for this purpose ends at the last day of instruction for graduating seniors.

Birth Certificate, Physical, Visual Evaluation and Immunization:

The parents or legal guardian shall furnish:

(1) A certified copy of the student's birth certificate issued by the state in which the child was born, upon admission of a child for the first time, shall be provided within 30 days of enrollment. Other reliable proof of the child's identify and age, accompanied by an affidavit explaining the inability to produce a copy of the birth certificate, may be used in lieu of a birth certificate. An affidavit is defined as a notarized statement by an individual who can verify the reason a copy of the birth certificate cannot be produced. (Failure to provide the birth certificate does not result in non-enrollment or disenrollment, but does result in a referral to local law enforcement for investigation).

(2) Evidence of a physical examination by a physician, physician assistant, or nurse practitioner, within six months prior to the entrance of the child into the beginner grade and the seventh grade or, in the case of a transfer from out of state, to any other grade, unless the parent or legal guardian submits a written statement objecting to a physical examination.

(3) Evidence of a visual evaluation by a physician, a physician assistant, an advanced practice registered nurse, or an optometrist, within six months prior to the entrance of the child into the beginner grade or, in the case of a transfer from out of state, to any other grade, unless the parent or legal guardian submits a written statement objecting to a visual evaluation. The

visual evaluation is to consist of testing for amblyopia, strabismus, and internal and external eye health, with testing sufficient to determine visual acuity.

(4) Evidence of protection against diphtheria, tetanus, pertussis, polio, measles, mumps, and rubella, Hepatitis B, Varicella (chicken pox), and other diseases as required by applicable law, by immunization, prior to enrollment, unless the parent or legal guardian submits a written statement that establishes that an exception to the immunization requirements are met.

(5) Every student entering the seventh grade shall have a booster immunization containing diphtheria and tetanus toxoids and an acellular pertussis vaccine which meets the standards approved by the United States Public Health Service for such biological products, as such standards existed on January 1, 2009.

The Superintendent or Superintendent's designee shall notify the parent or guardian in writing of the foregoing requirements and of the right to submit affidavits or statements to object to the requirements, as applicable. The Superintendent or Superintendent's designee shall also provide a telephone number or other contact information to assist the parent or guardian in receiving information regarding free or reduced-cost visual evaluations for low-income families who qualify.

A student who fails to meet the foregoing requirements shall not be permitted to enroll or to enter school, or if provisionally enrolled or enrolled without compliance, shall not be permitted to continue in school until evidence of compliance or an exemption from compliance is given.

#### Enrollment of Expelled Students

If a student has been expelled from any public school district in any state, or from a private, denominational, or parochial school in any state, and the student has not completed the terms or time period of the expulsion, the student shall not be permitted to enroll in this school district until the expulsion period from such other school has expired, unless the School Board of this school district in its sole and absolute discretion upon a proper application approves by a majority vote the enrollment of such student prior to expiration of the expulsion period. As a

condition of enrollment, the School Board may require attendance in an alternative school, class or educational program pursuant to Nebraska law until the terms or time period of the original underlying expulsion are completed. A student expelled from a private, denominational, or parochial school or from any public school in another state, will not be prohibited from enrolling in the public school district in which the student resides or in which the student has been accepted pursuant to the enrollment option program for any period of time beyond the time limits placed on expulsion, pursuant to the Student Discipline Act, or for any expulsion for an offense for which expulsion is not authorized for a public school student under such Act. For purposes of this policy, the term expulsion or expelled includes any removal from any school for a period in excess of twenty (20) school days.

Legal Reference: Neb. Rev. Stat. §§ 43-2001 to 43-2012

Neb. Rev. Stat. § 79-214

Neb. Rev. Stat. §§ 79-217 to 79-223

Neb. Rev. Stat. § 79-266.01

173 NAC Chapters 3 and 4 (HHS Regulations)

Adopted: 8-9-04

Reviewed: 10-10-05; 6-14-10, 2-10-20

Revised: 11-14-11

## **POLICY 5001.1 - APPLICATION FOR STUDENT ADMISSION**

Application Process:

Step 1: Complete Parts I, II and III of this application.

Step 2: Complete Part IV of this application, **IF** you checked item (2) (b) (c) or (d) in Part I (“the Statement of Person in Legal or Actual Charge or Control of a Child” section).

Step 3: Sign this application in the presence of a notary.

Note: You will also need to provide the following documents:

- birth certificate or other reliable proof of the child’s identify and age, accompanied by an affidavit explaining the inability to produce a copy of the birth certificate (Note: You are hereby notified that state law requires that such proof of identify and age be given to the school within thirty days of enrollment (if enrollment without such as been allowed). If this requirement is not met, you will be given another notice advising you that unless you comply within ten days the matter will be referred to the local law enforcement agency for investigation. Any affidavit received as proof of the child’s identity and age that appears inaccurate or suspicious in form or content will be reported immediately to local law enforcement.
- Proof of immunization and proof of physical examination, or written objections signed by parent or legal guardian.
- Durable power of attorney (delegation of parental powers).
- Student records from school last attended and release of student records form.

### **PART I – STATEMENT OF PERSON IN LEGAL OR ACTUAL CHARGE OR**

**CONTROL OF A CHILD SUBMITTED FOR PURPOSE OF SCHOOL  
ENROLLMENT.**

**I, the undersigned, state that I am an adult in legal or actual charge or control of**  
\_\_\_\_\_ **(Child's Name), a child who resides in this School**  
**District at** \_\_\_\_\_  
**(Child's Address).**

1. \_\_\_ **I state that I am the child's parent, or**
  
2. \_\_\_ I state that I have been entrusted with, or have assumed, day-to-day care and full-time supervision of, and responsibility for, the child and have been given the authority to act as parent or guardian in educational matters as established by (check *all* that apply):
  - a. \_\_\_ a court or testamentary appointment as a legal guardian (*attach copy*) and/or
  - b. \_\_\_ a power of attorney delegating such parental powers (*attach copy*) and/or
  - c. \_\_\_ through an in loco parentis designation by a parent in which I have been authorized to stand in the place of the parent in caring for and raising the child (*attach any written documentation of such designation*), and/or
  - d. \_\_\_ through some other set of circumstances (*please explain on a separate sheet*).

I understand that I may be requested to provide additional information regarding this child. The names and current or last known addresses of the child's parents are:

Mother: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Father: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

I understand that I will be responsible for, and will be expected to make, decisions regarding education (including, but not limited to, records, discipline, and special education unless otherwise provided under special education laws and regulations), emergency medical care, and other matters for this child while in legal or actual charge or control of this child and I state that I have the authority to take such responsibility and to make such decisions and to so act. I also understand that I will have responsibilities under the state truancy laws to cause this child to attend school.

\_\_\_\_\_  
Dated: \_\_\_\_\_

Signature of Adult in Legal or Actual Charge or Control

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

Home Address of Adult in Legal or Actual Charge or Control

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

Daytime Work Address

**NOTE:** SECTION 79-215 R.R.S. PROVIDES THAT IF THE STUDENT IS HOMELESS OR IF THE ADULT DOES NOT HAVE A PHONE NUMBER AND ADDRESS WHERE HE OR SHE MAY GENERALLY BE REACHED DURING THE SCHOOL DAY, THOSE PARTS OF THE FORM MAY BE LEFT BLANK AND A BOX MAY BE MARKED ACKNOWLEDGING THAT THESE ARE THE REASONS THESE PARTS OF THE FORM WERE LEFT BLANK. THE ADULT WITH LEGAL OR ACTUAL CHARGE OR CONTROL OF THIS STUDENT SHALL ALSO SIGN THE FORM.

- This child is homeless, which is the reason items were left blank.
- This adult does not have a phone number or address where he/she may generally be reached during the school day.

## **PART II – STUDENT INFORMATION**

**Student's Name:**

**DOB:**

**Grade Level:**

**School Last Attended:**

**School Address:**

**Telephone:**

**Special Needs/Concerns:**

## **PART III – EXPULSION STATUS**

**Has the child been expelled from school (either public or private, and in any state)?**  YES  
 NO

**Has the term (time period) of the expulsion been completed?**  YES  NO



**If “no”, state the reason for the expulsion and the term (time period) of the expulsion:**

---

---

PART IV – Residency Information. If you have checked item (2) (b) (c) or (d) in Part I (the “Statement of Person in Legal or Actual Charge or Control of a Child” form), provide the following supplemental information:

A. Child living with adult who is exercising parental responsibility for the child.

Name of adult(s) with whom child  
resides: \_\_\_\_\_

Child’s relationship to those  
adults: \_\_\_\_\_

How long has the child lived with  
you? \_\_\_\_\_

Why is the child residing in the District? (Explain  
thoroughly): \_\_\_\_\_

---

---

Who is legally responsible for the  
child? \_\_\_\_\_

Are you assuming parental responsibilities for this child? \_\_\_\_\_

Have you given the District a signed Power of Attorney? \_\_\_\_\_

B. Child living on own.

Do the parents/guardians supply any necessities of life (e.g., food, rent or shelter, health care, etc.) for this child? If "yes", explain: \_\_\_\_\_

\_\_\_\_\_

Do the parents/guardians claim the child as a dependent for tax purposes?

\_\_\_\_\_

\_\_\_\_\_

Do the parents/guardians provide health insurance coverage? \_\_\_\_\_

Why is the child residing in the District? (Explain thoroughly): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**STATE OF NEBRASKA** )

) **ss.**

**COUNTY OF MORRILL** )

The applicants affirm that the above information is full, true and complete to the best of the applicant(s) knowledge and belief, that the applicants are not aware of any facts which may

make the child ineligible for admission to this public School District, and understand and agree that an exclusion from school and criminal complaint may result from the giving of false information. In the circumstance where the child is living with a person other than a parent or legal guardian, the applicant(s) assumes the legal responsibility of a parent for the student for education purposes, and the legal responsibility of a parent in matters concerning liability for disciplinary action, damages to school property, damages to private property at school, and injuries, etc. which may be caused by this child.

\_\_\_\_\_  
\_\_\_\_\_

**Applicant(s)**

**Applicant(s)**

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_

Notary Public

-----  
-----

(FOR SCHOOL'S USE)

**APPLICATION STATUS**

**Decision:** Not Admitted ( ) Child a Nonresident  
Student) Not Admitted ( ) Board of Education Approval Required (Expelled

Not Admitted ( ) Other

---

Admitted ( ) In Loco Parentis

Admitted ( ) Natural parent is a resident of District

Admitted ( ) Emancipated

Admitted ( ) Other

---

(Admission is subject to receipt of birth certificate, proof of immunization and health status, and other required documentation.)

NOTES:

---

---

---

---

---

---

---

---

---

---

Date

Signature

Adopted: 11-14-11

Reviewed: 2-10-20

### **Continuous Notice of Nondiscrimination**

It is the policy of Bayard Public Schools not to discriminate on the basis of gender, disability, race, color, religion, marital status, age or national origin in its education programs, administration, policies, employment or other district programs. The following person has been designated to handle inquiries regarding the nondiscrimination policies. Travis Miller, Bayard Public Schools, 726 4<sup>th</sup> Avenue, Bayard Nebraska, 69334, **308-586-1325**, [travis.miller@bayardtigers.org](mailto:travis.miller@bayardtigers.org).

## POLICY NO. 5001.2 - EARLY ENTRANCE TO KINDERGARTEN PACKET

*If the parent requests early kindergarten admission, this packet must be completed and returned to the District no later than June 1st of the spring before fall enrollment to allow summer assessment to be completed. The Superintendent may grant an extension of this deadline at his or her discretion.*

### Early Admission to Kindergarten:

The following assessment procedure for determining if a child is capable of carrying the work of kindergarten is approved and shall be made available to interested persons:

The kindergarten early entrance assessment procedures are designed to identify and place in kindergarten those children who:

- d. will turn 5 years of age between August 1 and October 15;
- e. are deemed by parents or guardians as being intellectually advanced and likely to benefit from advanced grade placement; and
- f. are selected on the basis of testing by professionals trained to administer the assessments that will produce evidence of strength determined by:
  3. achieving a score at the 25th percentile or greater on a composite of all subtests of the Pre-Kindergarten Screen (PKS). Skills assessed by the PKS-Pre-Kindergarten Screen include fine- and gross-motor development, understanding of verbal directions, visual perception and discrimination, rudimentary letter and number identification, and impulse control; or
  4. achieving a total of standard scores equal to or greater than 500 on the Young Children's Achievement Test (YCAT). This test assesses General Information, Reading, Writing, Mathematics, and Spoken Language.

The assessment(s) may be administered by the School District's professional staff, or the parents or guardians may, at their own expense, have one of the required assessments completed by reputable professionals and submit the results of such assessments to the School District.

Parents will be notified in writing of the results of the Early Kindergarten Entrance assessment procedures and the determination of the School District in a timely fashion; not to exceed three weeks after the assessments are completed.

Families who seek early admission of their child into kindergarten must obtain an *Early Entrance to Kindergarten Packet* from the School District Administrative Office. The *Early Entrance to Kindergarten Packet* must be completed and returned to the School District Administrative Office no later than June 1st of the spring before fall enrollment to allow summer assessment to be completed. The Superintendent may grant an extension of this deadline at his or her discretion.

### ***Background Information Regarding This Procedure***

***In 2010-2011, a team of educators from several schools in the Nebraska Panhandle was assembled by Educational Service Unit #13 (ESU13) for the purpose of making recommendations to schools regarding early entrance to kindergarten. The resulting ESU13 regional review found two assessments to be appropriate for the purpose of determining eligibility for early entrance to kindergarten. Only one of the following instruments is needed to complete this process. Both assessments are available to schools and for inspection at ESU13. Additionally, ESU13 can provide assistance and training in administering either assessment:***

#### ***Selected Assessments:***

##### ***Young Children's Achievement Test (YCAT)***

*AUTHORS: Wayne P. Hresko, Pamela K. Peak, Shelley R. Herron, and Deanna L. Bridges*

##### ***Description***

*This test identifies young children (from preschool through first grade) who are at risk for school failure. It yields an overall Early Achievement score, plus individual subtest scores for General Information, Reading, Writing, Mathematics, and Spoken Language. Results are provided as standard scores, age equivalents, and percentiles. Because the subtests can be given independently, the YCAT permits flexible testing sessions, which are easier on both the examiner*

*and the youngsters being tested. Normed on a representative sample of 1,224 children from all over the United States, the YCAT offers substantial evidence of validity. In addition, YCAT items were examined to eliminate bias in regard to gender, disability, race, socioeconomic status, and ethnicity.*

**Eligibility for Kindergarten entrance requires a total of standard scores equal to or higher than 500 on the YCAT.**

**PKS-Prekindergarten Screen**

*AUTHORS: Raymond E. Webster; Angela Matthews*

***Description***

*The PKS was developed for use prior to kindergarten entry. It identifies 4 and 5 year old children who, when compared to their peers, lack the skills needed for later academic success. Among the skills assessed are fine- and gross-motor development, understanding of verbal directions, visual perception and discrimination, rudimentary letter and number identification, and impulse control.*

**Eligibility for kindergarten entrance requires a score at the 25<sup>th</sup> percentile or higher on the composite of all subtests on the PKS.**

**Written Request for Early Kindergarten Admission**

Date

This is a request for early kindergarten admission for my child, \_\_\_\_\_,  
whose date of birth is \_\_\_\_\_.



I/We believe that \_\_\_\_\_ (child's name) is intellectually advanced and likely to benefit from advanced grade placement.

Parents, please state in your own words why you are requesting early kindergarten admission for your child:

Parent Signature

Parent Name (Print)

Address

Phone

**PRE-Kindergarten Screen (PKS)**

**Summary for Early Kindergarten Admission**

(Completed by the staff member administering the assessment)

**Student**

**Date Assessment Completed**

**Directions to Staff Member completing assessment:** Please provide a summary of scores for the assessment.

Testing Date \_\_\_\_\_ Year \_\_\_\_\_ Month \_\_\_\_\_ Day

Age at Testing \_\_\_\_\_ Year \_\_\_\_\_ Month \_\_\_\_\_ Day \* Do not round months up by one if days exceed 15.

Expected date of Kindergarten entry \_\_\_\_\_ Year \_\_\_\_\_ Month \_\_\_\_\_ Day

Expected age at Kindergarten entry \_\_\_\_\_ Year \_\_\_\_\_ Month \_\_\_\_\_ Day

**SUBTEST SCORE /TOTAL POSSIBLE**

- A. Gross Motor \_\_\_\_\_/6
- B. Fine Motor \_\_\_\_\_/10
- C. Follow Directions \_\_\_\_\_/7
- D. Block Tapping \_\_\_\_\_/4
- E. Visual Matching \_\_\_\_\_/4
- F. Visual Memory \_\_\_\_\_/7
- G. Imitation \_\_\_\_\_/12

H. Academic Skill \_\_\_\_\_ / 42

I. Delay Gratification \_\_\_\_\_ / 3

**PKS TOTAL RAW SCORE:** \_\_\_\_\_ / 95    **STANDARD SCORE:** \_\_\_\_\_  
**%ile** \_\_\_\_\_

**\*Percentile rank equal to or higher than 25 indicates child is eligible for entry to Kindergarten.**

\_\_\_\_\_ **Student is eligible for enrollment in Kindergarten**

\_\_\_\_\_ **Student in not eligible for enrollment in Kindergarten**

Staff Member Signature          Date

**Young Children's Achievement Test (YCAT)**

**Summary for Early Kindergarten Admission**

(Completed by the staff member administering the assessment)

**Student**

**Date Assessment Completed**

**Directions to Staff Member completing assessment:** Please provide a summary of the results of the assessment.

Testing Date \_\_\_\_\_ Year \_\_\_\_\_ Month \_\_\_\_\_ Day

Age at Testing \_\_\_\_\_ Year \_\_\_\_\_ Month \_\_\_\_\_ Day \* Do not round months up by one if days exceed 15.

Expected date of Kindergarten entry \_\_\_\_\_ Year \_\_\_\_\_ Month \_\_\_\_\_ Day

Expected age at Kindergarten entry \_\_\_\_\_ Year \_\_\_\_\_ Month \_\_\_\_\_ Day

**Standard Scores as compared to peers aged 5 years 0 months**

**General Information** \_\_\_\_\_

**Reading** \_\_\_\_\_

**Mathematics** \_\_\_\_\_

**Writing** \_\_\_\_\_

**Spoken Language** \_\_\_\_\_

**TOTAL OF STANDARD SCORES** \_\_\_\_\_ \*

**\*Total of standard scores equal to or higher than 500 indicates child is eligible for entry to Kindergarten.**

\_\_\_\_\_ **Student is eligible for enrollment in Kindergarten**

\_\_\_\_\_ **Student in not eligible for enrollment in Kindergarten**

Staff Member Signature \_\_\_\_\_

Date \_\_\_\_\_

Adopted: 11-14-11

Reviewed: 2-10-20



## **POLICY NO. 5002 - PHYSICAL EXAMINATION AND IMMUNIZATION**

Upon enrollment of a student in the Bayard Public Schools, the parent or legal guardian of any child in pre-school to grade 12 shall furnish:

(1) Evidence of a physical examination by a physician, physician's assistant, or nurse practitioner, within six months prior to the entrance of the child into the beginner grade and the seventh grade or, in the case of a transfer from out of state, to any other grade, unless the parent or legal guardian submits a written statement refusing a physical examination.

(2) Evidence of protection against measles, mumps, rubella, poliomyelitis, diphtheria, pertussis, and tetanus, and other diseases as required by applicable law, by immunization, prior to enrollment, unless the parent or legal guardian submits a written statement refusing immunization or meets other exceptions established by law.

Legal Reference: Neb. Rev. State. S79-214; S 79-217 to 79-223.

Adopted: 8-14-00

Revised: 8-13-01

Reviewed: 2-10-20

## POLICY NO. 5003 - HOMELESS STUDENTS

This School District will comply with the federal and state law related to homeless students.

A “homeless children” for purposes of this Policy is a child who lacks a fixed, regular, and adequate nighttime residence, as defined by applicable federal and state law related to homeless students. An “unaccompanied youth” is a child who is not in the physical custody of a parent or guardian.

1. Homeless Coordinator: The District’s designated Homeless Coordinator is the Superintendent. The Homeless Coordinator may delegate the specified duties as the Homeless Coordinator determines to be appropriate. The Homeless Coordinator shall serve as the school liaison for homeless children and youth.
  - a. Responsibilities. The responsibilities of the Homeless Coordinator are to assist with identification, enrollment, and placement of homeless children and to provide staff development activities to all school personnel regarding the educational rights and needs of homeless children and youth. The Homeless Coordinator shall ensure that:
    - i. homeless children are identified by school personnel;
    - ii. homeless children enroll in, and have a full and equal opportunity to succeed in, school;
    - iii. homeless children and their families receive educational service for which they are eligible and referrals to health, dental, and mental health services and other appropriate services;
    - iv. the parents or guardians of homeless children are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

- v. public notice of the educational rights of homeless children is disseminated where such children receive services under the federal homeless children laws, such as schools, family shelters, and soup kitchens;
  - vi. enrollment disputes are mediated in accordance with law; and
  - vii. the parents or guardians of homeless children, and any unaccompanied youth, are fully informed of transportation services available under law.
- b. Coordination. The Homeless Coordinator shall coordinate with State coordinators and community and school personnel responsible for the provisions of education and related services to homeless children. Coordination activities with area shelters and other homeless service providers are to be established by the Homeless Coordinator.
- c. Financial. The Homeless Coordinator shall ensure that financial records are maintained to show expenditures are for authorized activities. Title I, Part A homeless set-aside funds are also to be used for services for homeless children. Materials and equipment purchased with grant funds are properly identified and inventoried.
- d. Program Activities. The Homeless Coordinator shall design program activities to meet the greatest need as determined by the District and homeless service providers.
- e. Documentation. The Homeless Coordinator shall document the number of homeless children and youth receiving services.
- f. Student Records. The Homeless Coordinator shall ensure that any record ordinarily kept related to students, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for



special services or programs, are to be maintained so that the records of a homeless child are available, in a timely fashion, when the child enters a new school or school district and in a manner consistent with the Federal Education Rights and Privacy Act.

2. Enrollment and Placement of Homeless Children: The enrollment and placement of homeless children shall be in compliance with federal and state law.
  - a. Enrollment. A homeless child shall be immediately enrolled even if the child is unable to produce records normally required for enrollment. Lack of previous school records, immunization and medical records, birth certificate, or other documentation from the previous school will not delay the enrollment of a homeless child or youth. Guardianship issues, uniform or dress code requirements, and residency requirements will not be obstacles to delay or deny enrollment. The District may nonetheless require the parent or guardian of the homeless child to submit contact information.
  - b. Obtaining Records. The District shall immediately contact the school last attended by the homeless child to obtain relevant academic and other records. If the homeless child needs to obtain immunizations or medical records, the District shall immediately refer the parent or guardian of the homeless child to the Homeless Coordinator, who shall assist in obtaining necessary immunizations or medical records.
  - c. Placement. Placement decisions for a homeless child shall be made according to the District's determination of the child's best interests.
    - i. The placement shall be at either:

1. The child's "school of origin," which is the school that the child attended when permanently housed or the school in which the child was last enrolled; or
    2. The school of the attendance area in which the child is actually living.
  - ii. If placed in the school of origin, the placement shall continue for the duration of the child's homelessness. If the child becomes permanently housed (no longer homeless) during the school year the placement in the school of origin will be continued for the remainder of that school year.
  - iii. To the extent feasible the placement shall be in the school of origin except when such is contrary to the wishes of the homeless child's parent or legal guardian. If the placement is not in the school of origin or a school requested by the homeless child's parent or legal guardian, the District shall provide a written explanation of the placement decision and a statement of appeal rights to the parent or guardian.
  - iv. If the homeless child is an unaccompanied youth, the Homeless Coordinator shall assist in the placement decision, consider the views of the unaccompanied youth, and provide the unaccompanied youth with notice of the right to appeal.
  - v. The grade placement for the homeless child will be the appropriate grade level as determined by the building principal or designee using the same procedures that are used for placing non-homeless children attending that school.
3. Educational Services and Stigmatization or Segregation: It is the District's policy that homeless children not be stigmatized or segregated on the basis of their status as homeless. Homeless children will be provided the same free, appropriate public education as other students. Homeless students will be provided services comparable to services offered to other students in the school in which the homeless child has been placed, including the following: transportation services, educational services for which the student meets the eligibility criteria, such as services provided under Title I, educational programs for children with disabilities, and educational programs for students with limited English proficiency, programs in vocational and technical education, programs for gifted and talented students, and school nutrition programs.

4. Transportation: Transportation will be provided to homeless students to the extent required by law.
  - a. Comparable Service. Transportation will be provided to a homeless student comparable to that provided to students who are not homeless.
  - b. School of Origin. When the homeless student attends the school of origin, transportation will be provided to and from the school of origin upon request of the parent or guardian of the homeless child, or upon request of the Homeless Coordinator in the case of an unaccompanied youth. If the homeless child relocates out of the District but continues to be enrolled in this School District based on it being the school of origin, this School District will negotiate with the school district in which the child is residing to develop a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If agreement is not reached, the responsibility and cost for transportation shall be shared equally.
  - c. Eliminate Barriers. Transportation will be provided when necessary to eliminate barriers to school enrollment and the retention of students experiencing homelessness.
  
5. Dispute Resolution. The process to resolve disputes concerning the enrollment or placement of a homeless child is as follows:
  - a. The homeless child and the parent, guardian or other person having legal or actual charge or control of the homeless child shall be referred to the Homeless Coordinator. The Homeless Coordinator shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute. The dispute resolution process is as follows:
    - i. The homeless child and parent/guardian will submit a written dispute statement to the Homeless Coordinator. The District's Dispute Resolution Form shall be used if such is available.

- ii. When it is determined that additional information would be helpful, the Homeless Coordinator will schedule a meeting within 10 days, or such time as practicable, at which the homeless child and parent/guardian will be given the opportunity to provide information in support of their position.
  - iii. The Homeless Coordinator will contact school officials and others as determined appropriate to obtain information to corroborate the information provided in support of the positions of the homeless child and parent/guardian and the District.
  - iv. The Homeless Coordinator will provide a written response and explanation of a decision regarding the dispute within 30 calendar days after receiving the dispute statement.
  - v. The written response and explanation of the decision will include a notice of the right appeal using the appeal process provided for in Nebraska Department of Education Rules 19.
- b. In the event of an enrollment dispute, the homeless child's placement shall be at the school in which enrollment is sought pending resolution of the dispute in accordance with the dispute resolution process. In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

Legal Reference: Neb. Rev. Stat. § 79-215

Nebraska Department of Education Rule 19

McKinney-Vento Homeless Assistance Act, 42 USC §§11431, et seq.

Adopted: 2-14-05

Revised: 8-13-07

Reviewed: 6-14-10, 2-10-20



## **POLICY NO. 5004 - STUDENT DIRECTORY INFORMATION**

Student directory information is designed to be used internally within the school district. Directory information shall be defined in the annual notice. It may include the student's name, address, telephone number, date and place of birth, major field of student, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, photograph and other likeness, and other similar information.

Prior to developing a student directory or to giving general information to the public, parents will be given notice annually of the intent to develop a directory or to give out general information and have the opportunity to deny the inclusion of their child's information in the directory or in the general information about the students.

It shall be the responsibility of the superintendent to provide notice and to determine the method of notice that will inform parents.

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

Adopted: 2-14-05

Reviewed: 6-14-10, 2-10-20

## **POLICY NO. 5005- STUDENT ENROLLMENT FULL-TIME AND PART-TIME ENROLLMENT**

### Full Time Enrollment

Students must be enrolled in Bayard Public Schools on a full-time basis. Full-time basis is defined as attending classes for the full instructional day within the public school system.

Exceptions are permitted only for:

1. enrolled students attending another state accredited institution such as a vocational-technical school or a college or university for school credit;
2. enrolled students taking the limited number of credits needed to graduate in the school year;
3. enrolled students in need of modified school attendance as an accommodation for a disability or similar unique circumstance;
4. enrolled students receiving special education services where the student's IEP requires a modified schedule, or non-enrolled students receiving special education services or other legally mandated services required to be provided to eligible resident children under state and federal laws and regulations;
5. students from other school districts participating in programs offered by the District pursuant to an interlocal agreement or other arrangement approved by the School Board; and
6. non-public school students in accordance with the policies and procedures set forth in this policy.

### Part-Time Enrollment of Non-Public School Students

The School Board shall allow the part-time enrollment of students who are residents of the school district and who are also enrolled in a private, denominational, or parochial school or in a

school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements. Such students are referred to herein as “non-public school students.”

The School Board establishes the following guiding principles for enrollment of non-public school students:

- (1) The primary school for a non-public school student is the student’s private, denominational, parochial or home school.
- (2) Enrollment of a non-public school student in [Name] Public Schools is allowed for the purpose of providing enhanced educational opportunities not otherwise available to the non-public school student. It is not to supplant programming of the student’s primary school.
- (3) Non-public school students are not to be given priority over full-time students.
- (4) Non-public school students are to be enrolled only in programs or courses that are educationally appropriate for the student.
- (5) Enrollment of non-public school students is not to negatively affect the educational services to be provided to full-time students.

The School Board establishes the following specific policies and procedures for enrollment of non-public school students. In the event the specific policies and procedures require interpretation or do not fully resolve an issue, the above established guiding principles are to be considered.

A. Non-Public School Student Enrollment Application Procedures.



1. Application. Parent or guardian must submit an Application of Non-Public School Student for Part-Time Enrollment to the principal of the school the student desires to attend.
  
2. Deadline for Applications. The application must be received by August 1<sup>st</sup> preceding the school year the student wishes to enroll.
  - a. Change of Residence Exception: The application deadline for a student who becomes a resident of the District after the school year has commenced is: 20 calendar days after the student becomes a resident of the District. The principal may delay enrollment until the next following quarter or semester starts, or at such other time as determined to be educationally appropriate.
  - b. High School Course Exception: The application deadline for a student who desires to enroll in a second semester high school course is December 1<sup>st</sup>.
  
3. Action on Applications. The principal will review the application and will notify the parent of the approval or denial of the application within 2 weeks of receipt of the application or 2 weeks prior to the start of school or 2 weeks prior to the start of the next semester, whichever is later.
  
4. Appeals. The parent or guardian may appeal the principal's action to deny their application. Any such appeal must be submitted to the Superintendent within 14 calendar days from the date of the principal's action. The appeal shall be in writing and shall be decided on the basis of the written submission. The Superintendent may request the parent or

guardian to provide further explanation or information and the appeal may be denied in the event the parent or guardian fails to fully respond on a timely basis. The Superintendent shall decide the appeal within 10 calendar days of the submission of the appeal. The Superintendent may make a decision later than the 10 days in the event good reason for delay exists. Good reason includes but is not limited to the Superintendent being unable to gather the information the Superintendent determines necessary to make the decision within the decision period.

5. Annual Applications. Part-time enrollment is determined annually. Application must be made each school year. There will be no guarantee that enrollment will be continued from one year to the next.

## B. Non-Public School Student Admission

1. Admission Requirements. Students must meet the normal admission requirements. This includes the requirements that the student: be a resident of the District, be of school attendance age and not have graduated or have received a GED.
2. Admission Process. Students must complete the normal enrollment process and forms required by the District and/or the building for enrollment of all children. This includes the requirements relating to: birth certificates, immunizations, physical examinations, and visual evaluations.

### C. Non-Public School Student Enrollment Standards

1. Maximum Enrollment. Students may not enroll in more than 2 middle school or high school courses during any one semester. Elementary students may not enroll in programming of greater than 90 minutes of instruction each day. A student who is attending an exempt school and who is enrolled on a part-time basis in the District's middle school or high school will be permitted to enroll in 20 semester credit hours of classes in the event the student has an interest in participating in extracurricular activities.
  
2. Capacity Limits. Enrollment will be subject to capacity limits. Any grade level, program, or course which has been determined to be at capacity for option enrollment purposes shall not be available for non-public school students. The middle school principal and counselor shall also establish capacity limits for particular courses each semester. Students will not be permitted to enroll in courses beyond the established capacity limits.
  
3. Integrated Courses. Students must meet prerequisite requirements to be enrolled in a course by appropriate credits earned through an accredited program. The principal may on a discretionary basis allow prerequisite requirements to be satisfied where the student provides reasonable indications that the academic criteria have been met, such as results from achievement tests or other indications of adequate preparation.
  
4. Educationally Appropriate Programs and Courses. Students will not be allowed to enroll in programs or courses which the school administration determine to not be educationally appropriate for the student. Determination of whether a program or course is educationally appropriate will be made based on the standards the District uses for making academic placement decisions.

5. Essential versus Non-Essential Elective Courses. Non-public school students are not permitted to enroll in essential courses. Essential courses are those which are required to be offered by the student's private, denominational, parochial or home school. For non-public school students attending an approved school, essential courses are: language arts, social studies, science, mathematics, vocational education, foreign language, visual and performing arts, and personal health and physical fitness. For non-public school students attending an exempt school, essential courses consist of a sequential program of instruction designed to lead to basic skills in the language arts, mathematics, science, social studies, and health. A non-public school student will not be precluded by this provision from enrolling in non-essential elective courses.

#### D. Non-Public School Student Policies

1. General Standard. Non-public school students who are enrolled part-time are to be subject to the same standards as full-time enrolled students except where appropriate to reflect their part-time status.
2. Building assignment. Students must enroll in the attendance center that serves the student's residence, provided that the administration reserves the authority to make a different attendance center assignment. A student may request assignment to an attendance center other than that of the student's residence under the intra-district transfer procedures.
3. No Partial Part-Time Enrollment. Students must apply for enrollment and attend the entire school year for which enrollment is made or, for high school courses, for the full length of the course. Once enrolled, part-time students will be required to participate in all activities, programs, and tests related to the program or course for which the student is

enrolled, including as applicable State or District-wide assessments, as full-time students.

4. Student Conduct Policies. Students enrolled on a part-time basis shall be required to follow all school policies that apply to other students at any time the part-time student is present on school grounds or at a school-sponsored activity or athletic event. This includes the District's student conduct policies. Students enrolled on a part-time basis shall be subject to discipline, including suspension or expulsion, for violation of student conduct rules.
  
5. Attendance. Students enrolled on a part-time basis are not exempt from the compulsory attendance laws or from the District's attendance policies. Students who engage in excessive absenteeism as defined in Board policy are to be reported under the truancy laws.
  
6. Presence on School Grounds. Students enrolled on a part-time basis are to be present on school grounds during the school day only at the times required for their attendance in the program or course in which they are enrolled. Exceptions may be made in the discretion of the principal or the principal's designee. Students must sign in and out of the school by following the building level procedure. Students are responsible for being aware of any changes in the school schedule during inclement weather or for other reasons.
  
7. Transportation. Students enrolled on a part-time basis are not entitled to transportation or transportation reimbursement. Full-time students will be given first consideration for parking on the high school campus.

8. Academic Honors. Students enrolled on a part-time basis will not be eligible to graduate or receive a diploma from the District or receive academic honors (for example, class rank and honor roll) except to the extent the student meets all requirements of the District's policies for such, including attainment of minimum credits and semesters of attendance.
  
9. Extracurricular Activities. Students enrolled on a part-time basis may be permitted in the discretion of the principal and athletic director to participate in extracurricular activities. Participation in activities that are subject to the bylaws of the Nebraska School Activities Association (NSAA) will be limited to those students who meet the NSAA bylaws.

Legal Reference:      Laws 2006, LB 821; Neb. Rev. Stat. Section 79-526;

Title 92, Nebraska Administrative Code, Chapter 10

Adopted: 9-11-06

Reviewed: 6-14-10, 2-10-20

## **POLICY NO. 5020 - CUSTODY AND PARENTAL RIGHTS**

Disagreements between family members are not the responsibility of the school district. The school district will not take the “side” of one family member over another in a disagreement about custody or parental rights. Court orders that have been issued shall be followed by the school district. It shall be the responsibility of the person requesting an action by the school district to inform and provide the school district the court order allowing such action.

This policy does not prohibit an employee from listening to a student’s problems and concerns.

It shall be the responsibility of the superintendent to ensure employees remain neutral in a disagreement about custody and parental rights.

Legal Reference:                   34 C.F.R. Pt. 99.4 (1995)  
  Nebraska Statue 42-364; 42-381; 42-2.902

Adopted: 10-9-06

Reviewed: 6-14-10, 2-10-20

## **POLICY NO. 5031 - JUNIOR – SENIOR PROM**

A Junior-Senior Prom may be permitted with the following reservations:

1. The prom shall be held within the Bayard Public Schools facilities or a different site with prior approval by the administration.
2. Selection of the proposed prom location will be by majority vote of the sophomore class, based on a minimum of three venue choices to be considered by the class. Any location selected must be within 30 highway miles of Bayard High School.
3. Decorations must be modest in scope and expense, and the plan presented to the board of education by members of the junior class at the regular November board meeting.
4. All decorations must be absolutely fire-safe.
5. The prom shall be open to Juniors and Seniors of Bayard High School and their dates.

Adopted: 8-17-76

Revised: 8-14-78; 7-13-81; 7-12-10, 7-8-19

Reviewed: 4-9-18, 2-10-20



## **POLICY NO. 5033 - CLASS SPONSORS**

Class Sponsors are appointed by the Administration and are rotated on a regular basis.

Sponsors are to be paid a sum determined by the Superintendent of Schools. Sponsors are not to accept or receive any money or gifts other than the above stipulation.

Adopted: 8-17-76

Revised: 8-8-77; 11-12-01

Reviewed: 6-14-10, 2-10-20

## **POLICY NO. 5041 - TRANSPORTATION**

In as much as Nebraska school laws do not specifically state the policies under which the school board is obligated to provide transportation the following policy will prevail but may be changed at any time as a result of Board action:

1. The area to be excluded from bus transportation is inside the Bayard City limits.
2. In establishing bus routes the following factors will be considered:
  - a. Routes will be laid out on hard surfaced roads wherever and whenever possible.
  - b. The bus will not enter a private drive for the purpose of picking up a student unless for safety reasons it becomes necessary.
  - c. No backing of a school bus onto a highway or public road will be permitted. In all cases where it is not possible to have a satisfactory turn-around bus service will not be provided.
  - d. Students will be let out or picked up at a point near their home. This point will be determined by the Superintendent, taking the above factors into consideration.
3. Bus transportation will be provided for field trips which are considered to be a part of the regular educational program of the school.
4. That, except when rented, no person be carried as a passenger on a school bus who is not a regularly attending student of this school district or an employee or an adult acting as an authorized sponsor of this district.

Adopted: 8-17-76

Revised: 1-14-80

Reviewed: 6-14-10, 3-9-20

## **POLICY NO. 5044 - PLEDGE OF ALLEGIANCE, SCHOOL CEREMONIES AND OBSERVANCES**

The school district will continue school ceremonies and observances which have become a tradition and a custom of the education program. Such ceremonies or observances shall have a secular purpose and shall not advocate or sponsor a particular religion. Students who do not wish to participate in these activities may be silent during the ceremony or observance or receive permission from the principal to be excused from the ceremony for religious reasons in compliance with board policy.

September 17 shall be designated as Constitution Day. The district shall hold an educational program(s) for all students on the United States Constitution each September 17. When September 17 falls on a Saturday, Sunday, or holiday, then Constitution Day shall be held during the preceding or following week.

For grades kindergarten through twelve, each school in the district shall establish a period of time during the day, when a majority of pupils is scheduled to be present, during which pupils will be led in the recitation of the Pledge of Allegiance in the presence of the flag of the United States. Pupil participation in the recitation shall be voluntary. Pupils not participating in the recitation shall be permitted to silently stand or remain seated, but shall be required to respect the rights of those pupils electing to participate.

Legal Reference

P.L. 108-477 (Consolidate Appropriations Act of 2005)

NDE Rule 10.003.12

Adopted: 8-17-76

Reviewed: 6-14-10, 3-9-20

Revised: 7-12-10; 11-11-13

## **POLICY NO. 5045 - STUDENT RESIDENCE, ADMISSION, AND CONTRACTING FOR EDUCATIONAL SERVICES**

Students shall be admitted to the School District, upon request and without charge, who are:

1. A resident of the School District for purposes of school enrollment. A student is a resident of the School District if the student resides in the School District or at least one of the student's parents resides in the School District.
2. A homeless student. The following definition shall be used to determine which students fit this category:

A homeless individual is one who (1) lacks a fixed, regular, and adequate nighttime residence and (2) has a primary nighttime residence in a supervised publicly or privately operated shelter designed to provide for temporary accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings. The term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained by an Act of Congress or State law.

3. Approved for option enrollment into the School District.

Students may be admitted to the School District, or continue in enrollment, where:

1. The student is not a resident of the School District and is a resident of Nebraska. Such enrollment shall be pursuant to a contract between the Boards of Education of the School District and the school district in which the student is a resident and upon the collection of tuition pursuant to such contract. The amount of tuition shall be no less than the average cost per pupil as determined by the previous year's financial report.
2. The student is not a resident of the School District and is a resident of another State. Such enrollment shall be subject to collection of tuition in advance at a rate determined by the School Board. The amount of tuition shall be no less than the average cost per pupil as determined by the previous year's financial report.

3. The student is participating in an approved Foreign Exchange Program.
4. The student is a child of a member of the military on active duty and residing on certain property ceded to the United States and stationed in, near or adjacent to the School District, and children of employees of the federal government residing in Nebraska on national parks or national monuments within the State in, near or adjacent to the School District. Such discretionary admission shall be without charge for tuition.
5. The student's residency in the School District ceases during the school year. In such case, the student may be allowed to continue attending the School District for the remainder of that school year.

A child who is a ward of the state or court and (1) has been placed in the School District but had resided in a different school district at the time the child became a ward and does not reside in a foster family home, or (2) has been placed in an institution which maintains a State-approved special education program, may be enrolled in the School District to the extent required by law. In such event, costs of education and transportation are to be paid by the State, but not in advance. The child remains a resident of the school district in which the child resided at the time the child became a ward.

A child who is a ward of the state or court who resides in the School District in a foster family home licensed or approved by the Department of Health and Human Services ("Department") or a foster home maintained or used by the Department, remains a resident of the school district in which the child resided at the time the child became a foster child. This is subject to a determination being made in accordance with the Foster Care Review Act that the child will not attend such school district. If such a determination is made, the child is deemed to be a resident of the School District and will be admitted as a resident student.

A child who is not a ward of the state or court and who is residing in a residential setting in the School District for reasons other than to receive an education is subject to the following: First, if the residential setting does not maintain an interim-program school, the School District will provide the educational services to the child pursuant to a contract with the school district in which the child resided immediately prior to such placement, as and to the extent required by law. This is subject to the parent or guardian and such other school district agreeing to have such other school district provide the educational services. Second, if the residential setting does maintain an interim-program school, the child's educational services will be provided by the interim-program school without the School District's involvement. However, the School District may provide educational services to the child pursuant to a contract with the school district in which the child resided immediately prior to such placement.

All admissions are subject to the condition that admission requirements other than residency be satisfied to the extent required by law and that the School District is legally responsible for or authorized to admit the child or provide educational services to the child.

Legal Reference:     Neb. Rev. Stat. ' 79-215 (residency and admission)  
                          Neb. Rev. Stat. ' 79-215 (children of military or federal employee parent)  
Neb. Rev. Stat. " 79-232 to 79-246 (option enrollment)  
                          42 U.S.C. § 11431 et. seq. (McKinney–Vento Homeless Assistance Act)  
                          NDE Rule 9

Adopted: 8-13-01

Revised: 6-14-10

Reviewed: 3-9-20

## **POLICY NO. 5046 - NON-RESIDENT STUDENTS**

Students who are eligible to attend a Nebraska public school but who are not legal residents of the school district may be admitted into the school district in accordance with the enrollment option program authorized by state statutes. Enrollment option students shall be accepted without charge.

Application for use of the enrollment option shall be made between September 1 and March 15 for enrollment during the following and subsequent school years. Written notification of approval or rejection of the application will be made before April 1. Upon agreement of the school boards of the resident school district and the option school district, deadlines for application and approval of the option may be waived.

The Board shall annually adopt a resolution on or before April 1 setting forth its specific standards for acceptance and rejection of applications as an option school. Standards will conform to those set forth by state statute. These may include the capacity of a program, class, grade level, or school building or the availability of appropriate special education programs operated by the district. The standards shall not include previous academic achievement, athletic or other extracurricular ability, disabilities, proficiency in the English language, or previous disciplinary proceedings.

Nonresident students may also be admitted under a contract with the student's resident district at the discretion of the superintendent upon application and payment of tuition as stated in the contract. The tuition rate shall be the current per-pupil cost of the school district as computed by the superintendent.

Students whose residency in the district ceases during a school year may continue attending school for the remainder of the school year without payment of tuition.

Legal Reference: Neb. Statute 79-215

NDE Rule 7

Adopted: 8-17-76

Revised: 8-9-93; 8-9-04

Reviewed: 6-14-10, 3-9-20

## **POLICY NO. 5062 - PUPIL SOLICITATION**

Pupils are not to be used for solicitation by any group outside of the school (family).

Adopted: 8-17-76

Reviewed: 6-14-10, 3-9-20



## **POLICY NO. 5063 - SOCIAL ACTIVITIES**

The class sponsor shall be responsible for the approval or disapproval and scheduling of the (7-12) social activities of classes and organizations within the scope of the regulations, with the final decision resting with the administration.

School activities shall close at 12:00 p.m. plus Tiger Festival and Junior-Senior Prom shall close at 1:00 a.m.

School activities will not be permitted on Sunday unless religious in nature as they apply to the school.

School activities will not be permitted after 5:30 p.m. on Wednesday evenings. All students will leave school grounds prior to 6:00 p.m.

Adopted: 8-17-76

Revised: 7-13-81; 7-12-10

Reviewed: 6-14-10, 3-9-20

## **POLICY NO. 5064 - SCHOOL PARTIES**

The Bayard Board of Education believes that classroom parties can contribute to the education of elementary (K-6) school children when they are a part of a learning situation. Halloween, Christmas and Valentine parties will be permitted. All arrangements for parties must be made with the school principal.

Adopted: 8-17-76

Reviewed: 6-14-10, 3-9-20

## **POLICY NO. 5070 - PERMISSION TO LEAVE SCHOOL**

Students that wish to leave school, for any reason, must check out through the principal's office. Failure to do so will be judged as being truant, and will be handled as such. If the principal is not available to check out the student, he or she is to check out through the Superintendent's office.

Adopted: 8-14-78

Reviewed: 6-14-10, 3-9-20

## **POLICY NO. 5074 - ABSENTEE SLIPS**

Students that have been absent are to pick up an admit slip from the principal's office before they are allowed to return to class. These admit slips are to be picked up before school, or when the student returns to school. The student has one day to make up work, for each day missed. Absentee slips are to be returned to the principal's office when make up work has been completed. The student is to have his or her parents or guardian phone the principal's office and give the reason for the absence.

Adopted: 8-14-78

Revised: 7-13-81

Reviewed: 6-14-10, 3-9-20

## **POLICY NO. 5075 - PERMIT TO RE-ENTER**

Any student who is absent for three consecutive school days due to either illness or a contagious disease may be required to have a permit to re-enter school, signed by a physician.

Adopted: 8-17-76

Revised: 7-13-81

Reviewed: 6-14-10, 3-9-20

## **POLICY NO. 5076 - ILLNESS OR ACCIDENT AT SCHOOL**

If any pupil develops symptoms of illness or is injured at school, the parent or guardian or some other person designated on the pupil's enrollment card by the parent, shall be notified immediately and if deemed advisable by the school, such person shall be requested to come to the school and get the child. If that is not possible, a school employee shall take the child to his home or to the home of such other person. Unless the parent or guardian expressly forbids in case of dire emergency, the school may call the physician designated on the pupil's enrollment card for administration of temporary relief or aid.

Adopted: 8-17-76

Reviewed: 6-14-10, 3-9-20

## **POLICY NO. 5077 - ATHLETIC INSURANCE**

All pupils participating in interschool athletics (including practice) shall have athletic insurance. They may purchase school sponsored insurance or sign a verification form informing the school district that they have their own insurance carrier.

Adopted: 8-17-76

Reviewed: 6-14-10, 7-13-20

## **POLICY NO. 5079 - MARRIED STUDENTS OR STUDENTS WITH CHILDREN**

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

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

Legal Reference:               Neb. Statute 43-2101  
79-2,149 to 79-2,152

79-2,114 to 79-2,124  
20 U.S.C. §1681 et seq.  
34 C.F.R. §106.40

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

Adopted: 8-17-76

Reviewed: 6-14-10, 7-13-20

Revised: 7-12-10, 3-9-20



## **POLICY NO. 5080 - INITIATIONS**

There shall be no initiation of any student for membership in any organization or activity of the Bayard Public Schools.

Adopted: 8-17-76

Reviewed: 6-14-10, 7-13-20

Revised: 7-12-10

## **POLICY NO. 5081 - GRADUATION EXERCISES**

1. The use of an invocation and/or benediction at high school graduation exercises shall rest within the discretion of the graduating senior class, with the advice and counsel of the senior class sponsor.
2. The senior class, or a committee appointed by the senior class, should decide whom to invite to deliver the prayer.
3. The school district shall not participate in the decision process or participate either directly or indirectly in the composition or content of any prayer.
4. Consistent with the principle of equal liberty of conscience, the invocation and benediction shall be non-sectarian and non-proselytizing in nature.
5. All graduating seniors are expected to attend the graduation exercises in cap and gown.
6. The top 10% of the graduating class will be publicly honored at the graduation exercises.
7. Students to be eligible for scholastic honors must have completed two years of school at the Bayard Public Schools.
8. The graduation exercises will be held in the auditorium. Additional seating will be available in the gymnasium. Television viewing may be provided for persons in the gymnasium.
9. No senior will be allowed to take part in the graduation exercises if they have not met all the requirements for graduation.
10. The district will not award Certificates of Attendance, except in accordance with Nebraska State Statute 79-770.
11. All money owed to the school, students class, activities program, lunch program, etc. must be paid prior to graduation. Failure to pay will eliminate a student's right to participate in the graduation exercises.

12. Nothing in this policy shall be interpreted to conflict with Nebraska State Statute 79-770.

Adopted: 8-17-76

Revised: 8-8-77; 8-9-93; 8-10-98; 8-13-01; 11-11-13,8-8-2022

Reviewed: 6-14-10, 7-13-20

## **POLICY NO. 5082 - STUDENT LUNCH**

In compliance with Federal regulations to serve lunches free of charge or at reduced price to all children who are determined to be in need of them, the Board of Education of the Bayard Public Schools hereby adopts the following set of policies to regulate the program:

1. Criteria used for consideration will include economic need as reflected by family income, including welfare payments, family size, and other family needs. All children will be provided meals if they wish to participate and have funds available to purchase a meal each day.
2. The income scale prepared by the Office of Economic Opportunity shall be used as the guideline for determining if a family shall be eligible.
3. All appeals from decision by the determination officer shall be reviewed by the Superintendent of Schools.
4. Collections of payment shall be handled by school office personnel.
5. Knowledge of names of recipients of free or partial payment meals shall be held in strict confidence.
6. A letter explaining and announcing the policies of this statement shall be sent to all patrons of the school district at the beginning of each school year.
7. A statement announcing the policies will be published in the local newspaper at the beginning of each school year.
8. It is the policy of the Bayard Public Schools that if a family has insufficient funds in the student's lunch account, the student will not be allowed to charge a meal from the school until the student's account has a positive balance. Notice will be given to students when they have a low balance. The program is designed that meals be paid for in advance so that situations like this do not occur. It is not the desire of the school district to keep any child from a meal; nonetheless, it is the responsibility of the parent to provide the financial means for their children.

9. Refunds will be issued to graduating seniors with no siblings enrolled at Bayard Public Schools and families ceasing enrollment in the school district. Funds remaining in family accounts at the end of the year will be carried over to the following term.

Adopted: 8-17-76

Revised: 8-12-85; 7-12-10; 6-13-16

Reviewed: 6-14-10, 7-13-20

## **POLICY NO. 5083 - RESPONSIBILITY FOR DISCIPLINE**

Discipline is the responsibility of the teachers and administration.

In the classroom, discipline problems will be the responsibility of the teacher. However, discipline problems with which the teachers feel unable to cope with, will be referred to the Principal and/or the Superintendent. If the student becomes such a discipline problem that the normal instruction in the classroom is disturbed the principal has the power to suspend the student for a period up to five (5) days subject to a conference with the parents. Exclusion from class for a brief time may be necessary in order to provide time for the Teacher and Principal and/or Superintendent to confer with the parents in regard to a solution to the problem.

Responsibility for discipline may also be designated to other school employees, volunteer sponsors or other deemed necessary by the school administrators. (Examples: teacher aides, bus drivers and trip sponsors)

Adopted: 8-17-76

Revised: 1-14-80; 10-10-88

Reviewed: 6-14-10, 3-9-20, 7-13-20

## **POLICY NO. 5084 - VEHICLES ON SCHOOL PROPERTY**

Pupils driving cars to school are required to park them in the designated area upon arrival at school.

The school assumes no liability for pupils driving motor vehicles.

It shall be the responsibility of all faculty and school employees to report any violation of traffic laws or any improper conduct of student drivers to the principal.

The Board adopts the following rules regarding parking and driving on School District property.

### **Parking**

1. The Superintendent may designate certain areas of the parking lots as staff only parking. Any areas designated as staff only parking may not be used by students or visitors.
2. Only one vehicle may be parked in a parking stall. Vehicles must be parked in a stall front-end first.
3. Administration may request that any vehicle parked in violation of this policy be towed at the vehicle owner's expense.
4. Students shall have no expectation of privacy regarding vehicles they bring on to School District property. School personnel may search the contents of any vehicle driven or parked on School District property by a student.

### **Driving/Vehicles**

1. All vehicles on School District property must be licensed, registered, and insured according to law. The Administration may report to law enforcement any vehicle suspected to be unlicensed, unregistered or uninsured according to law.
2. Anyone operating a vehicle on School District property must hold the requisite license to operate such vehicle and be covered by insurance as required by law. The Administration may report to law enforcement any suspected violations.
3. No ATVs, UTVs, golf carts, dirt bikes, or similar vehicles may be operated on School District property, unless they meet all of the requirements in item 1 above except by

school employees in the course of their employment or as specifically authorized in advance by the Superintendent.

4. Operating a vehicle beyond the established parking lots and driveways of the school is prohibited.
5. Operating a vehicle in an unsafe or reckless manner is prohibited.
6. Anyone operating a vehicle on School District property shall follow all general traffic and driving laws and regulations.
7. Vehicles driven or parked on School District property shall not display images or messages that contain profanity, that are sexual in nature, or that are obscene, vulgar, or offensive. This shall include, but not be limited to decals, bumper stickers, flags, accessories, and license plates.

Any student, staff member, or patron who repeatedly violates this policy may lose his or her right to drive and/or park on School District property. Any student or staff member who violates this policy may be disciplined in the discretion of the Superintendent.

Adopted: 8-17-76

Revised: 1-14-80; 7-13-81

Reviewed: 6-14-10, 3-8-21



## **POLICY NO. 5085 - RESPONSIBILITY FOR SCHOOL PROPERTY**

All property for use of the pupils, including books, desks, furniture and equipment of all kinds and buildings, shall be used and handled with reasonable care. Any pupils who intentionally, willfully, or maliciously loses, damages, defaces, or destroys property of the school shall pay the cost of replacement or repair of such property. All teachers and employees shall at once report any such loss, damage, destruction, or defacement of school property to the Principal and/or Superintendent, who shall investigate the matter and require any pupil, or pupils, responsible to make payment. A deposit may be required from the student prior to using school equipment or materials. If equipment or materials are not returned in good condition the student will forfeit their deposit and pay the additional cost required to replace the item.

Adopted: 8-17-76

Revised: 8-12-85

Reviewed: 6-14-10, 7-13-20

## **POLICY NO. 5086 - TOBACCO, ALCOHOLIC BEVERAGES, DRUG AND CONTROLLED SUBSTANCES**

Any Bayard School student engaging in the selling, using, possessing or dispensing of alcoholic beverages, tobacco, narcotics, drugs, drug paraphernalia, controlled substance, inhalant or being under the influence of any of the above; will be subject to the following disciplinary actions, providing the incident has been reported in one of the following ways:

1. ADMISSION by the participant involved.
2. WRITTEN STATEMENT of the violation from a school employee.
3. WRITTEN STATEMENT of the violation from a parent/guardian of the participant.
4. CHARGED WITH OR CITED by law enforcement personnel or accepting a diversion program in lieu of charges being filed.

**Note:** The term “under the influence” for school purposes has a less strict meaning than it does under criminal law. For school purposes, the term means any level of impairment and includes even the odor of alcohol on the breath or person of a student. Also, it includes being impaired by reason of the abuse of any material used as a stimulant. In addition, “possession” of alcohol or drugs will be considered to have occurred for purposes of school rules if the student is in such close proximity to alcohol or drug (for example, a student being in a car where alcohol is in the back seat and no adults are present in the car) or to others who are consuming alcohol or drugs (for example, being at a student party at which other students are drinking) that school officials may reasonably determine that the student was in “possession” of the items as well).

The following disciplinary actions for violations occurring while not on school property are based on self-reporting. The student must self-report any violations/possible violations within a 48-hour period from the time of violation to the administration, athletic director, or coach. If a student fails to self-report such violation and it is later learned that the violation took place, the discipline for the action will be doubled.

***Violations occurring while not on school property*** – Violations not occurring on school property will result in the following discipline. The student shall not be allowed to participate in, but must still attend practice for the activity with the team or group, or attend any school sponsored activity for fourteen (14) calendar days from the date of written notification and must complete a minimum of eight (8) hours of professional alcohol and or drug education and counseling. (The education course and or counseling will be the parents or students expense).

The eight (8) hours of professional education/counseling must be completed before the student can again begin participation in the activities program. Suspensions for violations occurring during the summer shall commence with the beginning of the next school year.

***Violations occurring while on school property*** - Violations occurring on school property or while attending or participating in school related activities will result in the student being suspended from school for five (5) school days. After the suspension, the student shall not be allowed to participate in, but must still practice for the activity with the team or group, or attend any school sponsored activity for fourteen (14) calendar days from the date of written notification and must complete a minimum of eight (8) hours of professional alcohol and or drug education and counseling. (The education course and or counseling will be the parents or students expense). The eight (8) hours of professional education/counseling must be completed before the student can again begin participation in the activities program.

If the disciplinary actions from any violation of this policy, are not completed during the current school term the following will apply. The number of days that remain to complete the suspension from activities will be completed during the next school term. The 8 hours of professional alcohol and or drug education must also be completed before the student can begin participation in the activities program the following year. Forfeiture of the right to hold honorary positions will not be carried forward to the next school term. In the case of violations occurring on school property, days suspended from school will not carry forward to the next school year.

A second violation of these rules and regulations during any one year period, whether occurring on or off school property, will result in the student being ineligible to compete in or participate in or attend any extracurricular activity for the remainder of the school year.

Any student who is suspended under this policy will forfeit their right to hold any of the following honorary positions during the year in which the suspension occurred. This includes: homecoming king or queen, winter royalty king or queen, prom king or queen, Citizenship Award, Book of Knowledge, Class Yoke, School Spirit Award, Athletic Letter Award, current standing in the National Honor Society, prom server, class officer, student council officer, and nomination for any post season athletic awards including all conference, all district, all regional, and all state.

Any transfer student, who is under suspension at their previous school for alcohol and/or drug policy violations, may be required to complete their period of suspension prior to becoming

eligible at Bayard Public Schools at the discretion of the superintendent.

Notice of the suspension hereunder shall be given to the student and the student's parents and the student and his or her parent shall have an opportunity to present his or her version, however, the suspension shall take effect upon the delivery of the notice of suspension to the student.

This policy is in effect 12 months of the year, including both the school term and the summer months. The 12 months is in effect beginning with the date of the first violation. These consequences will carry over from one school year to the next.

Adopted 8-17-76

Revised: 8-14-78; 1-14-80; 7-13-81; 2-10-97; 8-11-97; 8-14-00; 8-11-03, 5-09-05, 6-11-07  
7-11-11, 10-08-12

Reviewed: 6-14-10, 7-13-20

## **POLICY NO. 5087 - CHARGED WITH OR CONVICTED OF A CRIME**

Any student charged with or convicted of a violation of the law may be suspended from all extra curricular activities. This suspension will be discontinued if the charges are dropped or if found innocent of the charges. If convicted the suspension may become permanent. However, after ninety (90) school days and upon a request by the student's parent(s) or guardian(s) the suspension may be reviewed by a committee. This committee may, (1) vote to continue the suspension for another ninety (90) school days; (2) vote to discontinue the suspension and the student could begin to take part in extra curricular activities at once, or (3) vote to continue the suspension for a period of time less than ninety (90) school days. (Committee members would be the building principal, the sponsors of the activities from which the student had been suspended and the Superintendent.)

The decision of the committee could be appealed to the Bayard Board of Education. The appeal request must be presented to the superintendent of schools within the (10) calendar days from the date that the committee's decision was given to the parents or guardian. The Board of Education would hear the case at their next regularly scheduled meeting.

The suspension will begin with the first day of classes if the action occurred during the summer, the first day after a vacation if the action occurred during a vacation, or the first day of school after the action if the action occurred during the school year.

Adopted: 8-12-85

Revised: 8-11-86

Reviewed: 6-14-10, 7-13-20

## **POLICY NO. 5088 - RANDOM ILLEGAL DRUG, ALCOHOL AND NICOTINE TESTING PROGRAM**

### Drug/Alcohol/Nicotine Use Prohibited

Bayard Public Schools students who participate in the school-sponsored extracurricular activities listed below shall not use alcohol, nicotine, or illegal drugs.

### Purposes of the Policy

1. To promote the safety and health of students participating in school-sponsored extracurricular activities.
2. To discourage alcohol, nicotine, and illegal drug use and provide students a reason to refute peer pressure to use alcohol, nicotine, and illegal drugs.
3. To encourage students who have used alcohol, nicotine, and/or illegal drugs to seek and receive the appropriate interventions, education, and treatment.

### Random Drug Testing

All students in grades 7 through 12 who participate in the school-sponsored extracurricular activities listed below must participate in the District's Random Drug Testing Program, as spelled out in this policy. In addition, students in grades 7 through 12 who do not participate in the extracurricular activities listed below may choose to opt into the District's Random Drug Testing Program with the written constant of their parents or guardians.

### Applicable School-Sponsored Extra-Curricular Activities

In addition to those students who opt into the District's Random Drug Testing Program, this policy applies to students who participate in the following school-sponsored extracurricular activities (referred to "Applicable Activities"):

**Student Council, National Honor Society, Quiz Bowl, One Act, Speech, Destination Imagination, Football, Volleyball, Cross Country, Cheerleading, Wrestling, Girls Basketball, Boys Basketball, Track, Girls Golf and Boys Golf.**

### Consent Forms/Duration

Prior to participating in an Applicable Activity, a student and his or her parent or guardian must have consented in writing, on a form provided by the District, to the District's Random Drug Testing Program and provided the form to the District. The consent form shall remain effective unless and until the student or his or her parent or guardian withdraws the consent in writing to the District. If a student and his or her parent or guardian have not consented to the District's Random Drug Testing Program, then the student is ineligible to participate in any Applicable Activity. If a student or his or her parent or guardian withdraws his or her previous written consent, then the student is ineligible to participate in any Applicable Activity for at least the remainder of the then-current school year and must provide a new written consent before the student once again becomes eligible to participate in any Applicable Activity. School Administration may request an updated consent form from a student and parent or guardian at any time, but no less frequently than at least once for each school year and upon any amendment to this Policy.

### Random Drug Testing Procedure

*Use of Drug Program Administer/Medical Review Officer:* The District shall contract with a qualified drug program administrator ("DPA") and medical review officer ("MRO") to administer and review the random drug tests. The DPA and MRO shall abide by all applicable laws and best practices related to testing, transporting and preserving specimens, confirming tests, and confidentiality.

*Drugs Tested For:* Alcohol, nicotine, and any substance, the use of which is considered illegal under Nebraska law, may be tested for, as determined by the DPA and/or MRO from time to time, provided that the determination of which drugs will be tested for in a particular test shall not be made between the time a student is identified for a test and the test of that student.

*Random Nature of Tests:* The Superintendent, in conjunction with the Activities Director, shall determine from time to time the frequency of tests and the number of students to be tested. All students who consent to be tested will be entered into a testing pool, but identified by number only. From the testing pool, the DPA will determine who will be tested.

*Sample Collection:* Samples will be collected as directed by the DPA on the same day the student is selected for testing. Breath, saliva, or urine samples may be required. If a urine sample is required, the student shall provide the sample in a private bathroom or stall, alone, with the door closed.

*Determining Results:* The DPA, in conjunction with the MRO, will determine if the drug test has a positive result which identifies the use of alcohol, nicotine, or illegal drugs.

*Communicating Results:* The MRO shall convey all positive test results to the parent or guardian of the student and allow the student or his or her parent or guardian to discuss the result with the MRO. All positive results shall also be conveyed to the Activities Director.

### Positive Tests/Consequences

The following consequences of a positive result shall apply:

For the first offense the student shall not be allowed to participate in, but must still practice for the activity with the team or group, and shall not attend any school sponsored activity for fourteen (14) calendar days from the date of written notification and must complete a minimum of eight (8) hours of professional drug education and counseling. (The education course and or counseling will be the parents' or student's expense).

The eight (8) hours of professional education/counseling must be completed before the student can again begin participation in the activities program.

A second violation of these rules and regulations during any one year period, will result in the student being ineligible to compete in or participate in or attend any extracurricular activity for the 12 month period beginning on the date of the first offense.

Failure or refusal to participate in the actions described above after a positive test will make the student ineligible for all Applicable Activities for one calendar year.

Positive results will not lead to any academic consequences or disciplinary actions, except as specified above. The results of alcohol, nicotine, and drug tests administered under this policy shall be (1) disclosed only to school staff members, coaches, and activity sponsors who need to know the information to carry out their duties and/or the consequences set forth in this policy; and (2) kept in a separate file and not become a part of the student's academic or discipline records.

The results of alcohol, nicotine, or drug tests will not be disclosed to law enforcement or other juvenile or criminal enforcement authorities except as required by a judicial order, lawfully issued subpoena, or other legal process, provided that to the extent allowed by law, upon receipt of any judicial order, subpoena, or other legal process, the District shall make a reasonable effort to notify the student and parent or guardian in advance of compliance so that they may seek protective action.

### Refusal to Submit to a Drug, Nicotine or Alcohol Test



If a student (either by himself or herself or by his or her parent or guardian) refuses to submit to a drug, nicotine, or alcohol test for which the student is selected, then at the student's and his or her parent's or guardian's option, the refusal may be treated as (1) the withdrawal of consent to test and the student shall be ineligible to participate in any Applicable Activity for at least the remainder of the then-current school year and must provide a new written consent before once again becoming eligible to participate in any Applicable Activity or (2) a positive test result for which the provisions pertaining to positive test results shall apply (without any right to appeal).

#### Tampering with Samples

If a student tampers with any drug, alcohol, or nicotine test or sample, the student will be subject to discipline as determined appropriate by School Administration, which could include, without limitation, ineligibility from any Applicable Activity for up to a year.

#### Appeal Procedures.

Within five calendar days after a positive test result, the student may make an appeal in writing to the Superintendent. Filing an appeal with the Superintendent will stay any consequences as a result of the positive test until the Superintendent rules on the appeal. If the appeal involves the validity of the test result, then the Superintendent will consult with the DPA and MRO prior to ruling on the appeal. The Superintendent's ruling on the appeal will be final.

#### Policy Not Limiting

This policy shall not limit any other District policy, rule, or procedure regarding student discipline and/or student drug alcohol, and nicotine use.

Adopted: 1-14-19

Revised: 9-14-20

Reviewed: 7-13-20

## POLICY NO. 5089 - STUDENT DISCIPLINE - SUSPENSION AND EXPULSION

A. Development of Uniform Discipline System. It shall be the responsibility of the Superintendent to develop and maintain a system of uniform discipline. The discipline which may be imposed includes actions which are determined to be reasonably necessary to aid the student, to further school purposes, or to prevent interference with the educational process, such as (without limitation) counseling and warning students, parent contacts and parent conferences, rearrangement of schedules, requirements that a student remain in school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling upon written consent of the parent or guardian, or in-school suspension. The discipline may also include out-of-school suspension (short-term or long-term) and expulsion.

1. Short-Term Suspension: Students may be excluded by the Principal or the Principal's designee from school or any school function for a period of up to five school days (short-term suspension) on the following grounds:

- a. Conduct that constitutes grounds for expulsion, whether the conduct occurs on or off school grounds; or
- b. Other violations of rules and standards of behavior adopted by the Board of Education or the administrative or teaching staff of the school, which occur on or off school grounds, if such conduct interferes with school purposes or there is a nexus between such conduct and school.

The following process will apply to short-term suspensions:

- a. The Principal or the Principal's designee will make a reasonable investigation of the facts and circumstances. A short-term suspension will be made upon a determination that the suspension is necessary to help any student, to further school purposes, or to prevent an interference with school purposes.
- b. Prior to commencement of the short-term suspension, the student will be given oral or written notice of the charges against the student. The student will be advised of what the student is accused of having done, an explanation of the evidence the authorities have, and be afforded an opportunity to explain the student's version of the facts.

- c. Within 24 hours or such additional time as is reasonably necessary following the suspension, the Principal or administrator will send a written statement to the student and the student's parent or guardian describing the student's conduct, misconduct or violation of the rule or standard and the reasons for the action taken.
- d. An opportunity will be given to the student, and the student's parent or guardian, to have a conference with the Principal or administrator ordering the short-term suspension before or at the time the student returns to school. The Principal or administrator shall determine who in addition to the parent or guardian is to attend the conference.
- e. A student who on a short-term suspension shall not be permitted to be on school grounds without the express permission of the Principal.

2. Long-Term Suspension: A long-term suspension means an exclusion from school and any school functions for a period of more than five school days but less than twenty school days. A student who on a long-term suspension shall not be permitted to be on school grounds without the express permission of the Principal. A notice will be given to the student and the parents/guardian when the Principal recommends a long-term suspension. The notice will include a description of the procedures for long-term suspension; the procedures will be those set forth in the Student Discipline Act.

3. Expulsion:

- a. Meaning of Expulsion. Expulsion means exclusion from attendance in all schools, grounds and activities of or within the system for a period not to exceed the remainder of the semester in which it took effect unless the misconduct occurred (a) within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or (b) within ten school days prior to the end of the second semester, in which case the expulsion shall remain in effect for summer school and the first semester of the

following school year, or (c) unless the expulsion is for conduct specified in these rules or in law as permitting or requiring a longer removal, in which case the expulsion shall remain in effect for the period specified therein. Such action may be modified or terminated by the school district at any time during the expulsion period. A student who has been expelled shall not be permitted to be on school grounds without the express permission of the Principal. A notice will be given to the student and the parents/guardian when the Principal recommends an expulsion. The notice will include a description of the procedures for expulsion; the procedures will be those set forth in the Student Discipline Act.

- b. Suspensions Pending Hearing. When a notice of intent to discipline a student by long-term suspension, expulsion, or mandatory reassignment is filed with the superintendent, the student may be suspended by the principal until the date the long-term suspension, expulsion, or mandatory reassignment takes effect if no hearing is requested or, if a hearing is requested, the date the hearing examiner makes the report of his or her findings and a recommendation of the action to be taken to the superintendent, if the principal determines that the student must be suspended immediately to prevent or substantially reduce the risk of (a) interference with an educational function or school purpose or (b) a personal injury to the student himself or herself, other students, school employees, or school volunteers.
- c. Summer Review. Any expulsion that will remain in effect during the first semester of the following school year will be automatically scheduled for review before the beginning of the school year in accordance with law.
- d. Alternative Education: Students who are expelled may be provided an alternative education program that will enable the student to continue academic work for credit toward graduation. In the event an alternative education program is not provided, a conference will be held with the parent, student, the Principal or another school representative assigned by the Principal, and a representative of a community organization that assists young people or that is involved with juvenile justice to develop a plan for the student in accordance with law.

- e. Suspension of Enforcement of an Expulsion: Enforcement of an expulsion action may be suspended (i.e., “stayed”) for a period of not more than one full semester in addition to the balance of the semester in which the expulsion takes effect. As a condition of such suspended action, the student and parents will be required to sign a discipline agreement.
  
- f. Students Subject to Juvenile or Court Probation. Prior to the readmission to school of any student who is less than nineteen years of age and who is subject to the supervision of a juvenile probation officer or an adult probation officer pursuant to the order of the District Court, County Court, or Juvenile Court, who chooses to meet conditions of probation by attending school, and who has previously been expelled from school, the Principal or the Principal’s designee shall meet with the student’s probation officer and assist in developing conditions of probation that will provide specific guidelines for behavior and consequences for misbehavior at school (including conduct on school grounds and conduct during an educational function or event off school grounds) as well as educational objectives that must be achieved. If the guidelines, consequences, and objectives provided by the Principal or the Principal’s designee are agreed to by the probation officer and the student, and the court permits the student to return to school under the agreed to conditions, the student may be permitted to return to school. The student may with proper consent, upon such return, be evaluated by the school for possible disabilities and may be referred for evaluation for possible placement in a special education program. The student may be expelled or otherwise disciplined for subsequent conduct as provided in Board policy and state statute.

4. Other Forms of Student Discipline: Administrative and teaching personnel may also take actions regarding student behavior, other than removal of students from school, which are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include, but are not be limited to, counseling of students, parent conferences, rearrangement of schedules, requirements that a student remain in

school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling, psychological evaluation, or psychiatric evaluation upon the written consent of a parent or guardian to such counseling or evaluation. The actions may also include in-school suspensions. When in-school suspensions, after-school assignments, or other disciplinary measures are assigned, the student is responsible for complying with such disciplinary measures. A failure to serve such assigned discipline as directed will serve as grounds for further discipline, up to expulsion from school.

B. Student Conduct Expectations. Students are not to engage in conduct which causes or which creates a reasonable likelihood that it will cause a substantial disruption in or material interference with any school function, activity or purpose or interfere with the health, safety, well being or rights of other students, staff or visitors.

C. Grounds for Short-Term Suspension, Long-Term Suspension, Expulsion or Mandatory Reassignment. The following conduct has been determined by the Board of Education to have the potential to seriously affect the health, safety or welfare of students, staff and other persons or to otherwise seriously interfere with the educational process. Such conduct constitutes grounds for long-term suspension, expulsion, or mandatory reassignment, and any other lesser forms of discipline. The conduct is subject to the consequence of long-term suspension, expulsion, or mandatory reassignment where it occurs on school grounds, in a vehicle owned, leased, or contracted by the school and being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or an employee's designee, or at a school-sponsored activity or athletic event.

1. Willfully disobeying any reasonable written or oral request of a school staff member, or the voicing of disrespect to those in authority.
2. Use of violence, force, coercion, threat, intimidation, harassment, or similar conduct in a manner that constitutes a substantial interference with school purposes or making any communication that reasonable recipient would interpret as a serious expression of an intent to harm or cause injury to another.
3. Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value,

repeated damage or theft involving property, or setting or attempting to set a fire of any magnitude.

4. Causing or attempting to cause personal injury to any person, including any school employee, school volunteer, or student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this subdivision.
5. Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student or making a threat which causes or may be expected to cause a disruption to school operations.
6. Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon or that has the appearance of a weapon or bringing or possessing any explosive device, including fireworks.
7. Engaging in selling, using, possessing or dispensing of alcohol, tobacco, narcotics, drugs, controlled substance, or an inhalant; being under the influence of any of the above; possession of drug paraphernalia, or the selling, using, possessing, or dispensing of an imitation controlled substance as defined in section 28-401 of the Nebraska statutes, or material represented to be alcohol, narcotics, drugs, a controlled substance or inhalant. Use of a controlled substance in the manner prescribed for the student by the student's physician is not a violation. The term "under the influence" has a less strict meaning than it does under criminal law; for school purposes, the term means any level of impairment and includes even the odor of alcohol or illegal substances on the breath or person of a student; also, it includes being impaired by reason of the abuse of any material used as a stimulant.
8. Public indecency or sexual conduct.
9. Sending, sharing, viewing, or possessing pictures, text messages, emails or other material of a sexual nature in electronic or any other form on a computer, cell phone or other electronic device or on paper or other digital or physical media format.

10. Engaging in bullying, which includes any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or a school employee's designee, or at school-sponsored activities or school-sponsored athletic events.
11. Sexually assaulting or attempting to sexually assault any person. This conduct may result in an expulsion regardless of the time or location of the offense if a complaint alleging such conduct is filed in a court of competent jurisdiction.
12. Engaging in any activity forbidden by law which constitutes a danger to other students or interferes with school purposes. This conduct may result in an expulsion regardless of the time or location of the offense if the conduct creates or had the potential to create a substantial interference with school purposes, such as the use of the telephone or internet off-school grounds to threaten.
13. A repeated violation of any rules established by the school district or school officials if such violations constitute a substantial interference with school purposes.
14. Truancy or failure to attend assigned classes or assigned activities; or tardiness to school, assigned classes or assigned activities.
15. The use of language, written or oral, or conduct, including gestures, which is profane or abusive to students or staff members. Profane or abusive language or conduct includes, but is not limited to, that which is commonly understood and intended to be derogatory toward a group or individual based upon race, gender, disability, national origin, or religion.
16. Dressing or grooming in a manner which is dangerous to the student's health and safety or a danger to the health and safety of others or repeated violations of the student dress and grooming standards; dressing, grooming, or engaging in speech that is lewd or indecent, vulgar or plainly offensive; dressing, grooming, or engaging in speech that school officials reasonably conclude will materially and substantially disrupt the work and discipline of the school; dressing,



grooming, or engaging in speech that a reasonable observer would interpret as advocating illegal drug use.

17. Willfully violating the behavioral expectations for riding school buses or vehicles.

18. A student who engages in the following conduct shall be expelled for the remainder of the school year in which it took effect if the misconduct occurs during the first semester, and if the expulsion for such conduct takes place during the second semester, the expulsion shall remain in effect for the first semester of the following school year, with the condition that such action may be modified or terminated by the school district during the expulsion period on such terms as the administration may establish:

- a. The knowing and intentional use of force in causing or attempting to cause personal injury to a school employee, school volunteer, or student, except if caused by accident, self-defense, or on the reasonable belief that the force used was necessary to protect some other person and the extent of force used was reasonably believed to be necessary, or
- b. The knowing and intentional possession, use, or transmission of a dangerous weapon other than a firearm.

19. Knowingly and intentionally possessing, using, or transmitting a firearm on school grounds, in a school-owned or utilized vehicle, or during an educational function or event off school grounds, or at a school-sponsored activity or athletic event. This conduct shall result in an expulsion for one calendar year. "Firearm" means a firearm as defined in 18 U.S.C. 921, as that statute existed on January 1, 1995. That statute includes the following statement: "The term 'firearm' means (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device." The Superintendent may modify such one year expulsion requirement on a case-by-case basis, provided that such modification is in writing.

Bringing a firearm or other dangerous weapon to school for any reason is discouraged; however, a student will not be subject to disciplinary action if the item is brought or possessed under the following conditions:

- a. Prior written permission to bring the firearm or other dangerous weapon to school is obtained from the student's teacher, building administrator and parent.
- b. The purpose of having the firearm or other dangerous weapon in school is for a legitimate educational function.
- c. A plan for its transportation into and from the school, its storage while in the school building and how it will be displayed must be developed with the prior written approval by the teacher and building administrator. Such plan shall require that such item will be in the possession of an adult staff member at all times except for such limited time as is necessary to fulfill the educational function.
- d. The firearm or other dangerous weapon shall be in an inoperable condition while it is on school grounds.

D. Additional Student Conduct Expectations and Grounds for Discipline. The following additional student conduct expectations are established. Failure to comply with such rules is grounds for disciplinary action. When such conduct occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event, the conduct is grounds for long-term suspension, expulsion or mandatory reassignment.

1. Student Appearance: Students are expected to dress in a way that is appropriate for the school setting. Students should not dress in a manner that is dangerous to the health and safety of anyone or interferes with the learning environment or teaching process in our school. Following

is a list of examples of attire that will not be considered appropriate, such list is not exclusive and other forms of attire deemed inappropriate by the administration may be deemed inappropriate for the school setting:

- a. Clothing that shows an inappropriate amount of bare skin or underwear (midriffs, spaghetti straps, sagging pants) or clothing that is too tight, revealing or baggy, or tops and bottoms that do not overlap or any material that is sheer or lightweight enough to be seen through, or otherwise of an appropriate size and fit so as to be revealing or drag on the ground.
- b. Shorts, skirts, or skorts that do not reach mid-thigh or longer.
- c. Clothing or jewelry that advertises or promotes beer, alcohol, tobacco, or illegal drugs.
- d. Clothing or jewelry that could be used as a weapon (chains, spiked apparel) or that would encourage “horse-play” or that would damage property (e.g. cleats).
- e. Head wear including hats, caps, bandannas, and scarves.
- f. Clothing or jewelry which exhibits nudity, makes sexual references or carries lewd, indecent, or vulgar double.
- g. Clothing or jewelry that is gang related.
- h. Visible body piercing (other than ears).

Consideration will be made for students who wear special clothing as required by religious beliefs, disability, or to convey a particularized message protected by law. The final decision regarding attire and grooming will be made by the Principal or Superintendent. In the event a student is uncertain as to whether a particular item or method of grooming is consistent with the school’s guidelines, the student should contact the Principal for approval, and may also review

such additional posting of prohibited items or grooming which may be available in the Principal's office.

Coaches, sponsors or teachers may have additional requirements for students who are in special lab classes, students who are participants in performing groups or students who are representing the school as part of an extracurricular activity program.

On a first offense of the dress code, the student may call home for proper apparel. If clothes cannot be brought to school, the student will be assigned to in-school suspension for the remainder of the day. Students will not be allowed to leave campus to change clothes. Continual violations of the dress code will result in more stringent disciplinary actions, up to expulsion. Further, in the event the dress code violation is determined to also violate other student conduct rules (e.g., public indecency, insubordination, expression of profanity, and the like), a first offense of the dress code may result in more stringent discipline, up to expulsion.

## 2. Academic Integrity.

a. Policy Statement: Students are expected to abide by the standards of academic integrity established by their teachers and school administration. Standards of academic integrity are established in order for students to learn as much as possible from instruction, for students to be given grades which accurately reflect the student's level of learning and progress, to provide a level playing field for all students, and to develop appropriate values.

Cheating and plagiarism violate the standards of academic integrity. Sanctions will be imposed against students who engage in such conduct.

b. Definitions: The following definitions provide a guide to the standards of academic integrity:

(1) "Cheating" means intentionally misrepresenting the source, nature, or other conditions of academic work so as to accrue undeserved credit, or to cooperate with someone else in such

misrepresentation. Such misrepresentations may, but need not necessarily, involve the work of others. Cheating includes, but is not limited to:

(a) Tests (includes tests, quizzes and other examinations or academic performances):

(1) Advance Information: Obtaining, reviewing or sharing copies of tests or information about a test before these are distributed for student use by the instructor. For example, a student engages in cheating if, after having taken a test, the student informs other students in a later section of the questions that appear on the test.

(2) Use of Unauthorized Materials: Using notes, textbooks, pre-programmed formulae in calculators, or other unauthorized material, devices or information while taking a test except as expressly permitted. For example, except for “open book” tests, a student engages in cheating if the student looks at personal notes or the textbook during the test.

(3) Use of Other Student Answers: Copying or looking at another student’s answers or work, or sharing answers or work with another student, when taking a test, except as expressly permitted. For example, a student engages in cheating if the student looks at another student’s paper during a test. A student also engages in cheating if the student tells another student answers during a test or while exiting the testing room, or knowingly allows another student to look at the student’s answers on the test paper.

(4) Use of Other Student to Take Test. Having another person take one's place for a test, or taking a test for another student, without the specific knowledge and permission of the instructor.

(5) Misrepresenting Need to Delay Test. Presenting false or incomplete information in order to postpone or avoid the taking of a test. For example, a student engages in cheating if the student misses class on the day of a test, claiming to be sick, when the student’s real reason for missing class was because the student was not prepared for the test.

(b) Papers (includes papers, essays, lab projects, and other similar academic work):

(1) Use of Another’s Paper: Copying another student’s paper, using a paper from an essay writing service, or allowing another student to copy a paper, without the specific knowledge and permission of the instructor.

(2) Re-use of One's Own Papers: Using a substantial portion of a piece of work previously submitted for another course or program to meet the requirements of the present course or program without notifying the instructor to whom the work is presented.

(3) Assistance from Others: Having another person assist with the paper to such an extent that the work does not truly reflect the student's work. For example, a student engages in cheating if the student has a draft essay reviewed by the student's parent or sibling, and the essay is substantially re-written by the student's parent or sibling. Assistance from home is encouraged, but the work must remain the student's.

(4) Failure to Contribute to Group Projects. Accepting credit for a group project in which the student failed to contribute a fair share of the work.

(5) Misrepresenting Need to Delay Paper. Presenting false or incomplete information in order to postpone or avoid turning in a paper when due. For example, a student engages in cheating if the student misses class on the day a paper is due, claiming to be sick, when the student's real reason for missing class was because the student had not finished the paper.

(c) Alteration of Assigned Grades. Any unauthorized alteration of assigned grades by a student in the teacher's grade book or the school records is a serious form of cheating.

(2) "Plagiarism" means to take and present as one's own a material portion of the ideas or words of another or to present as one's own an idea or work derived from an existing source without full and proper credit to the source of the ideas, words, or works. Plagiarism includes, but is not limited to:

(a) Failure to Credit Sources: Copying work (words, sentences, and paragraphs or illustrations or models) directly from the work of another without proper credit. Academic work frequently involves use of outside sources. To avoid plagiarism, the student must either place the work in quotations or give a citation to the outside source.

(b) Falsely Presenting Work as One's Own: Presenting work prepared by another in final or draft form as one's own without citing the source, such as the use of purchased research papers or use of another student's paper.

(3) “Contributing” to academic integrity violations means to participate in or assist another in cheating or plagiarism. It includes but is not limited to allowing another student to look at your test answers, to copy your papers or lab projects, and to fail to report a known act of cheating or plagiarism to the instructor or administration.

c. Sanctions: The following sanctions will occur when a student engages in cheating, plagiarism, or contributing to an academic integrity offense:

(1) Academic Sanction. The instructor will refuse to accept the student’s work in which the academic integrity offense took place, assign a grade of "F" or zero for the work, and require the student to complete a test or project in place of the work within such time and under such conditions as the instructor may determine appropriate. In the event the student completes the replacement test or project at a level meeting minimum performance standards, the instructor will assign a grade which the instructor determines to be appropriate for the work.

(2) Report to Parents and Administration. The instructor will notify the Principal of the offense and the instructor or Principal will notify the student’s parents or guardian.

(3) Student Discipline Sanctions. Academic integrity offenses are a violation of school rules. The Principal may recommend sanctions in addition to those assigned by the instructor, up to and including suspension or expulsion. Such additional sanctions will be given strong consideration where a student has engaged in serious or repeated academic integrity offense or other rule violations, and where the academic sanction is otherwise not a sufficient remedy, such as for offenses involving altering assigned grades or contributing to academic integrity violations.

### 3. Electronic Devices

a. Philosophy and Purpose. The District strongly discourages students from bringing and/or using electronic devices at school. The use of electronic devices can be disruptive to the educational process and are items that are frequently lost or stolen. In order to maintain a secure and orderly learning environment, and to promote respect and courtesy regarding the use of electronic devices, the District hereby establishes the following rules and regulations governing student use of electronic devices, and procedures to address student misuse of electronic devices.

b. Definitions. “Electronic devices,” include, but are not limited to, cell phones, Mp3 players, iPods, personal digital assistants (PDAs), compact disc players, portable game consoles,

cameras, digital scanners, lap top computers, and other electronic or battery powered instruments which transmit voice, text, or data from one person to another.

c. Possession and Use of Electronic Devices.

(1) Students are not permitted to possess or use any electronic devices during class time or during passing time except as otherwise provided by this policy. Cell phone usage is strictly prohibited during any class period; including voice usage, digital imaging, or text messaging.

(2) Students are permitted to possess and use electronic devices before school hours, at lunch time, and after school hours, provided that the student not commit any abusive use of the device (see paragraph (4)(a)). Administrators have the discretion to prohibit student possession or use of electronic devices on school grounds during these times in the event the administration determines such further restrictions are appropriate; an announcement will be given in the event of such a change in permitted use.

(3) Electronic devices may be used during class time when specifically approved by the teacher or a school administrator in conjunction with appropriate and authorized class or school activities or events (i.e., student use of a camera during a photography class; student use of a lap top computer for a class presentation).

(4) Students may use electronic devices during class time when authorized pursuant to an Individual Education Plan (IEP), a Section 504 Accommodation Plan, or a Health Care Plan, or pursuant to a plan developed with the student's parent when the student has a compelling need to have the device (e.g., a student whose parent is in the hospital could be allowed limited use of the cell phone for family contacts, so the family can give the student updates on the parent's condition).

d. Violations

(1) Students shall not use electronic devices at any time or place for: (a) activities which disrupt the educational environment; (b) illegal activities in violation of state or federal laws or regulations; (c) unethical activities, such as cheating on assignments or tests; (d) immoral or pornographic activities; (e) activities in violation of Board or school policies and procedures relating to student conduct and harassment; or (f) activities which invade the privacy of others. Such student misuses will be dealt with as serious school violations, and immediate and appropriate disciplinary action will be imposed, including, but not limited to, suspension and expulsion from school.



(2) Electronic devices used in violation of this policy may be confiscated by school personnel and returned to the student or parent/guardian at an appropriate time. If an electronic device is confiscated, the electronic device shall be taken to the school's main office to be identified, placed in a secure area, and returned to the student and/or the student's parent/guardian in a consistent and orderly way.

(3) First Violation: Depending upon the nature of the violation and the imposition of other appropriate disciplinary action, consequences at a minimum may include a relinquishment of the electronic device to the school administration and a conference between the student and school principal or assistant principal. The electronic device shall remain in the possession of the school administration until such time as the student personally comes to the school's main office and retrieves the electronic device.

(4) Second Violation: Depending upon the nature of the violation and the imposition of other appropriate disciplinary action, consequences at a minimum may include a relinquishment of the electronic device to the school administration and a conference between the student and his/her parent/guardian and the school principal or assistant principal. The electronic device shall remain in the possession of the school administration until such time as the student's parent/guardian personally comes to the school's main office and retrieves the electronic device.

(5) Third Violation: Depending upon the nature of the violation and the imposition of other appropriate disciplinary action, consequences at a minimum may include a relinquishment of the electronic device to the school administration, a conference between the student and his/her parent/guardian and the school principal or assistant principal, and suspension of the student from school. The electronic device shall remain in the possession of the school administration until such time as the student's parent/guardian personally comes to the school's main office and retrieves the electronic device.

(6) Subsequent Violations: Students who are repeat offenders of this policy shall be subject to the imposition of any appropriate disciplinary action, which may include suspension and expulsion from school.

e. Responsibility for Electronic Devices. Students or their parents/guardians are expected to claim a confiscated electronic device within ten (10) days of the date it was relinquished. The school shall not be responsible, financially or otherwise, for any unclaimed electronic devices. By bringing such devices to school, students and parents authorize the school to dispose of unclaimed devices at the end of each semester. The District is not responsible for the security and

safekeeping of students' electronic devices and is not financially responsible for any damage, destruction, or loss of electronic devices.

E. Inappropriate Public Displays of Affection (IPDA): Students are not to engage in inappropriate public displays of affection on school property or at school activities. Such conduct includes kissing, touching, fondling or other displays of affection that would be reasonably considered to be embarrassing or a distraction to others. Students will face the following consequences for IPDA:

1. 1st Offense: Student will be confronted and directed to cease.
2. 2nd Offense: Student will be confronted, directed to cease, and parents will be notified.
3. 3rd Offense: Student will be suspended from school for a minimum of 1 day, and parents and student will need to meet with Administrator(s) and/or counselor.

If this type of behavior continues, or if the IPDA is lewd or constitutes sexual conduct, the student could face long-term suspension or expulsion.

F. Specific Rule Items: The following conduct may result in disciplinary action which, in the repeated violations, may result in discipline up to expulsion:

1. Students are not given locker passes, restroom passes or telephone passes to leave a classroom or study hall unless special circumstances arise.
2. Students in the hallway during class time must have a pass with them.
3. Gum, candy, seeds, etc. are not allowed in the school building or classrooms. The pop machine is closed until after school and pop is to be drunk outside.
4. Students are expected to bring all books and necessary materials to class. This includes study halls.
5. Assignments for all classes are due as assigned by the teacher.
6. Students are not to operate the mini-blinds or the windows.

7. Classes are ended by the teacher. Students are not to begin to pack up or leave the class until the dismissal bell has rung or the teacher has dismissed the class.
8. Students are to be in their seats and ready for class on the tardy bell.
9. Special classes such as Industrial Technology, Art, P.E., and computers courses will have other safety or clean-up rules that will be explained to you by that teacher which must be followed.
10. Students are not to bring “nuisance items” to school. A nuisance item is something that is not required for educational purposes and which would cause a distraction to the student or others.
11. Students are to stand back from the entry steps and doors in the mornings before school and at noon before the bell so that others may pass in and out of the entry doors.
12. Snow handling is prohibited.

G. Law Violations

1. Cases of law violations or suspected law violations by students will be reported to the police and to the student's parents or guardian as soon as possible.
2. When a principal or other school official releases a minor student to a peace officer (e.g., police officer, sheriff, and all other persons with similar authority to make arrests) for the purpose of removing the minor from the school premises, the principal or other school official shall take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor to the officer and regarding the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse, in which case the principal or other school official shall provide the peace officer with the address and telephone number of the minor's parents or guardian.
3. In an effort to demonstrate that student behavior is always subject to possible legal sanctions regardless of where the behavior occurs it is the District's policy to notify the proper legal authorities when a student engages in any of the following behaviors on school grounds or at a school sponsored event:

- (a) Knowingly possessing illegal drugs or alcohol.
- (b) Aggravated or felonious assault.
- (c) Vandalism resulting in significant property damage.
- (d) Theft of school or personal property of a significant nature.
- (e) Automobile accident.
- (f) Any other behavior which significantly threatens the health or safety of students or other persons, and such other offenses which are required to be reported by law.

When appropriate, it shall be the responsibility of the referring administrator to contact the student's parent of the fact that the referral to legal authorities has been or will be made.

Legal Source: Neb. Rev. Stat. Sections 79-254 to 79-296

Adopted: 8-17-1976

Revised: 1-14-1980, 12-11-1995, 7-14-2008

Reviewed: 6-14-10, 6-11-18, 7-13-20

Revised: 3-12-12

## **POLICY NO. 5090 - CORPORAL PUNISHMENT**

*This policy outlines when it may be appropriate for an employee to physically restrain a student.*

Corporal punishment is defined as the intentional physical punishment of a student and is prohibited. It includes the use of unreasonable or unnecessary physical force or physical contact made with the intent to harm or cause pain. The use of corporal punishment by an employee is grounds for termination or cancellation. No employee is prohibited from:

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

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

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

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

Adopted: 8-17-76

Revised: 8-14-89; 11-11-13

Reviewed: 8-12-02; 6-14-10, 7-13-20

## **POLICY NO. 5091 - EDUCATIONAL TRIPS AND COMPETITIVE CONTESTS**

The Board of Education has adopted a policy that there shall not be a senior educational trip, senior trip, and/or, senior sneak day.

Adopted: 8-17-76

Revised: 1-14-80; 7-12-10

Reviewed: 6-14-10, 7-13-20

## **POLICY NO. 5092 -STUDENT ACTIVITY TRIPS**

Student activity trips will be divided into three classes:

**CLASS I:** Activities that are sponsored by the Nebraska Schools Activity Association and that are earned by qualifying at a local or district level competition. The District will provide financial support of these trips.

**CLASS II:** Trips that are earned or taken by groups or individuals that are related to classroom experience. The District will provide some financial support for these trips. (Examples are FFA and FCCLA).

**CLASS III:** Trips taken by groups where their activity is not related to NSAA sponsored activities or classroom related. These trips will only be taken during the summer and only one group per year will be allowed to go. The District will provide no financial support for these trips.

Individuals who desire to take part in individual activities at the state or national level must adhere to NSAA regulations. The District will provide no financial support for these trips.

All trips with a one-way distance exceeding 500 miles must be approved by the Board of Education.

Adopted: 8-17-76

Revised: 2-10-97, 8-13-12

Reviewed: 6-14-10, 7-13-20



## **POLICY NO. 5093 - STUDENT DRESS CODE**

The school administration and teachers encourage everyone to behave and dress in a fashion reflecting good taste and in a style appropriate for a school day or school activity.

An individual's dress, personal appearance and cleanliness, like his or her behavior, should reflect sensitivity to and a respect for others.

Student dress and personal appearance that disrupts or distracts from the educational environment of the school, is offensive, in violation of any statute, or is a health or safety hazard is not acceptable and is not permitted.

Examples of inappropriate dress, midriff blouses, see through blouses, muscle shirts, hats, caps, headbands, any clothing in reference to membership gangs, bandannas, sagging clothes, or tagging with gang signs or letters. Any type of shorts worn to school will reach to the middle of the thigh and gym shorts are not to be worn.

Teachers will send students to the office, or notify the office if a student's clothing or dress is questionable. The final decision will rest with the administration.

The students participating in extra-curricular activities or school sponsored activities, their dress or appearance will be the responsibility of the coach or sponsors.

Adopted: 8-17-76

Revised: 1-14-80; 8-12-85; 8-10-87; 8-14-89; 12-11-95

Reviewed: 6-14-10, 7-13-20

## **POLICY NO. 5095 - NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES**

**General.** Title IX of the Education Amendments of 1972 declares, in part, that:

No person in the United State shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program of activity receiving Federal financial assistance.

This district receives Federal financial assistance. In order to continue receiving such Federal financial assistance, this district must comply with Title IX and the regulations promulgated through the U.S. Department of Health, Education and Welfare by the Department's Office for Civil Rights interpreting Title IX. If any program of activity of this district fails to comply with Title IX, or the Federal administrative regulations implementing Title IX, public hearings would be held by the Federal government which could result in the termination of Federal funds to this district.

In addition to the sanction of non-receipt of Federal funds, however, the board of education is of the general view that discrimination on the basis of sex in any education program or activity of this district is not to be permitted except where necessary to accomplish a specific purpose that does not impinge upon essential equality or fundamental fairness in the treatment of students or employees of this district. Accordingly, employees of this district are required by this policy to comply with the provisions of:

1. This policy as in the case of any rule or regulation adopted by the board of education of this district; and,
2. Title IX of the Education Amendments of 1972 and the regulations promulgated thereunder by the U.S. Department of Health, Education and Welfare, as Part 86, Title 45, U.S. Code, printed also in U.S. Federal Register, Vol. 40, No. 108, Wednesday,

June 4, 1975, as amended, as Title IX and as such regulations are applicable to this district.

***Application to Specific Education Programs and Activities.*** This policy's prohibition against action by employees or other persons acting in the name and on the behalf of this district which bases any exclusion from participation in, denial of benefits from, or discrimination in, any educational program or activity because of the sex of a student or employee, applies to all education programs and activities conducted by this district, including, but not limited to, the following:

1. Educational Programs.

- a. *Course Offerings.* Applies to all course offerings, except that with respect to physical education classes and activities at the elementary and secondary school levels, compliance shall be attained as expeditiously as possible but in no event later than July 21, 1976 at the elementary school level and July 21, 1978 at the secondary level. This policy's prohibition does not prohibit:
  1. 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;
  2. separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball and other bodily contact sports;
  3. separation of students by sex in classes dealing exclusively with human sexuality; and,
  4. separation of persons based on vocal range or quality even though such separation may result in chorus or choruses of one or predominately one sex.
  
- b. *Athletics.* Applies to all athletic programs or activities, except that separate teams for members of each sex may be operated:

1. when the sport involved is a contact sport; or
2. where selection for the separate teams is based upon competitive skill, provided that where there is now and has been no such team for the excluded sex, members of the excluded sex must be allowed to tryout for the team unless the sport involved is a contact sport, as defined in paragraph 1.a.(2) of this policy, above.

Moreover, equal athletic opportunity shall be provided for members of both sexes, including equal provision for equipment, supplies, coaching, facilities, services and publicity, except that unequal aggregate expenditure of funds for members of each sex or male and female teams will not in and of itself constitute a violation of this policy.

Full compliance with this shall be attained as expeditiously as possible but in no event later than July 21, 1976, at the elementary school level and July 21, 1978, at the secondary school level.

- c. *Counseling*. Applies to all counseling and guidance activities at the elementary and secondary school levels.
- d. *Textbooks*. Nothing in this policy shall be interpreted as requiring or prohibiting or abridging in any way the use of particular textbooks or curricular materials.

2. Other Activities or Facilities.

- a. *Financial Assistance*. Applies to offering scholarship or other aid or assisting non-school organizations in the offering of scholarships or other aid to students of this district.
- b. *Employment Assistance*. Applies to all efforts to place students in employment. The district shall, as part of any employment assistance program for students, ensure that all employment opportunities are made available without

discrimination on the basis of sex and refuse participation in its student employment program to employers who would practice such discrimination.

- c. *Health and Insurance.* Applies to all health or insurance policies offered to students which may be used by a difference proportion of students of one sex than of the other, including family planning. If full coverage is provided, such coverage must include gynecological care.
  
- d. *Housing.* Nothing in this policy shall be interpreted as prohibiting the separation of students by sex in housing for field trips or other reasons. Such separate housing must be comparable in quality and availability.
  
- e. *Toilet, Locker and Shower Facilities.* Separate toilet, locker, and shower facilities may be provided on the basis of sex. Such facilities shall be comparable to similar facilities provided for students of the other sex.

No rule on marital, family or parental status that treats one sex different from the other sex shall be applied or enforced.

- 3. **District Employment Activities.** Applies to all aspects of the district's employment programs, including but not limited to, recruitment, advertising, process of application for employment, promotion, granting of tenure, termination, layoffs, wages, job assignments, leaves of absence of all types, fringe benefits, training programs, employer sponsored programs, including social or recreational programs and any other term, condition or privilege of employment. Specifically, the following personnel employment practices are prohibited:

- a. *Tests.* Administration of any test or other criterion which has a disproportionately adverse effect on persons on the basis of sex unless it is a

valid predictor of job success and alternative test or criterion are unavailable;

- b. *Recruitment.* Recruitment of employees from entities which furnish as applicants only or predominately members of one sex, if such action has the effect of discriminating on the basis of sex;
- c. *Compensation.* Establishment of rates of pay on the basis of sex;
- d. *Job Classification.* Classification of jobs as being for males or females;
- e. *Fringe Benefits.* Provision of fringe benefits on basis of sex; all fringe benefit plans must treat males and females equally;
- f. *Marital and Parental Status.* Any action based on marital or parental status; pregnancies are considered temporary disabilities for all job-related purposes and shall be accorded the same treatment by the district as are all other temporary disabilities. No inquiry shall be made by the district in job applications as to the marriage status of an applicant, including whether such applicant is "Miss or Mrs." But, inquiry may be made as to the sex of a job applicant for employment if made of all applicants and is not a basis for discrimination.
- g. *Employment Advertising.* Any expression of preference, limitation, or specification based on sex, unless sex is a bona fide occupation qualification for the particular job in question.

4. Policy Enforcement. To ensure compliance with this policy, the Superintendent shall:

- a. designate a member of the administrative staff;
    1. to coordinate efforts of the district to comply with this policy;
    2. to develop, and ensure the maintenance of a filing system to keep all records required under this policy;
    3. to investigate any complaints of violations of this policy;
    4. to administer the grievance procedure established in this policy; and
    5. to develop affirmative action programs, as appropriate; and
  
  - b. provide for the publication of this policy on an ongoing basis to students, parents, employees, prospective employees, and district employee unions or organization, such publication to include the name, office address and telephone number of the compliance administrator designated pursuant to this policy in paragraph C.1., above.
5. Grievance Procedure. Any student or employee of this district who believes he or she has been discriminated against, denies a benefit, or excluded from participation, in any district education program or activity, on the basis of sex in violation of this policy, may file a written complaint with the compliance administrator designated in paragraph C.1., of this policy, above. The compliance administrator shall cause a review of the written complaint to be conducted and a written response mailed to the complainant within ten working days after receipt of the written complaint. A copy of the written complaint and the compliance administrator's response shall be provided to each member of the Board of Education. If the complainant is not satisfied with such response, he or she may submit a written appeal to the Board of Education indicating with particularity the nature of disagreement with the response and his or her reasons underlying such disagreement.



The Board of Education shall consider the appeal at its next regularly scheduled Board meeting following receipt of the response.

The Board of Education shall permit the complainant to address the Board in public or closed session, as appropriate and lawful, concerning his or her complaint and shall provide the complainant with its written decision in the matter as expeditiously as possible following completion of the hearing.

6. Evaluation. The Superintendent shall present a report to the Board of Education in a public meeting on or about July 21, 1976, and in a public meeting to be held on or about the anniversary of that date each year thereafter, describing this district's compliance with this policy during the previous year, which report can be the basis of an evaluation of the effectiveness of this policy by the Board of Education and a determination as to whether or not additional affirmative action is necessary in light of all the facts.

Adopted: 8-17-76

Reviewed: 6-14-10, 7-13-20

## **POLICY NO. 5095-A - STUDENT RIGHT PROCEDURE**

### **EXPLANATION:**

A grievance is a difference of opinion raised by a student or group of students involving; 1) the meaning, interpretation or application of established policies; 2) difference of treatment; or 3) application of the legal requirements of civil rights legislation.

This procedure is not intended to limit the option of the district and a grievant(s) to resolve any grievance mutually and informally. Hearings and conferences under this procedure shall be conducted at a time and place which will afford a fair and equitable opportunity for all persons.

The grievance procedure is not required if the grievant(s) prefers other alternatives such as the Office of Civil Rights (OCR) or the courts. Due process shall exist throughout the procedure with the right to: 1) representation; 2) present witnesses and evidence; 3) confidentiality; 4) review relevant records; and 5) proceed without harassment and/or retaliation.

More information is available in the offices of: Superintendent of Schools and building principals. Inquiries may also be directed to the Director of Region VII Office for Civil Rights, 10220 North Executive Hills Boulevard, 8<sup>th</sup> Floor, Kansas City, Missouri 64153 or call (818) 891-8026.

Time limits refer to days when school is in session.

**STEP I.** The student(s) and/or parent(s) should discuss the matter with the person(s) directly responsible for the grievance issue within fourteen (14) days of the time when a reasonably alert person should have been aware of the event giving rise to a grievance. An oral response must be made within five (5) days.

**STEP II.** If the problem is not resolved, the grievance should be referred informally to the Elementary Principal. A meeting must be held within five (5) days from notification of referral and an oral response made within five (5) days.

**STEP III.** If the grievance is still not resolved, it should be submitted in writing within ten (10) days to the Secondary Principal, Bayard High School. The grievance should be described as specifically and completely as possible. A thorough investigation of the issue will be documented. Extra time, if needed, can be mutually agreed upon. A meeting must be held between the grievant and district representative within ten (10) days and a written response made within five (5) days.

**STEP IV.** If a satisfactory solution is not reached, the grievant(s) may appeal the issue in writing to the office of the Superintendent or designees within ten (10) days from the receipt of the response on Step III. A meeting between parties will be held within ten (10) days and a written response made within five (5) days. A complete record of this meeting shall be kept and signed by both parties for possible future reference.

**STEP V.** If the issue is not satisfactorily resolved in Step IV, the grievant(s) may appeal the grievance in writing to the School Board within five (5) days from the receipt of the written response. The Board shall consider the appeal within sixty (60) days and a written response shall be given within five (5) days.

Adopted: 8-8-94

Reviewed: 6-14-10, 7-13-20

## **POLICY NO. 5095-B - EXPLANATIONS – DUE PROCESS DIRECTIONS FOR STUDENT GRIEVANCE PROCEDURE**

The grievance procedure for students is published in the district student handbook and publications that reach all students including those in special education. The procedure, a long with explanations, due process and directions are available for inspection in the following offices: Superintendent of Schools and building principals. Inquires can also be directed to the Director of Region VII Office for Civil Rights, 10220 North Executive Hills Boulevard, 8<sup>th</sup> Floor, Kansas City, Missouri 64153 or call (816) 891-8026.

It is the policy of this district that all grievances be resolved quickly and at the lowest step possible.

### **EXPLANATIONS:**

1. *Grievance* – A grievance is a difference of opinion raised by a student or a group of students involving: 1) the meaning, interpretation or application of established policies; 2) difference of treatment; or 3) application of the legal requirements of civil rights legislation.
2. *Grievant* – Any student or group of students submitting a grievance in their own behalf.
3. *Days* – Days when school is in session.

### **DUE PROCESS:**

1. *Right to Representation* – A grievant(s) may choose to be represented by an attorney other persons of their choosing, such as relative or advocate. Issues of ordinary school operation should however, be resolved as informally as possible.

2. *Right to Present Witness and Evidence* – Grievant(s) shall be allowed to present the grievance with relevant evidence and pertinent witnesses. Both parties shall have the opportunity for hearing and questioning witnesses.
  
3. *Time Limits* – All participants shall adhere to the time limits prescribed for each level. Failure by the administration at any step of the procedure to communicate the decision on the grievance within the specified time limit shall permit the grievant(s) to proceed to the next step. Failure on the part of the grievant(s) to appeal the decision to the next step within the specified time limits shall be deemed to be an acceptance of the decision rendered at that step.
  
4. *Right to Information* – Unless state laws and right-to-privacy laws are violated, all relevant records with names and identifying information must be made available to the grievant(s) for use as evidence in the grievance issue.
  
5. *Privacy* – During the grievance procedure except at Step IV, the grievant(s) shall have the right to designate whether the procedure and meetings will be confidential, including names and related information.
  
6. *Reprisals / Retaliation* - Participants in a grievance submitted in this district shall not be subjected to reprisals, retaliation or different treatment because of such participation. Participation shall not be recorded in the student file(s) or used to affect equal opportunity for access and equity in educational programs and services.

## DIRECTIONS

Each step of authority shall acknowledge in writing the date of receipt of the written grievance with the statement that the issue will be considered promptly.

By Step III the grievance must be submitted in writing, dated and signed with the name of the attendance center and the grade level of the grievant(s). The issue should be described as specifically and completely as possible. Include the name of anyone who will represent the grievant(s). A statement of possible relief necessary to resolve the issue should be offered.

If the issue is of the type that would require a decision from higher authority, the facts surrounding the grievance should be compiled in writing and submitted to the proper level of authority, operating through appropriate channels. All levels of authority shall give immediate attention to the grievance issue, being aware of the specified timelines. Copies of the written answers to the grievant(s) shall be submitted to the Superintendent and/or building principal. This response shall contain a summary of the evidence determined, the conclusion(s) reached with reasons and shall be delivered to each grievant(s). If hand delivery with receipt cannot be made, registered mail will be used.

Adopted: 8-8-94

Reviewed: 6-14-10, 7-13-20

## **POLICY NO. 5096 - APPEARANCES OF SCHOOL GROUPS**

The following general policies should govern all appearances of school groups:

1. The amount of time taken from regular school duties should be kept to a minimum in every case. Directors and school administrators will be expected to deny requests for the services of the groups whenever such services will result in interferences with normal school duties to any major extent.
2. The amount of time and effort required to prepare for the event should be taken into consideration. Appearances of the groups which require extensive extra practices or which consume undue amounts of the group's normal practice time are to be avoided.

With these two general policies in mind, the following procedures are recommended.

1. School groups shall appear in normal school activities (athletic contests, assemblies, school programs, etc.) at the discretion of the group directors and the school administrator.
2. School groups shall participate in civic occasions of a community-wide significance (such as Chamber of Commerce functions involving all merchants, county fairs, benefit events of community-wide importance, etc.) at the discretion of the group director and the school administrator. Fees received from any of these appearances shall be applied to the groups travel fund.
3. School groups may participate in all conference and state sponsored activities. Additional contests must have administrative permission.

4. School bands may participate in out-of-town Band Days or out-of-town athletic contests when special permission is secured from the administration.
5. Long trips out of state must be specifically approved by the Board of Education after a complete plan for such trip is presented by the group director. Only in rare and unusual circumstances should such a trip even be considered.
6. School groups may not participate in events sponsored by individual merchants or small groups of merchants not under Chamber of Commerce sponsorships; in political rallies, parades, or meetings; or in events sponsored by private clubs, organizations, or societies, without approval of the administration.
7. Requests for use of the school groups should be submitted to the group director who will consult with his school administrator in deciding whether to accept the invitation.
8. The public school has neither legal nor moral hold on a student's time during holiday or vacation periods. Therefore, acceptance of requests for services of school bands will depend on voluntary agreement by participants to appear in such an event. After ascertaining the number of students available the director must decide if the number is sufficient for the group to make a creditable showing.
9. The above policies also apply to the following groups and their sponsors:
 

FCCLA	FFA	CHORUS
JH Music	Elementary Music	All school clubs and organizations
10. All athletics are governed by the rules and regulations as set forth by the Nebraska State Activity Association. These rules and regulations cover such items as number of



contests, dates of practice, travel, etc.

11. The administration has the right to deviate from any of the above standard with Board approval.

Adopted: 8-17-76

Revised: 7-13-81

Reviewed: 6-14-10, 7-13-20

## **POLICY NO. 5097 - BUILDING HOURS**

The principal in each building will establish the hours that students will be allowed in the buildings. They will also establish rules for being in the buildings before school, noon hour and after school. Weather conditions will be given consideration in the development of these rules.

Persons who sponsor activities must supervise students when they have them in the buildings prior to or after the building hours are established for student use.

Adopted: 8-14-78

Revised: 7-13-81, 8-12-02

Reviewed: 6-14-10, 7-13-20

## **POLICY NO. 5098 - TITLE IX SEXUAL HARASSMENT**

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

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

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

Title: Mrs. Kelley Rice, Secondary Principal

Office address: 726 4<sup>th</sup> Avenue, Bayard, NE 69334

Email: [kelley.rice@bayardtigers.org](mailto:kelley.rice@bayardtigers.org)

Phone number: 308-586-1700

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

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

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

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

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

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

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

1. A District employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or

3. “Sexual assault” as defined in 20 USC 1092(f)(6)(A)(v), “dating violence” as defined in 34 USC 12291(a)(10), “domestic violence” as defined in 34 USC 12291(a)(8) or “stalking” as defined in 34 USC 12291(a)(30). These definitions are included in the procedures to this policy.

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

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

### Retaliation Prohibited

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

### Confidentiality

The District must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal

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

### Notice Requirements

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

### Training Requirements

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

### Conflict of Interest and Bias

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

### Determination of Responsibility

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

### Other Title IX Coordinator Duties

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

1. Curriculum and Materials - Review of curriculum guides, textbooks, and supplemental materials for discriminatory bias.
2. Training - Provide training for students and staff to prevent, identify and alleviate problems of discrimination.
3. Resources - Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure or Title IX procedures, such as making reports to the police, available supportive measures such as assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
4. Review - Review of personnel practices and actions for discriminatory bias and compliance with laws against discrimination to include monitoring and recommending corrective measures when appropriate to written position qualifications, job descriptions and essential job functions; recruitment materials and practices; procedures for screening applicants; application and interviewing practices for hiring and promotions; district designed

performance evaluations; review of planned employee demotions, non-renewal of contracts, and proposed employee disciplinary actions up to and including termination.

5. Student Access - Review of programs, activities, and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
6. District Support - Assure that like aspects of the school programs and activities receive like support as to staffing and compensation, facilities, equipment, and related areas.
7. Student Evaluation - Review of assessments, procedures, and guidance and counseling materials for stereotyping and discrimination.
8. Reports/Formal Complaints - Monitor and provide technical assistance to individuals involved in managing informal reports and formal complaints.

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

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



612.05 Individualized Education Program  
612.10 Procedural Safeguards

Adopted: 9-14-20

## **POLICY NO. 5099 - STUDENTS REQUIRED TO MAKE UP TIME AFTER SCHOOL HOURS**

Students can be retained after school for disciplinary reasons. The school realizes that some students ride the bus, and that this could cause an immediate problem for transportation home for the students. If such is the case, the student can request that the time after school be the following school day, but will be expected to make up the time.

Adopted: 8-14-78

Reviewed: 6-14-10, 7-13-20

## **POLICY NO. 5102 - SCHOOL OFFICE PHONES**

The office phones are to be used by students for emergency calls only. Students that wish to use the phones must ask for permission and be willing to state the reason for the request. The office phones are for business and can not be tied up for unnecessary reasons. Students are not to be called out of class for phone calls unless it is an emergency.

Adopted: 8-14-78

Reviewed: 7-12-10

## **POLICY NO. 5103 - STUDENT HANDBOOK**

Students are to familiarize themselves with the Student Handbook. The student handbook is to be continually posted in each of the schools and will be available on the district's website.

Adopted: 8-14-78

Revised: 8-13-01, 3-9-20

Reviewed: 7-12-10

## **POLICY NO. 5104 - ELIGIBILITY**

High School and Junior High students failing two subjects are ineligible for participation in all extra curricular activities during the following week. Eligibility will be determined on a weekly basis. The failing students will be notified by the sponsor on the first day of the week in which the ineligibility will occur. Semester eligibility will be determined by the NSAA eligibility requirements. Students who are ineligible will not be allowed to travel with the group to any contest or activity.

Adopted: 8-14-78

Revised: 1-14-80; 7-13-81; 8-15-83; 8-12-85

Reviewed: 7-12-10

## **POLICY NO. 5105 - STUDENT DRIVING AND PARKING**

Students driving cars to school are to park in the designated student parking area in an orderly fashion. The student parking area has open parking. Slots are available on a first come first serve basis. Students are required to park only where there is a guardrail present. Students that park where there is no guardrail may be disciplined by the office and the police.

General driving of automobiles by students, except during their lunch period, is prohibited.

It shall be the responsibility of all faculty and school employees to report any violation of traffic laws or any improper conduct of student drivers to the principal (with a signed complaint from the school employee) who will (a) require the student to check in his/her keys at the principal's office from 8:30 a.m. – 3:30 p.m. for one (1) week or (b) to file a civil legal action to be brought against the students.

Adopted: 8-14-78

Reviewed: 7-12-10

Revised: 8-9-10

## **POLICY NO. 5106 - ATTENDANCE AND EXCESSIVE ABSENTEEISM**

Regular and punctual student attendance is required. The administration is responsible for developing further attendance rules and regulations, and all staff are expected to implement this policy and administrative rules and regulations to encourage regular and punctual student attendance. The Principals and teachers are required to maintain an accurate record of student attendance.

### **A. Attendance and Absences.**

1. Circumstances of Absences – Definitions. The circumstances for all absences from school will be identified as School Excused or Not School Excused. Absences should be cleared through the Principal's office in advance whenever possible. All absences, except for illness and/or death in the family, require advance approval.

a. School Excused. Any of the following circumstances that lead to an absence will be identified as a *School Excused* absence, provided the required attendance procedures have been followed:

- (1) Impossible or impracticable barriers outside the control of the parent or child prevent a student from attending school. The parent must provide the school with documentation to demonstrate the absence was beyond the control of the parent or child. This could include, but is not limited to documented illness, court, death of a family member, or suspension.
- (2) Other absences as determined by the principal or the principal's designee.

b. Not School Excused. Absences that are not school excused may result in a report to the county attorney and may be classified as follows:

(1) Parent acknowledged absences are those in which the parent communicated with the school in the prescribed manner that the child is absent and is the parent's responsibility for the extent of the school day. This includes, but is not limited to, illness, vacations, and medical appointments.

(2) Other absences are those in which the parent has not communicated a reason for the student's absence.

2. Absence Procedure. In its Student Information System, the District may identify many different codes that provide greater definition to the circumstances of a child's absence, but all of the codes need to be identified to parents and students as fitting into one of the above defined absence circumstances.

A student will not be allowed to enter class after an absence until an admit slip, based upon a written or verbal parental excuse, is issued by the Principal's office.

Two school days will be allowed to make up work for each day missed, with a maximum of 10 days allowed to make up work.

3. Mandatory Ages of Attendance. A child is of mandatory age if the child will reach age 6 prior to January 1 of the then-current school year and has not reached 18 years of age.

Exceptions for Younger Students. Attendance is not mandatory for a child who has reached 6 years of age prior to January 1 of the then-current school year, but will not reach age 7 prior to January 1 of such school year, if the child's parent or guardian has signed and filed with the school district in which the child resides an affidavit stating either: (1) that the child is



participating in an education program that the parent or guardian believes will prepare the child to enter grade one for the following school year; or (2) that the parent or guardian intends for the child to participate in a school which has elected or will elect pursuant to law not to meet accreditation or approval requirements and the parent or guardian intends to provide the Commissioner of Education with a statement pursuant to section 79-1601(3) on or before the child's seventh birthday.

Exceptions for Older Students. Attendance is also not mandatory for a child who: (1) has obtained a high school diploma by meeting statutory graduation requirements; (2) has completed the program of instruction offered by a school which elects pursuant to law not to meet accreditation or approval requirements; or (3) has reached the age of 16 years and has been withdrawn from school in the manner prescribed by law.

Early Withdrawal for Students Enrolled in Accredited or Approved Schools. A person who has legal or actual charge or control of a child who is at least 16 but less than 18 years of age may withdraw such child from school before graduation and be exempt from the mandatory attendance requirements if an exit interview is conducted and a withdrawal form is signed.

Exit Interview. The process is initiated by a person who has legal or actual charge or control of the child submitting a withdrawal form. The form is to be as prescribed by the Commissioner of Education. Upon submission of the form, the Superintendent or Superintendent's designee shall set a time and place for an exit interview if the child is enrolled in Bayard Public Schools or resides in the Bayard Public School District and is enrolled in a private, denominational, or parochial school.

The exit interview shall be personally attended by:

- The child, unless the withdrawal is being requested due to an illness of the child making attendance at the exit interview impossible or impracticable;
- the person who has legal or actual charge or control of the child who requested the exit interview;
- the Superintendent or Superintendent's designee;

- the child's principal or the principal's designee if the child at the time of the exit interview is enrolled in a school operated by the school district; and
- any other person requested by any of the required parties who agrees to attend the exit interview and is available at the time designated for the exit interview which may include, for example, other school personnel or the child's principal if the child is enrolled in a private school.

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

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

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

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

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

- the child also signs the form, unless the withdrawal is being requested due to an illness of the child making attendance at the exit interview impossible or impracticable, and

- the Superintendent or Superintendent’s designee signs the form acknowledging that the interview was held, the required information was provided and discussed at the interview, and, in the opinion of the Superintendent or Superintendent’s designee, the person making the written request does in fact have legal or actual charge or control of the child and the child is experiencing either (i) financial hardship, or (ii) an illness making attendance impossible or impracticable.

Early Withdrawal for Students Enrolled in an Exempt School (Home Schools). A person who has legal or actual charge or control of a child who is at least 16 but less than 18 years of age may withdraw such child from school before graduation and be exempt from the mandatory attendance requirements if such child has been enrolled in a school that elects not to meet the accreditation or approval requirements by filing with the State Department of Education a signed notarized release on a form prescribed by the Commissioner of Education.

4. Reporting and Responding to Excessive Absenteeism. Any administrator, teacher, or member of the board of education who knows of any failure on the part of any child of mandatory school attendance age to attend school regularly without lawful reason, shall within three days report such violation to the superintendent or such person(s) who the superintendent designates to be the attendance officer (hereafter, “attendance officer”). The attendance officer shall immediately cause an investigation into any such report to be made. The attendance officer shall also investigate any case when of his or her personal knowledge, or by report or complaint from any resident of the district, the attendance officer believes there is a violation of the compulsory attendance laws. The school shall render all services in its power to compel such child to attend some public, private, denominational, or parochial school, which the person having control of the child shall designate, in an attempt to address the problem of excessive absenteeism. Such services shall include, as appropriate, the services listed below under “Excessive Absenteeism” and “Reporting Excessive Absenteeism.”

5. Excessive Absenteeism. Students who accumulate five (5) unexcused absences in a quarter shall be deemed to have “excessive absences.” Such absences shall be determined on a per day basis for elementary students and on a per class basis for secondary students. When a student has excessive absences, the following procedures shall be implemented:

a. Verbal or written communication by school officials with the person or persons who have legal or actual charge or control of any child; and

b. One or more meetings between the school (a school attendance officer, a school administrator or his or her designee, and/or a social worker), the child's parent or guardian, and the child, when appropriate, to address the barriers to attendance. The result of the meeting or meetings shall be to develop a collaborative plan to reduce barriers identified to improve regular attendance. The plan shall consider, but not be limited to:

- (i) Illness related to physical or behavioral health of the child.
- (ii) Educational counseling;
- (iii) Educational evaluation;
- (iv) Referral to community agencies for economic services;
- (v) Family or individual counseling; and
- (vi) Assisting the family in working with other community services.

If the parent/guardian refuses to participate in such meeting, the principal shall place documentation of such refusal in the child's attendance records.

6. Reporting Excessive Absenteeism to the County Attorney.

The school shall report to the county attorney of the county in which the person resides when the school has documented the efforts to address excessive absences, the collaborative plan to reduce barriers identified to improve regular attendance has not been successful, and the student has accumulated more than twenty (20) absences per year. The school shall notify the child's family in writing prior to referring the child to the county attorney. Illness that makes attendance impossible or impracticable shall not be the basis for referral to the county attorney. A report to the county attorney may also be made when a student otherwise accrues excessive absences as herein defined.

Legal Reference: Neb. Rev. Stat. 79-201 and 79-209;  
Neb. Rev. Stat. 79-527

Adopted: 10-12-98

Revised: 7-12-10; 7-11-11, 8-13-12, 8-11-14

## POLICY NO. 5107 - DISPENSING MEDICATIONS POLICY

The administration of medication at school is strongly discouraged except when necessary from the student's health or education. The dosage intervals of many medications can be adjusted so the times for taking the medication come outside school hours. When possible, interval adjustment should be considered before administering medication at school. All medications administered by school district personnel shall be administered in accordance with the Medication Aid Act.

- A. *Authorization for Prescription Medications.* Prescription medications which must be administered during school hours may be administered when the following are on file at school:
1. A physician's signed, dated authorization including name of the medication, dosage, administration route time to be given at school, and reason child is receiving the medication.
  2. A caretaker's signed and dated authorization/permission to administer the medication during school. (Note: All references to "caretaker" in this policy shall also include a parent, foster parent, family member of legal guardians; it shall not include a friend or childcare provider).
  3. The medication is in its original packaging and is labeled as dispensed by the prescriber or pharmacist. The label must name the child and identify the medication, strength, and time interval to be administered. Two labeled containers may be requested: one for home and one for school. If needed the physician may be contacted for clarification on medication administration.
- B. *Authorization for Non-Prescription Medications.* If a regular education student must take non-prescription medication during school, procedures 2 and 3 above are to be followed before administration.
- C. *Authorizations.* Medication authorizations must be renewed annually and updated immediately as changes occur.
- D. *Documentation.* The school district shall keep and maintain accurate medication administration records. A record of each dose of medication administered shall be documented reflecting the student's name, and the name of the medication, date, time, dosage, route, the signature and title of the person administering the medication, and any unusual observations, and, any refusal by the recipient to take/or receive the medication. Medication documentation shall be kept confidential in accordance with the policies and practices concerning student records, provided that medication administration records shall be available to the Department of Health and Human Services Regulation and

Licensure, the Department of Health and Human Services, and the State Department of Education for inspection and copying. Such medication administration records shall be maintained for not less than two (2) years.

- E. *Storage of Medicine.* Medication shall be stored in a locked or otherwise secure area in accordance with the manufacturer's or dispensing pharmacist's instructions or temperature, light, humidity, or other storage instructions. Only authorized school personnel who are designated by the administration of the school district for administration of medications shall have access to the medications; such authorized school personnel shall establish procedures for monitoring the storage and handling of medication, the medication's expiration date, and the disposal of medication.
- F. *Receipt and Disposal of Medications.* Medication shall be delivered to school personnel and picked up by the parent. When medication is received the amount received should be documented. Medication which is either past the expiration date or not claimed by the parent by the end of the school year shall be destroyed. Procedures for destroying medication shall include witness and documentation.
- G. *School Personnel Administering Medication.*
  - 1. Administration of Medication: Only school personnel who are licensed health care professionals may administer medication. Administration of medication includes, but is not limited to:
    - a. Providing medication for another person according to the "five rights";
    - b. Recording medication provision; and,
    - c. Observing, monitoring, reporting, and otherwise taking appropriate an action regarding desire affects, side effects, interactions, and contraindications associated with the medication.
  - 2. Provision of Medication. School personnel who are not licensed health care professionals may provide medication to students. Provision of medication includes, but is not limited to:
    - a. Giving or applying a dose of medication to a student and includes helping a student in giving or applying medication to himself or herself according to the "five rights";
    - b. Recording medication provision; and
    - c. Provision of medication does not include observing, monitoring, reporting, and otherwise taking appropriate actions regarding desired

affects, side effects, interactions, and contraindications associated with the medication.

3. Routes of Medication.

- a. School personnel may provide routine medications by the following routes:
  1. Oral;
  2. Inhalation;
  3. Topical;
  4. Instillation into the eyes, ears, and nose;
  5. SQ-subcutaneous; and,
  6. IM-intramuscular
- b. School personnel may provide medication by additional routes not listed in subparagraph “a” above, provide PRN medication, or participate in observing and reporting for monitoring medication only under the following conditions:
  1. A determination has been made by a physician, physician’s designee, or caretaker of the student and placed in writing that the school personnel administering the medication is competent to administer the medication by the activities called for by the addition routes, and it has been determined by the physician or physician’s designee and placed in writing that these activities can be done safely for a specified recipient.
  2. Direction for additional routes not listed in subparagraph “a” above must be for recipient specific procedures and must be in writing.
  3. Direction for PRN medication must be in writing and include parameters for provision of PRN medication; PRN medication means an administration scheme in which a medication is not routine, is taken as needed, and requires assessment for need and effectiveness.
  4. Direction for observing and reporting for monitoring medication must be in writing and include the parameters for the observation and reporting.



5. School personnel administering such additional routes of medication shall comply with the written directions.
  - c. Medications that must be provided or administered by injection shall be provided or administered by a licensed health care professional unless (1) a student has been authorized to self-administer the medication by injection; or (2) school personnel who are not licensed health care professionals have received proper training to administer such medication by injection.
4. Supervision of School Personnel Providing Medication.
  - a. Prescription medications shall be provided by school personnel under the direction of supervision and when monitored by the student's caretaker, physician or physician's designee. The student's caretaker, physician or the physician's designee shall provide training or approve and alternative as adequate. The student's caretaker, physician or the physician's designee will inform school personnel providing medication of the benefits and side effects of student medications. If side effects are observed this information should be reported promptly to the student's caretaker, physician or physician's designee or parent.
  - b. Non-prescription medications shall be provided by school personnel only under the direction or supervision and when monitored by a caretaker or the student.
  - c. The physician, physician's designee, or caretaker responsible for providing direction, supervision and monitoring of the school personnel administering medication to a student shall be identified in writing and such individual shall signify his/her acceptance of such responsibility in writing prior to the provision of any medications to the student.
  - d. Any medication error shall be reported to the person responsible for providing direction and monitoring.
5. Minimum Competencies.
  - a. The minimum competencies of school personnel providing mediations to students shall include:
    1. Maintaining confidentiality;
    2. Complying with a competent recipient's right to refuse to take medication, and, in the case of a non-competent, recognize the

requirement to seek advice and consultation with the physician, physician's designee, or caretaker of the student providing direction and monitoring regarding the procedures and persuasive methods to be used to encourage compliance with medication provision. Recognize that persuasive methods should not include anything that causes injury to the recipient;

3. Maintaining hygiene and current accepted standards for infection control;
  4. Documenting accurately and completely;
  5. Safely providing medications according to the "five rights" by the routes described in subparagraph "G.1.a." above, or authorized additional routes, and in consideration of the specialty needs of the student based upon such things as age, swallowing ability, and ability to cooperate ("five rights" means getting the right drug to the right recipient in the right dosage by the right route at the right time);
  6. Having the ability to understand and follow instructions;
  7. Practicing safety in application of procedures for storage, handling and administration of medications;
  8. Complying with limitations and conditions under which school personnel may provide medications;
  9. Having an awareness of abuse and neglect reporting requirements.
- b. The minimum competencies of school personnel administering medications to students shall include those listed above in paragraph "g4a", and shall also include the following additional minimum competencies:
1. Recognizing general unsafe conditions indicating that the medication should not be provided including change in consistency or color of the medication, unlabeled medication or illegible medication label, and those medications that have expired;
  2. Recognizing that unsafe conditions should be reported to the caretaker, physician or physician's designee for direction and monitoring thereof;

3. Recognizing general conditions which may indicate an adverse reaction to medication such as rashes/hives, and general changes in recipient's condition which may indicate inability to receive medications, and that all such conditions shall be reported to the caretaker, physician or physician's designee responsible for providing direction and monitoring.
  
- c. School personnel providing medication who are not licensed health care professionals shall receive training in the minimum competencies for provision of medications to students by a licensed health care professional; documentation verifying such training of each school employee providing medication to students shall be placed on file in the office of the Superintendent of Schools.
  
6. Refusal to Administer Medication: School personnel may refuse to give a medication at school after a reasonable and prudent decision has been made where the dosage prescribed exceeds that which is recommended in the Physicians Desk Reference, Mosby's Nursing Drug Reference, the most recent edition of the Nursing Drug Handbook, or other pharmaceutical manuals handbook; or when a drug or substance is not currently approved by the FDA. When school personnel refuse to carry out a request to administer medication the following procedure shall be followed:
  - a. Notifying nursing supervisor who will notify the Superintendent.
  - b. Notifying attending physician by phone with follow up in writing.
    1. State concern for dosage or particular medication, etc.
    2. Make every attempt to work out a suitable solution-Example: change of time of administration, change of dosage, change of medication.
    3. Follow up in writing.
  - c. Meet with parents.
    1. State concern for dosage or medication.
    2. Offer alternatives – Example: change of time so as not to be given during school hours.

- d. Consult with Nebraska State Board of Health for current procedures, regarding: refusal to follow written physicians orders.
- e. Research by health care professional.
  1. Collect research articles from professional journals, organizations, etc.;
  2. Contact other physicians requesting their professional opinions and ask them to review current research;
  3. Contact state licensing boards and school nurse consultant;
  4. Consult with district's legal counsel;
  5. Assemble all data for review;
  6. Present data to review team organized by the Superintendent;
  7. Decision rendered and implemented;
  8. Parents and physician contacted in writing; and
  9. Alter and update policies and procedures as needed.

H. Self-Administration of Medication. Students who are able to self-administer specific medication (epi-pens, inhalers) may do so provided;

1. The physician provides a written authorization allowing self-administration of said medication.
2. The parent provides a written authorization for self-administration of the medication.
3. Such medication is transported to the school and maintained under the student's control in the original, properly labeled packaging and (a) is not opened except when self-administering the medication, (b) is not self-administered during instructional time or in the presence of other students unless medically necessary, (c) is not shown or exhibited to other students, and (d) may require some medications to be kept locked up subject to Administrative discretion.
4. The student's physician or the physician's designee has evaluated the situation and deemed it to be safe and appropriate; has documented this on the physician's

authorization for the student's cumulative health records, and has approved the general administration plan.

5. The student and the student's physician or the physician's designee has developed a plan for reporting and supervision of self-administration.
  6. The principal, school nurse, and appropriate teachers are informed that the student is self-administering prescribed medication.
- I. Hypodermic Syringes. Certain additional safeguards must be followed relative to the storage, records and destruction of hypodermic needles and syringes.

Precautions to be observed:

1. The student's health status should be reviewed at frequent intervals by the student's physician or the physician's designee.
2. The physician's and parent's written authorization must specifically authorize use of hypodermic syringes and needles.
3. Adequate provisions should be made for storage of unused and destruction of used syringes.

Unused hypodermic syringes and needles should be kept in double locked stationary cabinets or rooms, under protection of suitable locks and keys.

Used hypodermic syringes and needles should be placed in a sealed, labeled disposal container located in the nurse's office or other location designated by the administration. The contents of the disposal container shall be disposed of through a disposal service approved by the Nebraska Department of Health and Human Services.

4. Internal medication is only for first aid and adaptation of the school program to permit the student's attendance, and not for providing a treatment service.
5. An emergency care plan for such pupils in the case of the absence of the student's physician or the physician's designee should be outlined for any substitute school personnel.

Adopted: 8-11-86

Revised: 8-14-00

Reviewed: 7-12-10

**CARETAKER AUTHORIZATION FOR ADMINISTRATION OF PRESCRIPTION MEDICATION TO STUDENTS**

The undersigned(s) is/are the caretaker(s), parent(s), guardian(s), or person(s) in charge of \_\_\_\_\_ (“the student”).

It is necessary that the student receive \_\_\_\_\_ (medication), a physician-prescribed medication, during school intervals beginning on \_\_\_\_\_ (date) and continuing through \_\_\_\_\_ (date).

**CHECK ONE OF THE FOLLOWING:**

\_\_\_\_\_ I hereby authorize the School District to allow the above-named student to administer the above described medication to him/her without monitoring or supervision by school personnel.

\_\_\_\_\_ I hereby request the School District, or its authorized representative, to administer the above-named medication to the above-named student, in accordance with the prescribing physician’s instructions, and agree to:

1. Submit this request to the principal or school nurse.
2. Make certain the Physician’s Request for the Administration of prescribed medication by School Personnel is submitted to the principal or school nurse.
3. Make sure personally that the medication is received by the principal or school nurse administering it, in the containers in which it was dispensed by the prescribing physician or licensed pharmacist.
4. Make sure personally that the container in which the medication is marked with the medication name, dosage, interval dosage, and date after which no administration should be given.
5. Submit a REVISED STATEMENT signed by the physician prescribing the medication to the principal or school nurse IF ANY OF THE INFORMATION PROVIDED BY THE PHYSICIAN CHANGES.
6. Provide directions to the school personnel providing the medication.
7. Provide monitoring of the medications effects, and assume full responsibility therefore.

BOARD POLICY    BAYARD PUBLIC SCHOOLS

I understand that unlicensed school personnel may be assigned to provide medication to my student and hereby release the School District and the Board of Education of the School District and all employees, agents, and representatives of the School District from any liability concerning the providing or non-providing of the medication to the student.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

_____	_____
Work Telephone Number	Name of Student

_____	_____
Home Telephone Number	Parent/Guardian

_____	_____
Alternate Number for Parent	Parent/Guardian

POLICY NO. 5107

**PROVISION OF MEDICATION TO STUDENTS**

**PHYSICIAN’S REQUEST FOR ADMINISTRATION OF PRESCRIPTION**

**MEDICATION BY SCHOOL PERSONNEL**

Date \_\_\_\_\_

\_\_\_\_\_ (student’s full name) is under my care and must take medication which I have prescribed during the school day.

Name of medication (as it appears on container in which the medication is stored).

\_\_\_\_\_  
\_\_\_\_\_

Dosage and time \_\_\_\_\_

Date provision of medication is to begin \_\_\_\_\_

Date after which the medication should not be provided \_\_\_\_\_

Possible adverse reactions to be reported to physician \_\_\_\_\_

\_\_\_\_\_

**CHECK ONE OF THE FOLLOWING:**

\_\_\_\_\_ Medication may be self-provided by the Student, and the Student is competent to self-provide medication. I, or my designee(s), and the Student have developed a plan for self-provision of the medication(s), the storage of the medication, and a plan for reporting and supervision of self-provision of the medication(s), and deem each to be safe and appropriate, and if applicable authorize the use of hypodermic syringes and needles or similar medical items.

\_\_\_\_\_ Medication may NOT be self-administered by the Student, and the Student is NOT competent to self-provide medication. I, or may designee(s), have trained school personnel or approved alternative training as adequate to provide the medication, have evaluated the situation, the storage of the medication, the general administration plan and if applicable, the self-administration plan or emergency care plan, and deem each to be safe and appropriate, and if applicable authorize the use of hypodermic syringes and needles or similar medical items.



BOARD POLICY BAYARD PUBLIC SCHOOLS

Name of Physician and Designee

---

Print or Type	Primary Phone Number
---------------	----------------------

---

Signature of Physician	Secondary Phone Number
------------------------	------------------------

**RECORD OF THE PROVISION OF PRESCRIPTION MEDICATION**

Parent's Phone # \_\_\_\_\_

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

Medication \_\_\_\_\_ Date to Begin \_\_\_\_\_ Date of End \_\_\_\_\_

Dosage \_\_\_\_\_ Time \_\_\_\_\_

Doctor \_\_\_\_\_ Phone #1 \_\_\_\_\_ Phone #2 \_\_\_\_\_

Possible Adverse Reaction: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Person(s) Authorized to Administer Drugs: \_\_\_\_\_

\_\_\_\_\_

Date Provided	Time Provided	Medication Name	Dosage Provided	Route	Refused Medication	Signature of Person Providing Medication

## **POLICY NO. 5109 - COMMUNICABLE DISEASES**

The school district will provide for the implementation of Nebraska Statue 79-4, 177 when it is determined that a student poses an imminent threat to the health and safety of the school community or that the students conduct presents a clear threat to the physical safety of himself, herself of others.

Any staff member who knows of a student with a communicable, contagious, and/or infectious disease, or knows a student has been exposed to such a disease, will inform the school building administrator of the student involved and provide details of the situation. If in the judgment of the school building administrator there is any risk of the student transmitting the disease to others, the school building administrator will immediately exclude the student from school and may require that the student be examined by a physician designated by the district. The school building administrator also may require a written statement of health from a physician in order for the affected student to re-enter school.

Criteria will be established to determine whether a student with a communicable, contagious, and/or infectious disease, including common childhood diseases, will be permitted to attend classes. All cases will be reviewed on an individual basis.

If it is determined that the student will not be permitted to attend classes and/or participate in school activities, arrangements will be made to provide an alternative education program.

Records of a student who has a communicable, contagious, and/or infectious disease, other than a common childhood disease, will be kept confidential and the name of the individual will not be revealed publicly.

An appeal process will be established that will allow the student and/or parent(s); and/or guardian(s) to appeal decisions regarding exclusion from school in writing to the superintendent.

BOARD POLICY BAYARD PUBLIC SCHOOLS

The Board directs the superintendent to develop administrative guidelines to implement this policy.

Numerous communicable diseases may affect a school-age population and/or school staff. Some of these have a high degree of communicability. Some are life threatening in nature. Some are both.

DISEASE	EXCLUDE FROM		TO RETURN TO CLASSROOM
	YES	NO	
AIDS			Individual case consideration mandatory.
Chicken Pox	X		Seven day after onset of rash or when all lesions are crusted over.
Hepatitis	X		Parents or staff member requested to provide Release statement from M.D.
Impetigo		X	If under proper treatment. Monitored by school nurse.
Meningitis	X		Parents or staff member requested to provide release from M.D.
Mononucleosis, Infectious		X	If under proper treatment. Monitored by school nurse.

BOARD POLICY      BAYARD PUBLIC SCHOOLS

Mumps	X	Parents or staff member requested to provide Release statement from M.D.
Pediculosis (head lice)	X	Certificate from health professional and monitoring of proper treatment.
Roseola	X	When fever subsides and no evidence of rash.
Tuberculosis	X	Doctor release statement. Monitoring of proper treatment as verified by school nurse.

**Confidentiality**

Information relating to students with communicable diseases will be confidential. The number of personnel needing to be aware of the child's condition must be kept to a minimum.

**Team Evaluation**

The team for evaluating conditions of life-threatening communicable disease will include:

- |                                       |                                    |
|---------------------------------------|------------------------------------|
| Coordinator Health Services           | Medical Doctor                     |
| School Nurse                          | Public Health Official             |
| Student's or Staff Member's Physician | School Principal                   |
| Central Office Administrator          | School Attorney, when appropriate. |

Adopted: 8-8-88

Reviewed: 7-12-10

**POLICY NO. 5110 - STUDENT FEES, FINES AND CHARGES**

The Governing Board approves of certain costs which must become the responsibility of the student and/or parents. The underlying principles as to whether the cost will be the school's or not is whether the school required the activity and student will not benefit in any material way. The exception may be fees for activities with very high costs which may be elected by students.

Fines and other charges may be levied as needed to cover the cost of excessive use, physical damage or lost property. The Governing Board will expect students to be responsible for all school property. Appropriate payment will be expected for any abuse. The staff is expected to exercise due diligence in the care and security of school property. In the event of staff negligence, they may be asked for appropriate re-compensation to the district.

All money owed to the school, student's class, activities program, lunch program, etc. must be paid prior to graduation. Failure to pay will eliminate a student's right to participate in the graduation exercises.

A fee of \$30 will be charged for all insufficient funds checks (NSF checks). If 2 NSF checks are received from the same patron during a 12 month period, no checks will be accepted from that patron for a period of 12 months. If an NSF check is not paid within 2 weeks, the amount owed will be sent to collections.

All money owed to the school, students class, activities program, lunch program, etc. must be paid prior to checking out of the district. Failure to pay upon ceasing attendance at the district will result in a bill being sent to the student and family. Continued failure to pay will result in the debt being sent to collections.

All money owed to the school from any prior school year must be paid prior to September 1<sup>st</sup> of the current year. Failure to pay bills from prior school years will result in the debt being sent to collections.

BOARD POLICY BAYARD PUBLIC SCHOOLS

Adopted: 8-10-92

Revised: 3-10-14, 11-14-16

Reviewed: 7-12-10

## **POLICY NO. 5111 – POLICIES AND PROCEDURES FOR MOBILE DEVICE PROGRAM**

Bayard Public Schools is proud to offer our Bayard High School students mobile devices for use at school and at home. The 1:1 Mobile Device Program, which provides mobile computing and wireless technology to all Bayard High School students, has been designed to enhance the delivery and individualization of instruction.

The following information is provided to help everyone understand the expectations and the responsibility of care and use related to receiving a mobile device.

- Students will receive instruction from school district staff on the proper use of the mobile device.
- Students in grades 7-12 will be able to take the mobile device home during the school year if the student and parent/guardian signs the Student Acceptable Use of Technology, and Mobile Device Consent sheets. Students in grades K-6 will be able to take the mobile device home during the school year in the event of a school closure if the student and parent/guardian signs the Student Acceptable Use of Technology, and Mobile Device Consent sheets.
- Students are expected to treat the mobile device as a valuable piece of equipment.
- Students must take all precautions to prevent theft; for example, do not leave the mobile device unattended or in the passenger area of a car.
- Students must take precautions to prevent damage to the mobile device; for example, do not leave the mobile device where there is danger of coming in contact with moisture or excessive heat. This would include protecting the machine from inclement weather.
- The district will provide educational apps.
- Students are to use the mobile device to access only socially and educationally appropriate materials and websites.
- Students must not use the mobile device to purchase goods and services via the Internet while on school grounds or at school functions. (Parents/Guardians/Students are charged with full responsibilities for any financial obligations incurred from the inappropriate use of the mobile device.)
- Students are to use the mobile device in accordance with the Bayard Public Schools Student Internet and Computer Access Policies Regulations and to maintain the mobile device in accordance with the procedures and information provided.



- Mobile devices and mobile device accessories are the property of Bayard Public Schools and must be returned at the end of the academic year, upon withdrawal from Bayard Public Schools, or at the request of a teacher or administrator. Willful failure to return the mobile device in accordance with the stated conditions will result in criminal prosecution.
- Since the mobile devices are the property of Bayard Public Schools, officials of the school have the right to review all material stored on or accessed by any mobile device.
- School officials may revoke a student's mobile device use privileges for misuse or violation of policies.

### **Table of Contents**

Section 1: Mobile Device Specifications  
Section 2: Receiving Your Mobile Device  
Section 3: Taking Care of Your Mobile Device  
Section 4: Using Your Mobile Device at School  
Section 5: Managing Your Files and Saving Your Work  
Section 6: Mobile Device Apps  
Section 7: Protecting and Storing Your Mobile Device  
Section 8: Acceptable Use Guidelines  
Section 9: Precautions and Consequences

### **Section 1: Mobile Device Specifications**

Mobile device devices issued will be of specifications determined by the school district.

### **Section 2: Receiving Your Mobile Device**

Mobile devices will be distributed according by a process determined by the school district. Students must attend and parents are encouraged to attend a yearly Information Session. Before receiving the mobile device, students and parents must sign and return these forms/agreements:

1. The Bayard Public Schools Technology/Internet Acceptable Use Agreement (which is a part of the Parent/Student Handbook.)
2. The Mobile Device Consent Form

### **Section 3: Taking Care of Your Mobile Device and Mobile Device Accessories**

Students are responsible for the general care of the mobile device and accessories they have been issued by the school. If the mobile device is lost or damaged, school office personnel must be informed at the earliest opportunity during normal school hours. Bayard Public Schools is the sole agent authorized to undertake repair or replacement of the device. At the time of notification, the school will repair or provide a suitable replacement device to the student.

#### *General Precautions*

The mobile device is school property. All users will follow these expectations and the Student Internet and Computer Access Policy for technology.

- Only use a clean, soft cloth to clean the screen, no cleansers of any type. **Do not use Clorox wipes or similar products.**
- Cords and cables must be inserted carefully into the mobile device to prevent damage.
- Mobile device and its case (if applicable) must remain free of any writing, drawing, stickers, or labels that are not the property of the Bayard Public School District.
- No stickers may be put on school issued mobile devices.
- Mobile devices must never be left unsupervised.
- Students are responsible for keeping their mobile device's battery charged for school each day.

#### *Carrying Mobile Devices*

The protective cases provided with the mobile devices have padding to protect the mobile device from normal treatment and provide a suitable means for carrying the device within the school. The guidelines below should be followed:

- Mobile devices must always be within a school issued or school approved protective case if one is provided.
- Carrying cases (i.e. backpacks) can hold other objects (such as folders and workbooks), but these must be kept to a minimum to avoid placing too much pressure and weight on the mobile device screen.

#### *Screen Care*

The mobile device screens can be damaged if subjected to rough treatment. The screens are particularly sensitive to damage from excessive pressure on the screen.

- Do not lean on the top of the mobile device when it is closed.
- Do not place anything near the mobile device that could put pressure on the screen.
- Do not place anything in the carrying case (if provided) that will press against the cover.
- Clean the screen with a soft, dry microfiber cloth or antistatic cloth. Use of harsh chemicals WILL damage the screen. **Do not use Clorox wipes or similar products.**
- Do not “bump” the mobile device against lockers, walls, car doors, floors, etc. as it could break the screen.

#### **Section 4: Using Your Mobile Device at School**

Mobile devices are intended for use at school each day. Students are responsible for bringing their charged mobile device to all classes. Only charge your mobile device with the provided charger.

Mobile device cameras are not to be used without permission from school officials.

##### *Mobile Devices Undergoing Repair*

Loaner mobile devices may be issued to students when they leave their mobile devices for repair at the designated school office. This will be at the discretion of the principal.

At the discretion of the principal, students may be expected to return the loaner mobile device by the end of the school day to their respective school location. Students are subject to consequences for failure to return a loaner mobile device to the office.

##### *Screensavers and Backgrounds*

Only school appropriate backgrounds and screensavers may be used on the mobile devices.

Examples of inappropriate backgrounds include the presence of weapons related materials, pornographic materials, inappropriate language, alcohol, drug, gang related symbols, etc... These

types of pictures on the mobile device or within its files will result in disciplinary action, and where appropriate, referral to law enforcement.

Passwords on screen savers are to be used. The mobile device is the property of the school district. Therefore, school staff members have the right to check any material stored on a student's mobile device, including the screensaver at any time.

#### *Sound*

Students are encouraged to have personal ear buds to listen to audio. Sound must be muted unless permission is obtained from the teacher for instructional purposes.

#### *Printing*

No printing is allowed on school issued mobile devices without authorization from school staff.

### **Section 5: Managing Your Files and Saving Your Work**

It is the student's responsibility to ensure that work is not lost due to technical failure or accidental deletion. Mobile device malfunctions are not an acceptable excuse for not submitting work. Students are encouraged to complete assignments well in advance of due dates. If technological issues impede student completion of work students have the option to complete assignments on paper under the same due dates.

### **Section 6: Mobile Device Apps**

The apps originally installed by Bayard Public Schools must remain on the mobile device in usable condition and be easily accessible at all times.

#### *Security*

Student mobile devices will be filtered through the district's Internet content filter at school. Parents/Guardians are responsible for mobile device security after school hours.

#### *Inspection*

Students may be selected at random to provide their school issued mobile device for inspection without notice by Administration and/or their designee.

### **Section 7: Protecting and Storing Your Mobile Device**

*Mobile Device Identification*

Student mobile devices will be labeled in the manner specified by the school. Under no circumstances are students to modify, remove, or destroy these labels.

If you find an unattended mobile device please turn it to the designated school office.

*Password Protection*

Students are required to set a pass code on their mobile device to protect student information . Tampering with machine security measures is forbidden. Violations of this requirement will result in disciplinary action. If tampering results in the inability of the district to access the mobile device, the student/family will pay the full cost of device replacement.

**Section 8: Acceptable Use Guidelines**

Students are responsible for their ethical, socially appropriate and educational use of the technology resources of the Bayard Public Schools. Under no circumstances should the mobile device be opened or mobile device turned on while in the locker room or restroom areas.

Access to the Bayard Public Schools technology resources is a privilege and not a right. Each employee, student, and/or parent will be required to follow the Bayard Public Schools Student Internet and Computer Access Policy.

Transmission of any material that is in violation of any law is prohibited. This includes, but is not limited to the following: confidential information, copyrighted material, threatening or obscene material, and mobile device viruses.

Any attempt to alter data, the configuration of a mobile device, or the files of another user, without the consent of the building principal or his/her designee(s), will be considered an act of vandalism and subject to disciplinary action in accordance with the district Student Internet and Computer Access Policies. Students who violate this may also be referred to law enforcement for criminal prosecution as appropriate.

*Integrity and Civility*

In addition to any standard or rules established by the schools, the following behaviors are specifically prohibited as they violate the standard of integrity and civility.

- Cheating
- Plagiarizing
- Falsifying Information
- Violating Copyright Law
- “Hacking” or Gaining unauthorized access to any network or mobile device

*Email*

The only email account that students are allowed to access while using a school issued mobile device is that student’s Bayard Public Schools Google account (bayardtigers.org). Please note that emails sent via the Google server and accessed on school issued devices are not private and may be reviewed at any time and without notice.

Students are prohibited from using their bayardtigers.org email address to create accounts for any application or website not approved by the technology coordinator or administration.

The following rules will apply when using an email account:

- Always use appropriate language.
- Do not transmit language/material that is profane, sexual, obscene, abusive, or offensive to others.
- Do not send mass emails, chain letters, or spam. Students should maintain high integrity with regard to email content.
- No private chatting during class without permission.

**Section 9: Precautions and Consequences**

## BOARD POLICY BAYARD PUBLIC SCHOOLS

Under no circumstances should mobile devices or other technology equipment be left in unsupervised areas. Unsupervised areas include, but are not limited to: the school grounds and campus, computer labs, break areas, unlocked classrooms or lockers, bathrooms, buses and hallways. Any mobile device left in these areas is in danger of being stolen.

\* Lockers are to be locked when storing any technology equipment. This includes, but is not limited to: power cords and mobile device.

\* Unsupervised mobile devices will be confiscated by staff and taken to the administrative office. Each student is responsible for his or her mobile device once it has been issued.

### *Cost to Student*

Noncompliance with the policies of the Bayard Public Schools Student/Parent Handbook or school district policies will result in loss of privileges, disciplinary action, and/or criminal prosecution as deemed appropriate.

For devices which need professional repair or replacement, a \$200 deductible per incident will be charged. In the case of theft or accidental breakage in the course of normal, educational use, the administration of Bayard Public Schools may elect to waive the deductible for the first incident. ALL further such incidents within a given school year and summer will require that the parent or student pay the full cost of repair or replacement. Take home privileges are only allowed for students with no outstanding fees or deductible charges.

Electronic mail, network usage, and all files stored on a school issued mobile device is not to be considered confidential and may be monitored at any time by designated Bayard Public Schools staff. The district will refer student misconduct to law enforcement and will cooperate fully with local, state, or federal officials in any criminal investigation, particularly those concerning or relating to violations of computer crime laws.

### *Mobile Device Use*

The consequences for students who abuse their mobile device privileges are as follows:

#### Mobile Device Suspensions Violation

- A. Unattended mobile device
- B. Inappropriate/unauthorized apps or device usage
- C. Inappropriate Music (Administrative Discretion)
- D. Inappropriate Voice Recording
- E. Abuse of mobile device and Accessories

- F. Inappropriate Pictures
- G. Inappropriate Internet Site

The administration retains the right to suspend the student or suspend student's mobile device access if the offense warrants or for any offense not listed on this sheet. This includes suspending the mobile device for the remainder of the semester or school year. Suspension days are school days. All Student Handbook procedures will apply.

The Bayard School District is not liable for and disclaims any liability arising from any injury or damage caused by or stemming from unauthorized access to the network or inappropriate use of authorized access to the network.

A student and the student's parents or guardians, by submitting the Mobile Device Agreement Form with their respective signatures in order to gain access to the mobile device network, agree to release the School District from any liability for physical or emotional harm or damage resulting to the student that is caused by or related to the inappropriate use of the mobile device network.

#### *Acceptable Use*

Students may use the Internet to conduct research assigned by teachers. Students may use the Internet to conduct research for classroom projects. Students may use the Internet to gain access to information about current events. Students may use the Internet to conduct research for school related activities. Students may use the Internet for appropriate educational purposes.

Policy Reference: Policy No. 5114 – Network Acceptable Use and Internet Safety Policy

Policy No. 5110 – Student Fees, Fines and Charges

Adopted: 11-10-14

Revised: 6-8-20

Reviewed:

### **Mobile Device Agreement Form**



**Bayard Public Schools**

Please PRINT the following information:

Guardian Name (first & last): \_\_\_\_\_

Student Name (first & last): \_\_\_\_\_

Student Grade: \_\_\_\_\_

I agree that my student and I have read and will comply with all policies and procedures within the "Policies and Procedures for Mobile Device Program" document. I understand that this policy covers one mobile device and accessories that are property of Bayard Public Schools described within for one student.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Parent/Guardian Signature

I do understand that my student and I are responsible for all costs incurred to the mobile device and accessories that are the property of Bayard Public Schools, when used in school, described within, for the prescribed student.

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

Parent/Guardian Signature: \_\_\_\_\_

**POLICY NO. 5112 - STUDENT GOVERNMENT**

In order to encourage student participation in the various activities of school life and to provide opportunity for training in democratic processes, the schools of the District may maintain and operate student councils. Such councils shall assist in improving the general welfare of all students and shall give student the opportunity to participate in the orderly workings of the democratic process.

Student Councils shall not have authority to unilaterally make policies for the District or regulations for the school, nor shall they have any disciplinary authority, except for recommending removal from the council of one of their members. However, the council may make recommendations to the administration on any topic of student concern.

The administration and student council of any school shall keep channels of communication open, not only between themselves, but between all students and the council.

Adopted: 8-9-93

Reviewed: 7-12-10

**POLICY NO. 5113 - PLACEMENT OF RULE 13 STUDENTS**

Parents/guardians and students seeking enrollment and placement in the Bayard Public Schools who have been Nebraska Rule 13 students, or home schooled or in attendance in a non-accredited school out of the state of Nebraska, shall be placed in the Bayard Public Schools as per the following guidelines:

A. Elementary Aged Students:

Final authority for the placement of a student in grades K-8 who is requesting entry into the Bayard Public Schools who has been a Rule 13, home school, or attended a non-accredited school prior to enrolling in the Bayard Schools, shall rest with the building principal. In making his/her determination of appropriate grade placement, he/she shall consider the student's age, achievement test scores, and a transcript/grade review in determining the grade level to place the student. Following a monitoring of the student's performance at the assigned grade level, a reassignment of the student may be necessary to a more appropriate grade level. In such instance, a conference among principal, parent, and teacher(s) shall be conducted prior to reassigning the student to another grade level.

B. Secondary Aged Students:

1. Secondary school students, those in grades 9-12, who transfer into Bayard High School from unaccredited programs, will be tentatively placed within the subjects and grade level recommended by their transcript or report cards. Within three weeks of enrollment, the principal or designee will administer a standardized achievement test to determine the achieved skill level in English and mathematics. By the end of the three week period a definite subject and grade placement will be made based upon the standardized achievement test

scores in mathematics and English and by teacher judgments and recommendations. Placement in other subject areas will be made based upon teacher recommendations and administrative judgments.

2. The awarding of credits toward meeting the Bayard High School diploma requirements for academic work completed within a non-accredited program shall be based upon the following criteria:
  - A. Credits in English and mathematics shall be awarded based upon the student performance on the above cited standardized achievement tests and the grade level placement resulting there from.

One English and one mathematics credit shall be recorded on the student's transcript for each year below that at which the student is placed by achievement on the test in English and mathematics.

- B. The awarding of credits for any other course in the Bayard High School curriculum shall be based solely upon the student's ability to demonstrate satisfactory performance on a district test or other district designed alternative evaluation intended to measure competency on the major objectives or product goals included in that course.

- C. Credits cannot be awarded for classes from non-accredited school or alternative school situations that do not match up to classes offered within the Bayard High School curriculum.

- D. Credits awarded through the above process shall be recorded on the student's transcript in the following manner which clearly indicates the credits were earned through non-traditional alternative means. "Home Schooling English," "Home Schooling Mathematics," "Home Schooling Biology," "Home Schooling Music," or other courses names.

BOARD POLICY    BAYARD PUBLIC SCHOOLS

- E. The record shall reflect the academic area for which a course is granted credit, the number of credits earned, and the evaluation process used to determine satisfactory performance.
  
- F. Since a specific grade cannot be allocated for the credit earned, the student will receive a pass grade only. This means that the student will not have a GPA available for transfer purposes except for those classes taken and the grades earned in the traditional manner. To be eligible for recognition as the class valedictorian or salutatorian, a student must have attended the Bayard High School at least four (4) semesters and, in addition, have all academic credits for graduation earned in an accredited high school.

Adopted: 12-11-95

Reviewed: 7-12-10

## **POLICY NO. 5114 - Network Acceptable Use and Internet Safety Policy**

Bayard Public Schools recognizes the value of computer and other electric resources to improve student learning and enhance the administration and operation of its schools. To this end, the Bayard Public Schools encourages the responsible use of computers; computer networks (including the Internet), and other electronic resources in support of the mission and goals of the Bayard Public Schools.

It is the policy of Bayard Public Schools to: (a) prevent user access over its computer network to, or transmission of, inappropriate material via the Internet, electronic mail, or other forms of direct electronic communications; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children’s Internet Protection Act (CIPA).

It is the policy of the Bayard Public Schools to maintain an environment that promotes ethical and responsible conduct in all online network activities by staff and students. It shall be a violation of this policy for any employee, student, or other individual to engage in any activity that does not conform to the established purpose and general rules and policies of the network. Within this general policy, Bayard Public Schools recognizes its legal and ethical obligation to protect the well-being of students in its charge.

The following uses of school-provided electronic resources, including Internet and e-mail, are not permitted:

- a. to access, upload, download, or distribute pornographic, obscene, or sexually explicit material;
- b. to transmit obscene, abusive, sexually explicit, or threatening language;
- c. to violate any local, state, or federal statute;
- d. to vandalize, damage, or disable the property of another individual or organization;
- e. to access another individual’s materials, information, or files without permission;
- f. to violate copyright or otherwise use the intellectual property of another individual or organization without permission; and
- g. to distribute or forward “chain letters” via email.

Any violation of District policy and rules may result in loss of District-provided access to the Internet. Additional disciplinary action may be determined in keeping with existing procedures and practices regarding inappropriate language or behavior. When and where applicable, law enforcement agencies may be involved.

**Students may...**

- Design and post web pages and other material from school resources.
- Use direct communications such as e-mail, online chat, or instant messaging with a teacher's permission.
- Use the resources for any educational purpose.

**Consequences for Violation:** Violations of these rules may result in disciplinary action, including the loss of a student's privileges to use the school's information technology resources.

**Supervision and Monitoring:** School and network administrators and their authorized employees monitor the use of information technology resources to help ensure that uses are secure and in conformity with this policy. Administrators reserve the right to examine, use, and disclose any data found on the school's information networks in order to further the health, safety, discipline, or security of any student or other person, or to protect property. They may also use this information in disciplinary actions, and will furnish evidence of crime to law enforcement.

**Enforcement of Policy:**

- To the extent practical, technology protection measures (or "Internet filters") shall be used to block or filter Internet, or other forms of electronic communications, access to inappropriate information.
- Specifically, as required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors.
- Subject to staff supervision, technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research or other lawful purposes.
- A Bayard Public Schools staff member may override the technology protection measure that blocks or filters Internet access for a student to access a site with legitimate educational value that is wrongly blocked by the technology protection measure that blocks or filters Internet access.

- Bayard Public Schools staff will monitor students' use of the Internet by either direct supervision or by monitoring Internet use history to ensure enforcement of policy.

### **COPPA Notification Statement**

Dear parents/legal guardians of school-aged children under the age of 13,

Our district utilizes several computer software applications and web-based services, operated not by this district, but by third parties. These include Teach TCI, Big Ideas Math, Amplify Science, Google Apps for Education, Clever, Remind, MobyMax, Pearson, Khan Academy and similar educational programs. A list of the possible sites and programs used in our classrooms with the privacy policy for each can be found on our district website's Instructional Technology page. Web-based educational programs and services may be added during the upcoming academic year as needed.

In order for our students to use these programs and services, certain personal identifying information - generally the student's name and school email address - must be provided to the website operator. By law, the operator may only use this information for educational purposes. Under federal law entitled the Children's Online Privacy Protection Act (COPPA), these websites must provide parental notification and obtain parental consent before collecting personal information from children under the age of 13. The law permits districts/schools such as ours to consent to the collection of personal information on behalf of all its students, thereby eliminating the need for individual parental consent given directly to the website operator.

For more information on COPPA, please visit <http://www.ftc.gov/privacy/coppafaqs.shtm>.

**Inappropriate Network Usage:** To the extent practical, steps shall be taken to promote the safety and security of users of Bayard Public Schools online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the Children's Internet Protection Act, prevention of inappropriate network usage includes: (a) unauthorized access, including so-called "hacking," and other unlawful activities; and (b) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

**Education, Supervision and Monitoring:** It shall be the responsibility of all members of Bayard Public Schools staff to educate, supervise and monitor appropriate usage of the online computer network and access to the Internet in accordance with this policy, the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act, and the Protecting Children in the 21<sup>st</sup> Century Act.

Bayard Public Schools will educate all students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and



cyberbullying awareness and response. The plan shall be for all students to be provided education on these subjects. The Superintendent or the Superintendent's designee shall be responsible for identifying educational materials, lessons, and/or programs suitable for the age and maturity level of the students and for ensuring the delivery of such materials, lessons, and/or programs to students.

**Disclaimers:**

- Bayard Public Schools and its individual schools, administrators, faculty, and staff thereof, make no warranties of any kind for the service provided and will not be held responsible for any damage suffered by users. This includes the loss of data resulting from delays, non-deliveries, and intrusion by computer virus, or service interruption.
- Use of any information obtained via network access is at the risk of the user, and Bayard Public Schools specifically denies any responsibility for the accuracy or quality of the information obtained.
- Bayard Public Schools cannot guarantee complete protection from inappropriate material. Furthermore, it is impossible for the district or content filter to reflect each individual or family's opinions of what constitutes "inappropriate material." If a student mistakenly accesses inappropriate information, he/she should immediately notify a district staff member.
- Bayard Public Schools is not liable for an individual's inappropriate use of district's electronic communications systems or violations of copyright restrictions or other laws, or other costs incurred by users through use of Bayard Public Schools' electronic communication systems.
- The district will cooperate fully with local, state, or federal officials in any investigation concerning or relating to misuse of the district's electronic communication systems.

**CIPA Definition of Terms:**

**Minor:** The term "minor" means any individual who has not attained the age of 17 years.

**Technology Protection Measure:** The term "technology protection measure" means a specific technology that blocks or filters Internet access to visual depictions that are:

1. **Obscene**, as that term is defined in section 1460 of title 18, United States Code;
2. **Child Pornography**, as that term is defined in section 2256 of title 18, United States Code; or
3. Harmful to minors.

**Harmful to Minors:** The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

**Sexual Act; Sexual Contact:** The terms "sexual act" and "sexual contact" have the meanings given such terms in section 2246 of title 18, United States Code.

**Bayard Public Schools**

**Network Acceptable Use and Internet Safety Policy**

**Employee's Agreement**

By signing this form, I acknowledge receipt of, understand, and agree to abide by the rules and standards set forth in the Bayard Public Schools Network Acceptable Use and Internet Safety Policy. I understand that to gain or retain access to the Bayard Public Schools computer network systems, I must sign and submit this form as directed. I further understand that any violation of the Policy is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, monetary liability may be incurred, school disciplinary and/or appropriate legal action may be taken. I as a staff member agree to abide by the rules and standards addressed in this policy as it pertains to me and to help ensure that students also abide by these rules and standards as well. I understand that this agreement will be in effect for the duration of my employment with the district or until the policy is revised.

(Printed) Staff Member Name \_\_\_\_\_

Staff Member Signature \_\_\_\_\_

Date \_\_\_\_\_

**Bayard Public Schools**

**Network Acceptable Use and Internet Safety Policy**

**Student's Agreement**

By signing this form, I acknowledge receipt of, understand, and agree to abide by the rules and standards set forth in the Bayard Public Schools Network Acceptable Use and Internet Safety Policy. I understand that to gain access to the Bayard Public Schools computer network systems, I must return this form signed by me and my parent or legal guardian. I further understand that any violation of the Policy is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, monetary liability may be incurred, school disciplinary and/or appropriate legal action may be taken. I understand that this agreement will be in effect for one school year and must be re-signed in subsequent years.

Teachers or media specialists who are exploring digital content with a class do not need special parental permission for such activity if the teacher or media specialist is in control of the navigation to known educational sites. A student accessing digital content at the constant direction of the teacher is not working independently. This circumstance does not require special parental permission. Further, I accept full responsibility for supervision if and when my child's use is not in a school setting.

In addition, this form, when completed below and on file with the district, will constitute consent for our schools to provide personal identifying information for your child consisting of first name, last name, school email address and username (for educational use only) to the following web operators: Teach TCI, Big Ideas Math, Amplify Science, Google Apps for Education, Clever, Remind, MobyMax, Pearson, Khan Academy and to the operators of any additional web-based educational programs and services which our schools may add during the upcoming academic year.

(Printed) Student Name \_\_\_\_\_

Student Signature \_\_\_\_\_

Date \_\_\_\_\_

**Bayard Public Schools**

**Network Acceptable Use and Internet Safety Policy**

**Parent or Legal Guardian’s Agreement**

I have read, understand, and agree with the Bayard Public Schools Network Acceptable Use and Internet Safety Policy. I understand that by signing this form I give permission for Bayard Public Schools to grant access to district electronic communication systems, including the Internet. I understand that this access is designed for educational purposes. I understand that Bayard Public Schools has taken reasonable precautions to eliminate access to inappropriate material and I will not hold the district or staff members responsible if inappropriate material is inadvertently accessed. I understand that this agreement will be in effect for one school year and must be re-signed in subsequent years.

Teachers or media specialists who are exploring digital content with a class do not need special parental permission for such activity if the teacher or media specialist is in control of the navigation to known educational sites. A student accessing digital content at the constant direction of the teacher is not working independently. This circumstance does not require special parental permission. Further, I accept full responsibility for supervision if and when my child's use is not in a school setting.

In addition, this form, when completed below and on file with the district, will constitute consent for our schools to provide personal identifying information for your child consisting of first name, last name, school email address and username (for educational use only) to the following web operators: Teach TCI, Big Ideas Math, Amplify Science, Google Apps for Education, Clever, Remind, MobyMax, Pearson, Khan Academy and to the operators of any additional web-based educational programs and services which our schools may add during the upcoming academic year.

(Printed) Parent Name \_\_\_\_\_

Parent Signature \_\_\_\_\_

Date \_\_\_\_\_

Adopted: 2-10-97

Reviewed: 7-12-10

Revised: 6-11-12, 6-8-20

**POLICY NO. 5115 - ALTERNATIVE EDUCATION FOR EXPELLED STUDENTS (LB 232)**

**ADDITIONAL PROCEDURE CONCERNING THE EXPULSION OF A STUDENT**

This Board Policy is adopted to comply with the terms of LB 232, 1997. All provisions of LB 232, 1997 are incorporated in this policy by reference.

Subsequent to the superintendent receiving the hearing examiner's report as more particularly set forth in Section V, Part B of Board Policy 5089, and the superintendent shall, when the superintendent deems it appropriate to affirm the hearing examiner's recommendation to expel a student, comply with the provisions of Sec. 79-266(2).

1. The superintendent shall, in all instances other than those expulsions required by Sec. 79-283(4) R.R.S. 1996 direct that a conference be called to assist the district in the development of a plan as hereinafter set forth which conference shall consist of:
  - a. a parent or legal guardian;
  - b. the students;
  - c. a student representative; and
  - d. a representative of an agency involved with juvenile justice.
  
2. The plan shall be in writing and adopted by a school administrator. The plan shall be presented to the student and the parent or legal guardian.
  
3. The plan shall:
  - a. specify guidelines and consequences for behaviors which have been identified as preventing the student from achieving the desired benefits from the educational opportunities provided;
  - b. identify educational objects that must be achieved in order to receive credits toward graduation;

BOARD POLICY BAYARD PUBLIC SCHOOLS

- c. specify the financial resources and community programs available to meet both the educational and behavioral objectives identified; and,
- d. require the student to attend monthly reviews at a time and place to be directed by the school administrator in order to assess the student's progress toward meeting the specified goals and objectives.

Adopted: 8-10-98

Reviewed: 7-12-10

SECTION 79-266 (2)

PLAN

Student: \_\_\_\_\_

Date & Participants: \_\_\_\_\_

\_\_\_\_\_  
*(list parent or legal guardian, school representative and community or agency representative)*

***(a) Guidelines and Consequences for Behaviors***

The student has been recommended for expulsion for conduct as specified in correspondence and memorandums recently provided to the student and the student's parents. This conduct has had the effect of preventing the student from achieving the desired benefits from the educational opportunities provided. The student is expected to conform his conduct to the school rules for which he has been recommended for expulsion and all other established school rules. Further disciplinary measures, including possible future expulsions, can result from future violations of such guidelines and expectations.

***(b) Educational Objectives***

In order to graduate, the student needs to receive the credits listed in Attachment "A" subject to future modifications in graduation requirements.

***(c) Financial Resources and Community Programs Available***

The financial resources and community programs available to meet the educational and behavioral objectives identified in this plan include school resources (e.g., upon return from the recommended expulsion, counseling with the school counselor, and meetings with school administration and teachers) and community organizations which assist young people (e.g., civic organizations, local college and university programs, and community college programs).

***(d) Monthly Reviews and Other***

During the period of the expulsion, the student shall be required to attend monthly reviews with \_\_\_\_\_ ( principal/counselor/superintendent/etc.; select one)

to address the student's progress toward meeting the specified goals and objectives. The student shall be responsible for contacting the named school official to schedule the monthly meetings. (Attach separate sheets for any additional information or terms of plan.)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, adopted by the school administrator after a conference held to assist the district in the development of the plan with the participation of a parent or legal guardian, the student, a school representative, and a representative of either a community organization with a mission of assisting young people or a representative of an agency involved in juvenile justice, and presented to the student and parent or legal guardian at the conference prior to the student being expelled in accordance with law.



BOARD POLICY BAYARD PUBLIC SCHOOLS

Attachments: Attachment "A" (academic credits needed to graduate or other, if applicable).

Adopted by: \_\_\_\_\_  
(school administrator)

Agreed to: \_\_\_\_\_  
(student)

Agreed to: \_\_\_\_\_  
(parent of guardian)

POLICY NO. 5116 – STUDENTS DISCONTINUANCE OF ENROLLMENT

*(Article 5) - Discontinuance of Enrollment for Children Younger Than Six Years of Age.*

Any person with legal or actual charge or control of a child younger than six years of age prior to the then-current school year, who is enrolled in this school district, may discontinue the enrollment of such child by submitting a written notification to the Superintendent or the Superintendent's designee, indicating that child's name, date of birth, grade level and effective date of discontinuation of enrollment. The notification must be in writing and on a form provided by or acceptable to the Superintendent or the Superintendent's designee containing all information required herein. The form must be dated and signed by a parent or person with legal or actual charge or control of the child. The school district may request written verification or documentation of the person's authority to dis-enroll the child. Upon receipt of required written form and any other required information or documentation, the school district shall note discontinuance of the enrollment on its official records pursuant to state law. Any child dis-enrolled shall not be eligible to re-enroll in this school district until commencement of the next school year, or until the child reaches the age of six prior to the then-current school year, whichever occurs earlier. Any person signing a request for discontinuation of enrollment acknowledges this policy, procedure and the requirement thereof and expressly agrees thereto.

Legal Reference: Neb. Rev. Stat. 79-201

Adopted: 8-9-99

Revised: 8-9-04

Reviewed: 7-12-10

**AFFIDAVIT**

*(For Child Age 6 to Not Attend School)*

The undersigned, being first duly sworn, states upon oath as follows:

I am the parent or natural guardian of \_\_\_\_\_ (Child's name). The Child's date of birth is \_\_\_\_\_. The Child has or will reached the age of six prior to January 1 of the current school year, but will not reach age seven prior to January 1 of the current school year.

I elect to not enroll the Child in an accredited school this school year and hereby affirm (check or initial appropriate exception for attendance):

\_\_\_\_\_ the Child is participating in an education program that the parent or guardian believes will prepare the child to enter grade one for the following school year; or

\_\_\_\_\_ the parent or guardian intends for the Child to participate in a school which has elected or will elect pursuant to law not to meet accreditation or approval requirement and the parent or guardian intends to provide the Commissioner of Education with a statement pursuant to section 79-1601(3) on or before the child's seventh birthday.

IN WITNESS WHEREOF, this affidavit is signed and acknowledged this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

BOARD POLICY BAYARD PUBLIC SCHOOLS

STATE OF NEBRASKA )

) ss.

COUNTY OF MORRILL )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Adopted: 8-9-04

**PARENT RELEASE**

*(For Children Age 16 and 17 to Discontinue Enrollment)*

The undersigned, being first duly sworn, states upon oath as follows:

I am the parent or natural guardian of \_\_\_\_\_ (Child's name). The Child's date of birth is \_\_\_\_\_. The Child has reached the age of 16, but was not age 16 as of \_\_\_\_\_, and has not reached the age of 18.

BOARD POLICY BAYARD PUBLIC SCHOOLS

I hereby release the Child from continued enrollment in school. The Child is dis-enrolled from school effective \_\_\_\_\_ (insert date; if none stated, dis-enrollment is effective immediately.

IN WITNESS WHEREOF, this affidavit is signed and acknowledged this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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

STATE OF NEBRASKA )

) ss.

COUNTY OF MORRILL )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Adopted: 8-9-04

**POLICY NO. 5117 - EDUCATIONAL REQUIREMENTS FOR GRADUATION**

Graduation Requirements for Bayard High School are the successful completion of 260 semester hours.

The total number of credits must include at least the number of semester hours listed in the following areas:

- English – 40 semester hours
- Mathematics – 30 semester hours
- Science – 30 semester hours
- Social Science – 30 semester hours
- Physical Education – 10 credit hours
- Community Service – 8 hours Junior Year and 8 hours Senior Year

Preferred Sequence of Core and Technical Classes for Graduation Progress:

**Freshman Year**

- English I
- Math I
- Physical Science
- World Geography

**Sophomore Year**

- English II
- Math II
- Biology
- World History
- 8 hours Community Service

**Junior Year**

- English III
- American History
- Math III
- Science III
- 8 hours Community Service

**Senior Year**

- College English
- or
- English IV
- American Government
- 8 hours Community Service

A student who has earned all required credits may graduate early. Students who graduate early may choose to have their diplomas awarded at the time of completion or the student may participate in the spring commencement activities.

Adopted: 8-9-99

Revised: 3-14-05; 8-9-10; 7-9-12, 3-10-14, 12-14-20, 8-8-22

Reviewed: 7-12-10

**POLICY NO. 5118 - CHANGE OF EDUCATIONAL PLACEMENT**

A principal, with approval from the Superintendent of Schools, may change the educational placement or program of any student, if the principal feels that a change would benefit the educational process of the student or prevent the disruption of the educational program for an entire class.

Adopted: 8-9-99

Reviewed: 7-12-10

**POLICY NO. 5119 - EVIDENCE OF BIRTH DATE**

Upon enrollment of a student in the Bayard Public Schools, the parent or legal guardian of any child in pre-school to grade 12 shall furnish:

A certified copy of the student's birth certificate issued by the state in which the child was born, prior to admission of a child for the first time. Other reliable proof of the child's identity and age, accompanied by an affidavit explaining the inability to produce a copy of the birth certificate, may be used in lieu of a birth certificate. An affidavit is defined as a notarized statement by an individual who can verify the reason a copy of the birth certificate cannot be produced.

The administration shall notify the person enrolling the student of the requirement that state law further requires that such proof of identity and age be given to the school within thirty days of enrollment (if enrollment without such has been allowed). If this requirement is not met; the administration shall give another notice to the person enrolling the student that unless he or she complies within ten days, the matter shall be referred to the local law enforcement agency for investigation. Any affidavit received as proof of the child's identity and age that appears inaccurate or suspicious in form or content shall be reported immediately to the local law enforcement agency by the school.

Legal Reference: Neb. Rev. Stat. 79-214  
Neb. Rev. Stat. 43-2007

Adopted 8-13-01

Reviewed: 7-12-10



**POLICY NO. 5120 - ENROLLMENT OF EXPELLED STUDENTS**

If a student has been expelled from any public school district in any state, or from a private, denominational, or parochial school in any state, and the student has not completed the terms or time period of the expulsion, the student shall not be permitted to enroll in the School District until the expulsion period from such other school has expired, unless the School Board of this School District in its sole and absolute discretion upon a proper application approves by a majority vote, the enrollment of such student prior to expiration of the expulsion period. As a condition of enrollment, the School Board may require attendance in an alternative school, class or educational program pursuant to Nebraska law until the terms or time period of the original underlying expulsion are completed. A student expelled from a private, denominational, or parochial school or from any public school in another state, will not be prohibited from enrolling in the public school district in which the student resides or in which the student has been accepted pursuant to the enrollment option program for any period of time beyond the time limits placed on expulsion, pursuant to the Student Discipline Act of Nebraska, or for any expulsion for an offense for which expulsion is not authorized for a public school student under such Nebraska Act. For purposes of this policy, the term expulsion or expelled includes any removal from any school for a period in excess of twenty (20) school days.

Legal Reference: Neb. Rev. Stat. 79-266.01

Adopted 8-13-01

Reviewed: 7-12-10

## POLICY NO. 5121 - STUDENT FEES

The Board of Education adopts the following student fees policy in accordance with the Nebraska Public Elementary and Secondary Student Fee Authorization Act.

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

### A. Definitions.

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

### B. Listing of Fees Charged by this District.

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

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

2. *Safety Equipment and Attire.*

The District will provide students with all safety equipment and attire that is required by law. Building administrators will assure that (a) such

equipment is available in the appropriate classes and areas of the school buildings, (b) teachers are directed to instruct students in the use of such devices, and (c) students use the devices as required. Students are responsible for using the devices safely and as instructed.

*3. Personal or Consumable Items.*

Teachers may not require students to supply various personal or consumable items for use in courses. However, they may state that students are requested but not required to bring the following items for use in school. The school must supply any items required for course work but not brought by students. The district may set reasonable general guidelines on the use of consumables to avoid abuse and unnecessary waste of district resources. The district may require students to provide such personal and consumable items for extra curricular activities such as reeds for musical instruments, protective mouthpieces, and blank audio or video tapes.

*4. Materials Required for Course Projects.*

Students in some courses produce a project that becomes their property at the end of the course. In those circumstances, students must either furnish or pay for the reasonable cost of any materials required for the course project; otherwise the project remains in the ownership of the school district.

*5. Extracurricular Activities.*

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

*6. Post-secondary Education Costs.*

Some students enroll in post-secondary courses while still enrolled in the District's high school. As a general rule, students must pay all costs associated with such post-secondary courses. However, for a course in which students receive both high school and post-secondary education credit or a course being taken as part of an approved accelerated or differentiated curriculum program, the District shall offer the course without charge for tuition, transportation, books or other fees, except tuition and other fees associated with obtaining credits from a post-secondary educational institution.

*7. Transportation Costs.*

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

*8. Copies of Student Files or Reports.*

The District will charge a fee for making copies of a student's files or records for the parents or guardians of such students. The Superintendent or the Superintendent's designee shall establish a schedule of student record fees. Parents of students have the right to inspect and review the student's files or records without the payment of a fee, and no fee shall be charged to search for or retrieve any student's files or records.

*9. Participation in Before-and-After-School or Pre-kindergarten Services.*

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

*10. Participation in Summer School or Night School.*

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

*11. Charges for Food Consumed by Students.*

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

C. Waiver Policy.

Students who qualify for free or reduced-price lunches under United States Department of Agriculture child nutrition programs shall be provided a fee waiver or be provided the necessary materials or equipment without charge for (1) participation in extracurricular activities and (2) the use of a musical instrument in optional music courses that are not extracurricular activities. Actual participation in the free or reduced-price lunch program is not required to qualify for the waiver provided in this section. The District is not obligated to provide any particular type or quality of equipment or other materials to eligible students.

D. Distribution of Policy.

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

Adopted: 6-10-02

Revised: 2-14-05; 8-8-11

Reviewed: 8-8-05; 8-14-06; 8-13-07; 8-11-08; 7-12-10

**CERTIFICATION**

On the 9th day of June, 2003, the Board of Education of Bayard Public Schools held a public hearing on a proposed student fee policy. The hearing followed a review of the amount of money collected from students pursuant to, and the use of waivers provided in, the student fee policy for the 2002-2003 school year. This student fee policy was then adopted by a majority vote of the school board at an open public meeting conducted in compliance with the Public Meetings Law.

Adopted: 6-10-02

Revised: 2-14-05

Reviewed: 8-8-05; 8-14-06; 8-13-07; 8-11-08; 7-12-10; 8-8-11

## STUDENT FEE WAIVER PROCEDURES

The Board recognizes that while certain fees, specialized equipment, specialized attire, or project materials are appropriate and authorized, some students and their families are not financially able to afford them. The school district will grant waivers upon request to the students of families eligible for free or reduced priced meals under the federal Child Nutrition program.

Waivers must be requested prior to the waiver deadlines as listed below. Waivers will not be approved retroactively for fees previously paid or specialized items, attire or project materials purchased by students. Only those fees and items eligible for waivers as required by state statute shall be waived.

The following deadlines will apply to requests for waivers:

1. Extracurricular Activity Participating Fees – The end of the first week of practice for a particular sport or activity.
2. Extracurricular Activity Specialized Equipment and Attire – The end of the first week of practice for a particular sport or activity.

Parents or students eligible for waivers shall make an application on the form provided by the school district. Applications may be made at any time but must be renewed annually. Denial of a waiver may be appealed to the superintendent, but eligibility is strictly dependent upon meeting financial guidelines established by the Child Nutrition program.

The school district will treat the application and waiver process, as any other student record and student confidentiality and access provisions will be followed.

The school district will annually notify parents and students of the waiver. The student fee policy and guidelines will be published annually in the Student Handbook

**REGULATIONS FOR PROVIDING REQUIRED SPECIALIZED EQUIPMENT OR ATTIRE IN EXTRACURRICULAR ACTIVITIES**

The following extracurricular activities require specialized equipment or specialized attire to be provided by participating students. Students qualifying for free or reduced price meals are eligible to apply for waivers under school policy.

**ACTIVITY**

**DESCRIPTION**

All Classes No class dues will be assessed. All class money for class activities will be earned through fundraising activities. If you want to take part in the class activities you must work the fundraising projects.

Band Instruments; meals during competition; band uniform cleaning fee; registrations fees (All-State, High Plains, etc.).

Choir Registration fees (All-State, High Plains, etc.); meals at contests; folder for music (2-pocket); choir trip.

Elementary Music Miscellaneous costumes and props for Elementary shows.

Magic Rhythm Performance outfit (girls – dresses, briefs, shoes and nylons. boys – shirt, pants, vest, tie, cummerbund, socks and shoes); meals on competition days.

21<sup>st</sup> Century Performance outfit (girls – dresses, briefs, shoes and nylons. boys – shirt, pants, vest, black socks and shoes); white shirts for caroling; meals on competition days; miscellaneous costumes and props for annual show; 21<sup>st</sup> trip.

JR. High Swing Choir T-shirt; meals for competitions.

FFA Meals for trips, FFA jackets.

Jr. Class Play Costumes.

Library OVER DUE charge \$.25 per item per day starting the second week material is over due. They have a one-week grace period to return or renew material. LOST library material – pay the replacement cost of the item. If item is found money is refunded. DAMAGED library material – if material is severely damaged there will be a replacement cost charge. REPAIR of textbooks will be charged by the instructor.

## BOARD POLICY BAYARD PUBLIC SCHOOLS

National Honor Society Each member is required to collect 5 pledges or donations for the bowl-a-thon fundraiser. Each member pays for the games they bowl (2-3 games).

One-Act Plays Costumes.

Quiz Bowl Meals at competition.

Senior Class Class t-shirt; donating items for concessions, prom, etc.; flower for graduation if class funds are not available.

Spanish Club \$3 fee for annual dinner; Spanish Dictionary is optional – some are provided in class for the students' use. In the event of a Foreign Language Fair at Chadron State College, student may be required to pay an enrollment fee (usually only charged, if needed to pay for materials) – sack lunches will be provided by the school.

Speech Meals at competition.

Cheerleading Cheerleading uniform – cheerleader will conduct fundraisers to help with the cost of uniform. You must help with these activities in order to be a cheerleader.

Basketball (Boys/Girls) Basketball shoes (JH/High School).

Football Football shoes.

Golf (Boys/Girls) Golf clubs, bag, tees, balls.

Track (Boys/Girls) Track shoes (running spikes, field event shoes, jumping event shoes, etc.); t-shirts/sweatshirts; gloves and cap; and meals on competition days.

Volleyball Meals on competition days and black spandex shorts.

Wrestling Shoes.

X-Country T-shirt (optional), jacket (optional), shoes- spikes (optional), socks, running tights, one size fits all gloves, head bands (ear covers) and meals on competition days.

JR High Football Football shoes (optional) may wear tennis shoes.

JR High Track (Boys/Girls) Track shoes and meals on competition days.

This list is not all inclusive. Activities and items may be added during the year.

### **STUDENT FEE ASSESSMENTS**

The following fees, charges or fines will be assessed during the school year for students



## BOARD POLICY BAYARD PUBLIC SCHOOLS

involved in the activities described.

Students may apply for waivers of some fees under district waiver guidelines. The student fee policy and guidelines will be published annually in the Student Handbook.

<b><u>ACTIVITY</u></b>	<b><u>COST</u></b>
Lunch	Price established for the year.
Band Uniform Cleaning Fees	\$10.00
FFA, FCCLA	As set by the organization.
Cheerleading Clinic	As set by sponsoring group.
Miscellaneous Fees:	
Lost textbooks and library books.	Cost to replace.
Damaged textbooks and library books.	Cost to repair or replace.
Lost school or athletic equipment.	Cost to replace.
Broken or destroyed school or athletic equipment.	Cost to repair or replace.

### **SUGGESTED PERSONAL OR CONSUMABLE ITEMS**

Teachers may suggest students to supply various personal or consumable items for use in school. The following list provides an example of the types of items that may be considered personal or consumable. Teachers shall furnish the principal with a list of all items suggested prior to the beginning of the school year. This will allow students and parent's time to purchase them.

Pencils	Markers (no neon or glitter)
Colored Pencils	Highlighters
Pens	Activity Calendars
Paper	Compass
Graph Paper	Protractor
Tablets	Calculator (Tillman's class TI-36X or 30X IIS)

BOARD POLICY    BAYARD PUBLIC SCHOOLS

Notebooks	Blank Computer Disks
White Out	Blank Audio or Video Tapes
Organizers	Reeds for Musical Instruments
Planners	Make-up kits for Drama
Scissors	Protective Mouthpiece for Sports
Erasers	Elmer's Glue (other types may create usage
Glue Stick	difficulties)

**BAYARD PUBLIC SCHOOLS**

**STUDENT FEE WAIVER APPLICATION**

Students whose families meet the income guidelines for free and reduced price lunches are eligible to have expenses of certain fees, specialized equipment, and specialized attire and project materials waived as provided by district policy. All information provided in connection with this application will be kept confidential. This waiver does not carry over from year to year and must be completed annually.

ALL INFORMATION REQUESTED ON THIS FORM MUST BE COMPLETED FOR THE FEE WAIVER APPLICATION TO BE PROCESSED

**PLEASE PRINT**

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

Name of Parent or Guardian: \_\_\_\_\_

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

City, State, Zip Code: \_\_\_\_\_

Student Name(s)	School Attending	Grade
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Your signature below is required for the release of information regarding the student or students' family financial eligibility for the programs checked above. Without your signature, this application cannot be processed.

Signature of parent or guardian: \_\_\_\_\_

\*\*\*\*\*

Specific fees, equipment, attire or materials to which this waiver applies: \_\_\_\_\_

Administrator's Signature: \_\_\_\_\_

Submit this form to Mr. Dennis Dubry at the Elementary Principals Office

**STUDENT COURSE PROJECT PURCHASE FORM**

Amendments to the Public Elementary and Secondary Student Fee Authorization Act prohibit the district from requiring students to furnish materials for standard course projects. In general, all course projects will remain the property of the district. However, it is the district's policy to allow students to purchase their projects provided they have agreed to such a purchase prior to beginning work on the project.

**ALL INFORMATION REQUESTED ON THIS FORM MUST BE COMPLETED PRIOR TO BEGINNING THE PROJECT TO ALLOW PURCHASE BY THE STUDENT.**

**PLEASE PRINT**

To be completed by the instructor:

Course: \_\_\_\_\_

Expected Completion Date \_\_\_\_\_

Project

\_\_\_\_\_

Estimated Cost: \_\_\_\_\_

Instructor's Signature: \_\_\_\_\_

I \_\_\_\_\_ agree to purchase this project and/or all project

Student's Name

Materials following the project's expected completion date:

Student's Signature: \_\_\_\_\_

I permit my student to purchase this project and/or all project materials following the project's expected completion date:

Parent/Guardian's Signature \_\_\_\_\_

Adopted: 6-10-02

Revised: 2-14-05

Reviewed: 8-8-05, 8-14-06, 8-13-07, 8-11-08; 7-12-10; 8-8-11

**POLICY NO. 5121-A - STUDENT TRANSFERS OUT OR WITHDRAWALS**

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

The notice shall state the student's final day of attendance. If the student is not enrolling in another school district, the school district shall maintain the student's records in the same manner as the records of students who have graduated from the school district.

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

**Withdrawal and Transfer Procedure**

The procedure for withdrawal or transferring is as follows:

1. Secure authorization withdrawal or transfer not from the parent or guardian.
2. Obtain appropriate forms from the guidance office or principal's office.
3. Have the forms filled out by teacher, return all schoolbooks and property, and make sure all fees are paid.

BOARD POLICY BAYARD PUBLIC SCHOOLS

4. Take completed forms to the guidance or principal's office for final clearance.

Approved 8-12-02; 7-12-10

**POLICY NO. 5122 - STUDENT ATTENDANCE RECORDS**

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

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

Legal Reference: Neb. Statue 79-205 to 207

Cross Reference: 203.01 Compulsory Attendance  
507 Student Records

Approved 8-12-02

Reviewed: 7-12-10

**POLICY NO. 5123 - STUDENTS OF LEGAL AGE**

Students who have attained legal age (19) may continue the education program without payment of tuition as long as they have not graduated from high school, are eligible to attend a Nebraska public school and are residents of the school district.

Parents will be allowed to access and view the student's records without written permission from the student if the student is still a dependent for tax purposes. In most cases, with the discretion of the principal or the superintendent, the student will be able to make decisions and sign documents rather than requiring parental permission or signature.

Legal Reference: Neb. Statue 43-2101  
79-1126  
20 U.S.C. \* 1232g (1994).

Approved 8-12-02

Reviewed: 7-12-10



**POLICY NO. 5124 - STUDENT CONDUCT**

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

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

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

This disciplinary process is designed to create the expectation that the degree of discipline imposed by the school will be proportionate to the severity of the behavior of the particular

## BOARD POLICY    BAYARD PUBLIC SCHOOLS

student, the previous discipline history of the student and other relevant factors. It will also include parental involvement processes designed to enable parents, guardians, teachers and school administrators to work together to improve and enhance appropriate student behavior and academic performance. All student codes of conduct shall be submitted to the board for approval or review.

The code of conduct will be included in the student handbook, and a parent/guardian will sign and promptly return an acknowledgement of receipt of the handbook which specifically mentions the student code of conduct.

Legal Reference: Goss v. Lopez, 419 U.S. 565 (1975)

Neb. Statute 79-2,114 et seq. (NE Equal Opportunity in Education Act)

79-254 et seq. (Student Discipline Act)

Approved: 8-12-02

Reviewed: 7-12-10

**POLICY NO. 5125 - STUDENT CONDUCT ON BUSES**

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

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

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

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

Approved 8-12-02

Reviewed: 7-12-10

**POLICY NO. 5126 - REGULATED DEVICES-BEEPERS, CELL PHONES AND LASER POINTERS**

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

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

Approved 8-12-02

Revised: 4-10-06

Reviewed: 7-12-10

**POLICY NO. 5127 - SEARCH, SEIZURE AND ARRESTS-USE OF DRUG DETECTION DOGS**

As part of the district's effort to keep the secondary school safe and free from illegal drugs, the secondary school principal may authorize the use of law enforcement drug detection dogs to search school lockers and cars parked in the school parking lot under the following guidelines.

1. The dogs will be brought into the secondary school both during and after school hours. The Secondary Principal shall determine when the drug detection dogs will be used. Sniff searches will be conducted at random times throughout the school year.
2. The dogs will search lockers and cars parked in the school parking lot only. Students will not be searched by drug detection dogs. During the school day sniff searches, students will be in classrooms.
3. If the drug detection dog identifies a locker or car, then school officials and law enforcement personnel will search the area and conduct an investigation. Parents/guardians will be notified if illegal drugs or contraband are discovered in a student's locker or car. School penalties for possession of an illegal substance are governed by the school discipline code and may range from suspension to expulsion.
4. If an illegal drug is found, law enforcement will conduct a criminal investigation. If, during this investigation, probable cause exists to warrant an arrest, an arrest will be made.
5. If a student refuses to unlock a vehicle identified by a drug detection dog, the student will be subject to school sanctions for refusing to submit to a search. Law enforcement personnel will take appropriate action based on departmental policies.

6. Drug detection dog searches in the Bayard Public Schools may involve the Bayard Police Department, Morrill County Sheriff and/or the Nebraska State Patrol.

Adopted: 3-10-08

Reviewed: 7-12-10

**POLICY NO. 5128 - QUESTIONING OF STUDENTS BY OUTSIDE AGENCIES**

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

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

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

Students will not be taken from school without the consent of the principal and without proper warrant when applicable.

Legal Reference: Neb. Statue 79-294

Approved: 8-12-02

Reviewed: 7-12-10

**POLICY NO. 5129 - STUDENT RECORDS ACCESS**

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

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

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

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

Any student, his or her parents/guardians, teachers, counselors or school administrators



BOARD POLICY    BAYARD PUBLIC SCHOOLS

shall have access to the student's records during the regular business hours of the district. In addition, authorized representative of the State or Federal government, and state educational authorities connected with the enforcement of requirements of certain educational programs as prescribed by law shall have access to student records within the limitations of state statutes. No one else shall have access to the records and the records shall not be divulged to any person.

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

Legal Reference:    20 U.S.C. \* 1232g (FERPA)  
                          34 C.F.R. Pt. 99, 300.560 - .574 (1996)  
                          45 C.F.R. Part 99 (Privacy Rights of Parents and Students)  
                          NE Statute 79-2,104 and 2,105  
  79-2539  
  79-4,157 and 4,158  
  84-1,212.01 et seq.

Approved: 8-12-02

Reviewed: 7-12-10

## **POLICY NO. 5130 - STUDENT LIBRARY CIRCULATION RECORDS**

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

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

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

Legal Reference: 20 U.S.C. \*1232g (1994)

34 C.F.R. Pt. 99 (1996)

Approved: 8-12-02

Reviewed: 7-12-10

**POLICY NO. 5131 - HARASSMENT BY STUDENTS**

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

Harassment prohibited by the school district includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, marital status or disability. Students whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, suspension and expulsion.

Sexual harassment means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

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

Sexual harassment as set out above, may include, but is not limited to the following:

- pressure for sexual activity; repeated remarks to a person with sexual or demeaning implications;
- unwelcome touching;
- unwelcome and offensive public sexual display of affection;
- suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, achievements, etc.

Harassment on the basis of race, creed, color, religion, national origin, marital status or disability means conduct of a verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble individuals when:

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

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

- verbal, physical or written harassment or abuse;
- repeated remarks of a demeaning nature;
- implied or explicit threats concerning one's grades, achievements, etc.;
- demeaning jokes, stories, or activities directed at an individual.

The district will promptly and reasonably investigate allegations of harassment. The building principal will be responsible for handling all complaints by students alleging harassments.

Retaliation against an individual because the individual has filed a harassment complaint or assisted or participated in a harassment investigation or proceeding is also prohibited. A student who is found to have retaliated against an individual in violation of this policy will be subject to discipline, up to and including, suspension and expulsion.

It shall also be the responsibility of the Superintendent, in conjunction with the investigator and principals, to develop administrative rules regarding this policy. These rules will be printed and distributed to students and parents in the student handbook. The superintendent shall also be responsible for organization training programs for students and employees. The training shall include how to recognize harassment and what to do in case an individual is harassed. The employee training will be documented in personnel files to ensure a record of training for each employee.

Approved: 8-11-03

Reviewed: 7-12-10

**POLICY NO. 5132 - ASTHMA AND ALLERGIC REACTION PROTOCOL**

The district will adopt and implement the Emergency Response to Life-Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis) Protocol as required by the Nebraska Department of Education.

The superintendent, in conjunction with licensed health personnel, shall establish administrative regulations for the implementation of this policy during regular hours while school classes are in session. The regulations established shall comply with NDE rules regarding the protocol to follow in case of a life-threatening asthma or systemic allergic reaction and use of an EpiPen and albuterol. Also, these shall ensure that each school building will procure and maintain the equipment and medication necessary under the protocol in the case of any student or school staff emergency. Staff training in using the protocol shall occur periodically. Records of such training and occurrences of administering medication under the protocol shall be maintained.

The parent or guardian of a student of minority age may sign a waiver requesting that their student not receive emergency treatment under this protocol. Information about the waiver shall be provided to parents in the student handbook.

Legal Reference: NDE Rule 59.006

Cross Reference: 508-02 Administration of Medication to Students

Approved: 8-9-04

Reviewed: 7-12-10

Revised: 8-9-10

## ASTHMA AND ALLERGIC REACTION PROTOCOL

### EMERGENCY RESPONSE TO LIFE-THREATENING ASTHMA OR SYSTEMIC ALLERGIC REACTIONS (ANAPHYLAXIS)

**DEFINITION:** Life-threatening asthma consists of an acute episode of worsening airflow obstruction. Immediate action and monitoring are necessary.

A systemic allergic reaction (anaphylaxis) is a severe response resulting in cardiovascular collapse (shock) after the injection of an antigen (e.g. bee or other insect sting), ingestion of a food or medication, or exposure to other allergens, such as animal fur, chemical irritants, pollens or molds, among others. The blood pressure falls, the pulse becomes weak, AND DEATH CAN OCCUR. Immediate allergic reactions may require emergency treatment and medications.

**LIFE-THREATENING ASTHMA SYMPTOMS:** Any of these symptoms may occur.

Chest tightness

Wheezing

Severe shortness of breath

Retractions (chest or neck “sucked in”)

Cyanosis (lips and nail beds exhibit a grayish or bluish color)

Change in mental status, such as agitation, anxiety, or lethargy

A hunched-over position

Breathlessness causing speech in one-to-two word phrases or complete inability to speak.

**ANAPHYLACTIC SYMPTOMS OF BODY SYSTEM:** Any of the symptoms may occur within seconds. The more immediate the reactions, the more severe the reaction may become. Any of the symptoms present requires several hours of monitoring.

*Skin:* warmth, itching, and/or tingling of underarms/groin, flushing, hives

BOARD POLICY BAYARD PUBLIC SCHOOLS

*Abdominal:* pain, nausea and vomiting, diarrhea

*Oral/Respiratory:* sneezing, swelling of face (lips, mouth, tongue, throat), lump or tightness in the throat,

hoarseness, difficulty inhaling, shortness of breath, decrease in peak flow meter reading, wheezing

reaction.

*Cardiovascular:* headache, low blood pressure (shock), lightheadedness, fainting, loss of consciousness, rapid

heart rate, ventricular fibrillation (no pulse).

*Mental status:* apprehension, anxiety, restlessness, irritability.

**EMERGENCY PROTOCOL:**

1. CALL 911
2. Summon school nurse if available, if not; summon designated trained, non-medical staff to implement emergency protocol.
3. Check airway patency, breathing, respiratory rate and pulse.
4. Administer medications (EpiPen and albuterol) per standing order.
5. Determine cause as quickly as possible.
6. Monitor vital signs (pulse, respiration, etc.).
7. Contact parents immediately and physician as soon as possible.
8. Any individual treated for symptoms with epinephrine at school will be transferred to medical facility.

**STANDING ORDERS FOR RESPONSE TO LIFE-THREATENING ASTHMA OR ANAPHYLAXIS:** Administer an IM EpiPen-Jr. for a child less than 50 pounds or and adult Epi-Pen for any individual over 50 pounds. Follow with nebulized albuterol (premixed) while awaiting EMS. If not better, may repeat times two, back-to-back administer CPR, if indicated.

\_\_\_\_\_ Date \_\_\_\_\_



(PHYSICIAN)

\_\_\_\_\_ Date \_\_\_\_\_

(PHYSICIAN)

**WAIVER OF EMERGENCY RESPONSE TO LIFE-THREATENING ASTHMA OR SYSTEMIC ALLERGIC REACTIONS PROTOCOL**

Bayard School District

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

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

I am aware of the school policy that provides a protocol to follow by school personnel to administer EpiPen/albuterol to a student when it is determined that the student is suffering a life-threatening asthma or systemic allergic reaction while school is in session.

After considering the school policy and the best interests of my child, \_\_\_\_\_

I do not wish to have him/her administered albuterol or medication from an EpiPen by school personnel under any circumstances for the 20 \_\_\_\_-20 \_\_\_\_ school year.

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

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

**POLICY NO. 5133 - STUDENT USE OF CELLULAR TELEPHONES**

Students may be in possession of a cellular telephone subject to the terms of this policy and the administrative rules of the District. Use of the device shall be limited to the period before classes begin in the morning and after the student's last class in the afternoon. Such devices shall not be used during school time which includes all class time and passing time between classes unless there is a bona fide health or safety emergency.

Visible possession of all cell phones is prohibited in any area where there is an expectation of privacy.

Students violating this policy may be subject to disciplinary action; i.e., detention, suspension and/or expulsion.

The administration shall promulgate rules to enforce this policy at the building level.

Adopted: 4-10-06

Reviewed: 7-12-10

**POLICY NO. 5134 - HIGH SCHOOL CREDIT FOR MIDDLE SCHOOL COURSES**

High school credit may be awarded to students in a middle grades course if the course content and requirements are equivalent to a course offered in the high school. For the purposes of this policy, 6<sup>th</sup> grade is considered to be included in the middle grades (in alignment with Nebraska Department of Education reporting requirements).

Legal Reference: NDE Rule 10.003.05B

Adopted: 8-11-14

Revised: 3-08-21

Legal Reference: NDE Rule 10.003.05B

Adopted: 8-11-14

## **POLICY NO. 5135 - STUDENTS WITH ALLERGIES**

Bayard Public Schools is committed to providing a safe and nurturing environment for students. The Board of Education understands the increasing prevalence of life threatening and substantially limiting allergies among school populations.

Recognizing that the risk of exposure to allergens can be reduced in the school setting, Bayard Public Schools is committed to working in cooperation with parents, students, and physicians, to minimize risks and provide a safe educational environment for all students. The focus of allergy management shall be on prevention, education, awareness, communication and emergency response.

It is the policy of the district to provide all students, through necessary accommodations where required for students with disabilities, the opportunity to participate in all school programs and activities for which they are otherwise eligible. Accordingly, all staff shall act affirmatively and, through the school's regular communication policies and procedures, work closely with parents to assure that the needs of children with documented allergies are taken into consideration in planning for district programs.

The goals for allergy management include:

1. To define a formal process for identifying, managing, and ensuring continuity of care for students with life-threatening or substantially limiting allergies.
2. To maintain the health and protect the safety of children who have life-threatening or substantially limiting allergies in ways that are developmentally appropriate, promote self-advocacy and competence in self-care and provide appropriate educational opportunities.
3. To ensure that interventions and individual health care plans for students with life-threatening or substantially limiting allergies are based on accurate information and evidence-based practices.

### Responsibilities of Staff.

Staff shall develop plans to minimize risks and provide a safe educational environment for students with allergies. Upon being informed of the student needs, the appropriate team shall convene (IEP team for students with verified disabilities; 504 team for students with a 504-qualifying disability without an IEP; and individual health care team for students who do not qualify for IEP or 504 services or accommodations). The team shall consider the unique needs of the individual student in developing the appropriate plan for each student.

Consideration shall be given, but not limited to, the following:

- Restrict foods and other allergens from the classroom(s) of the student with allergies or from other areas where student with allergies may be exposed, such as the food services environment (which may include restricting foods in specified eating areas, restricting foods served in the meal line, and identifying foods containing common allergens), during field trips, student transportation vehicles, and extracurricular activities or events.
- Encouraging washing of hands before and after handling foods.
- Develop appropriate cleaning protocols.
- Inform and educate staff about the identity and needs of students with allergies, in a manner consistent with FERPA and other confidentiality or privacy laws.
- Use signage to inform building users of building-wide restrictions on common allergens.
- Be aware of location(s) of auto-injectable epinephrine for the student in the event of an emergency, understand the signs and recognize the symptoms of an allergic emergency and be aware of how to administer auto-injectable epinephrine and/or who to contact in the event of an emergency.

Responsibilities of Students with Allergies, and their Parents.

- Inform the school nurse, the head cook, and the building administrator of the student's allergies and provide medical verification, physician treatment protocols and prescribed medication as appropriate.
- Avoid anything with unknown ingredients or known to contain any food to which the student is allergic or knowingly or carelessly expose oneself to items to which the student is allergic.
- Be proactive in the care and management of the student's allergies and reactions based on their developmental level.
- Notify an adult immediately if the student eats or is exposed to the food or other allergies to which the student is allergic.

Responsibilities of Other Students.

- Not intentionally or carelessly expose those with allergies to foods or other allergens that may create an adverse reaction.
- Follow directives given with regard to food restrictions and protocols.
- Not bully or pick on a student with a food allergy because of the student's condition.

Failure to meet the foregoing expectations may subject the violating student to disciplinary consequences, up to and including expulsion.

Legal Reference: Americans with Disabilities Act of 1990 (ADA)

BOARD POLICY    BAYARD PUBLIC SCHOOLS

Section 504 of the Rehabilitation Act of 1973 (Section 504)

NDE Rule 59

Adopted: 05-11-2015

**POLICY NO. 5136 - SEIZURE SAFE SCHOOLS**

In any district school with at least one student identified as having a seizure disorder, if the student's parent/guardian and health care provider have worked with the school to develop a seizure action plan that school shall have at least one employee who has met the training requirements necessary to administer or assist with the self-administration of a seizure rescue medication or medication prescribed to treat seizure disorder symptoms as approved by the United States Food and Drug Administration.

The training shall include instruction in administering seizure medications, recognizing the signs and symptoms of seizures, and responding to such signs and symptoms with the appropriate steps.

Prior to the administration of a seizure rescue medication or medication prescribed to treat seizure disorder symptoms by a school employee, a student's parent or guardian shall:

1. Provide the school with a written authorization to administer the medication at school;
2. Provide a written statement from the student's health care practitioner containing the following information:
  - a. The student's name;
  - b. The name and purpose of the medication;
  - c. The prescribed dosage;
  - d. The route of administration;
  - e. The frequency that the medication may be administered; and
  - f. The circumstances under which the medication may be administered.
3. Provide the medication to the school in its unopened, sealed package with the intact label affixed by the dispensing pharmacy; and
4. Collaborate with school employees to create a seizure action plan.

If specified in a student's seizure action plan, such student shall be permitted to possess the supplies, equipment, and medication necessary to treat a seizure disorder in accordance with such seizure action plan.



## BOARD POLICY    BAYARD PUBLIC SCHOOLS

The authorization, statement, and seizure action plan required for each student shall be kept on file in the office of the school nurse or school administrator.

Each seizure action plan shall be distributed to any school personnel or volunteers responsible for the supervision or care of the student for whom such seizure action plan was created.

Any authorization provided by a parent or guardian shall be effective only for the school year in which it is provided and shall be renewed each following school year.

For all schools in the district regardless of whether any students are identified as having a seizure disorder, each certificated school employee shall participate in a minimum of one hour of self-study review of seizure disorder materials at least once in every two school years.

Schools or school employees who act in compliance with the Seizure Safe Schools Act shall not be liable for damages related to the care of a student's seizure disorder unless such damages resulted from an act of willful or wanton misconduct by the school or school employee nor shall school employees be subject to any disciplinary proceeding related to an act taken in compliance with the Seizure Safe Schools Act unless such action constitutes willful or wanton misconduct.

Legal Reference: Neb. Statute 79-3201 to 3207

Adopted: 8-8-2022

Revised:

Reviewed:

**POLICY NO. 5202 - CONFIDENTIALITY OF STUDENT RECORDS**

School staff shall maintain student records in compliance with state and federal law.

**Confidentiality of Student Records.**

Student files and other education records shall not be released or divulged except in compliance with state and federal law.

School officials may have access to only those education records in which they have a legitimate educational interest, unless the parent has given written and dated consent for the access. A school official who violates this restriction shall be subject to disciplinary action up to and including termination.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility and effectively provide the function or service for which they are responsible.

A school official for purposes of access to education records is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee or assisting another school official in performing his or her tasks.

To the extent permitted by law, contractors, consultants and volunteers may be permitted to have access to education records where they are performing a function or service that would otherwise be done by a school employee. Their access is limited to education records in which they have a legitimate educational interest; which means records needed to effectively provide the function or service for which they are responsible.

**Student and Parent Access to Student Records.**

A parent or guardian of a student or former student, and a student or former student who is eighteen (18) years of age or older, shall be given the opportunity upon request to inspect and review the education records of the student or former student. Non-custodial parents will be provided full and equal access to the education records of his or her child unless there is a court order to the contrary.

**Maintenance and Destruction.**

Student files or records shall be maintained so as to separate academic and disciplinary matters. All disciplinary material in a student's file shall be removed and destroyed after the student's continuous absence from the school for a period of three (3) years.

**Amendment of Student Records.**

Parents and eligible students (a student who has reached 18 years of age or is attending an institution of postsecondary education) have the right to challenge any information contained in the records that they believe is inaccurate, misleading or violates the privacy rights of the student. Such a challenge may be made by making a written request to the Principal to amend the records. If a decision is made not to amend the education records in accordance with the request, the Principal shall so inform the parents of the student and the Superintendent. The parent shall be advised of the right to a hearing.

If a hearing is requested, the Superintendent shall conduct a hearing (or delegate the role to another school official who does not have a direct interest in the outcome of the hearing) and provide the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised in conformance with applicable law.

Legal Reference: Neb. Rev. Stat. 42-364(4) & 42-381; Neb. Rev. Stat. 43-3001  
Neb. Rev. Stat. 79-2, 104 & 79-2, 105; Neb. Rev. Stat. 79-539  
Neb. Rev. Stat. 84-1201 to 84-1220  
Family Educational Rights and Privacy Act of 1974

Adopted: 7-14-08

Reviewed: 7-12-10

**POLICY NO. 5401 - ANTI-DISCRIMINATION, ANTI-HARASSMENT, AND ANTI-RETALIATION**

**A. Elimination of Discrimination.**

The Bayard Public School District hereby gives this statement of compliance and intends to comply with all state and federal laws prohibiting discrimination. This school district intends to take any necessary measures to assure compliance with such laws against any prohibited form of discrimination.

The Bayard Public School District does not discriminate on the basis of sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Students: Secondary Principal, 726 4th Avenue, Bayard, NE 69334 (308) 586-1700.

Employees and Others: Superintendent, 726 4th Avenue, Bayard, NE 69334 (308) 586-1325

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education (OCR), please contact OCR at One Petticoat Lane, 1010 Walnut Street, 3rd Floor, Suite 320, Kansas City, Missouri 64106, (816) 268-0550 (voice), Fax (816) 268-0599, (800) 877-8339 (telecommunications device for the deaf), or [ocr.kansascity@ed.gov](mailto:ocr.kansascity@ed.gov).

**B. Prohibited Harassment, Discrimination, and Retaliation of Employees, Students and Others.**

**1. Purpose:**

The Bayard Public School District is committed to offering employment and educational opportunity to its employees and students in a climate free of discrimination. Accordingly, unlawful discrimination, harassment and retaliation of any kind by District employees, including, co-workers, non-employees (such as volunteers), third parties, and others is strictly prohibited and will not be tolerated.

Harassment is a form of discrimination and includes verbal, non-verbal, written, graphic, or physical conduct relating to a person's sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status, that is sufficiently serious to deny, interfere

with, or limit a person's ability to participate in or benefit from an educational or work program or activity, including, but not limited to:

- c. Conduct that is sufficiently severe or pervasive to create an intimidating, hostile, or abusive educational or work environment, or
- d. Requiring an individual to endure the offensive conduct as a condition of continued employment or educational programs or activities, including the receipt of aids, benefits, and services.

Educational programs and activities include all academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere.

Discriminatory harassment because of a person's sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status, may include, but is not limited to:

- k. Name-calling,
- l. Teasing or taunting,
- m. Insults, slurs, or derogatory names or remarks,
- n. Demeaning jokes,
- o. Inappropriate gestures,
- p. Graffiti or inappropriate written or electronic material,
- q. Visual displays, such as cartoons, posters, or electronic images,
- r. Threats or intimidating or hostile conduct,
- s. Physical acts of aggression, assault, or violence, or
- t. Criminal offenses

The following examples are additional or more specific examples of conduct that may constitute sexual harassment:

- a. Unwelcome sexual advances or propositions,
- b. Requests or pressure for sexual favors,
- c. Comments about an individual's body, sexual activity, or sexual attractiveness,
- d. Physical contact or touching of a sexual nature, including touching intimate body parts and inappropriate patting, pinching, rubbing, or brushing against another's body,
- e. Physical sexual acts of aggression, assault, or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking), against a person's will or where a person is incapable of giving consent due to the victim's age, intellectual disability, or use of drugs or alcohol,

- f. Requiring sexual favors or contact in exchange for aids, benefits, or services, such as grades, awards, privileges, promotions, etc., or
- g. Gender-based harassment; acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex-stereotyping, but not involving conduct of a sexual nature.

If the District knows or reasonably should know about possible harassment, including violence, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred (see section entitled “Grievance Procedures,” below), and take appropriate interim measures, if necessary. If the District determines that unlawful harassment occurred, the District will take prompt and effective action to eliminate the harassment, prevent its recurrence, and remedy its effects, if appropriate. If harassment or violence that occurs off school property creates a hostile environment at school, the District will follow this policy and grievance procedure, within the scope of its authority.

All District employees are expected to take prompt and appropriate actions to report and prevent discrimination, harassment, and retaliation by others. Employees who witness or become aware of possible discrimination, including harassment and retaliation, must immediately report the conduct to his or her supervisor or the compliance coordinator designated to handle complaints of discrimination (designated compliance coordinator).

**2. Anti-retaliation:**

The District prohibits retaliation, intimidation, threats, coercion, or discrimination against any person for opposing discrimination, including harassment, or for participating in the District's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing. Retaliation is a form of discrimination.

The District will take immediate steps to stop retaliation and prevent its recurrence against the alleged victim and any person associated with the alleged victim. These steps will include, but are not limited to, notifying students, employees, and others, that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment, or retaliation have occurred. If retaliation occurs, the District will take prompt and strong responsive action, including possible discipline, including expulsion or termination, if applicable.

**3. Grievance (or Complaint) Procedures:**

Employees or students should initially report all instances of discrimination, harassment or retaliation to their immediate supervisor or teacher or to the compliance coordinator designated to handle complaints of discrimination (designated coordinator). If the

employee or student is uncomfortable in presenting the problem to the supervisor or teacher, or if the supervisor or teacher is the problem, the employee or student may report the alleged discrimination, harassment or retaliation (“discrimination”) to the designated coordinator, or in the case of students, to another staff person (such as a counselor or principal).

Other individuals may report alleged discrimination to the designated coordinator. If the designated coordinator is the person alleged to have committed the discriminatory act, then the complaint should be submitted to the Superintendent for assignment. A discrimination complaint form is attached to this grievance procedure and is available in the office of each District building, on the District's website, and from the designated coordinators.

Under no circumstances will a person filing a complaint or grievance involving discrimination be retaliated against for filing the complaint or grievance.

*ii. Level 1 (Investigation and Findings):*

Once the District receives a grievance, complaint or report alleging discrimination, harassment, or retaliation, or becomes aware of possible discriminatory conduct, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred. If necessary, the District will take immediate, interim action or measures to protect the alleged victim and prevent further potential discrimination, harassment, or retaliation during the pending investigation. The alleged victim will be notified of his or her options to avoid contact with the alleged harasser, such as changing a class or prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the District's investigation. The District will minimize any burden on the alleged victim when taking interim measures to protect the alleged victim.

The District will promptly investigate all complaints of discrimination, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations. The District will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by this grievance procedure. If the allegation(s) involve possible criminal conduct, the District will notify the complainant of his or her right to file a criminal complaint, and District employees will not dissuade the complainant from filing a criminal complaint either during or after the District's investigation.

The District will aim to complete its investigation within **ten (10) working days** after receiving a complaint or report, unless extenuating circumstances exist. Extenuating circumstances may include the unavailability of witnesses due to illness or incapacitation, or additional time needed because of the complexity of the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple



complainants or victims. If extenuating circumstances exist, the extended timeframe to complete the investigation will **not exceed ten (10) additional working days without the consent of the complainant, unless the alleged victim agrees to a longer timeline.** Periodic status updates will be given to the parties, when appropriate.

The District's investigation will include, but is not limited to:

- e. Providing the parties with the opportunity to present witnesses and provide evidence.
- f. An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.
- g. For allegations involving harassment, some of the factors the District will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students' education, 4) the type, frequency, and duration of the conduct, 5) the identity of and relationship between the alleged harasser and the suspect or suspects of the harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment, 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.
- h. A review of the evidence using a "preponderance of the evidence" standard (based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?)

The designated compliance coordinator (or designated investigator) will complete an investigative report, which will include:

- d. A summary of the facts,
- e. Findings regarding whether discrimination, harassment or other inappropriate conduct occurred, and
- f. If a finding is made that discrimination, harassment or other inappropriate conduct occurred, the recommended remedy or remedies necessary to eliminate discrimination, harassment or other inappropriate conduct.

If someone other than the designated compliance coordinator conducted the investigation, the compliance coordinator will review, approve, and sign the investigative report. The District will ensure that prompt, appropriate, and effective remedies are provided if a finding of discrimination, harassment, or retaliation is made. The District will maintain relevant documentation obtained during the investigation and documentation supportive of the findings and any subsequent determinations, including the investigative report, witness statements, interview summaries, and any transcripts or audio recordings, pertaining to the investigative and appeal proceedings.

The District will send concurrently to the parties written notification of the decision (findings and any remedy) regarding the complaint within **one (1) working day** after the investigation is completed. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 11232g; 34 C.F.R. Part 99, permits the District to disclose relevant information to a student who was discriminated against or harassed.

*ii. Level 2 (Appeal to the Superintendent):*

If a party is not satisfied with the findings or remedies (or both) set forth in the decision, he or she may file an appeal in writing with the Superintendent within **five (5) working days** after receiving the decision. The Superintendent will review the appeal and the investigative documentation and decision, conduct additional investigation, if necessary, and issue a written determination about the appeal **within ten (10) working days** after receiving the appeal. The party who filed the appeal will be sent the Superintendent's determination at the time it is issued, and a copy will be sent to the designated compliance coordinator. [If the Superintendent is the subject of the complaint, the party will file the appeal directly with the Board.]

*iii. Level 3 (Appeal to the Board):*

If the party is not satisfied with the Superintendent's determination, he or she may file an appeal in writing with the Board of Education **within five (5) working days** after receiving the Superintendent's determination. The Board of Education will review the appeal, the Superintendent's determination, the investigative documentation and decision, and allow the party to address the Board at a Board meeting to present his or her appeal. The party will be allowed to address the Board at the Board's next regularly scheduled Board meeting (unless the Board receives the appeal within one week of the next regularly scheduled Board meeting) or at a time and date agreed to by the Board, designated compliance officer and the party. The Board will issue a written determination about the appeal **within thirty (30) days** after the party addresses the Board. The party who filed the appeal will be sent the Board's determination at the time it is issued, and a copy will be sent to the designated compliance coordinator. The Board's determination, and any actions taken, will be final on behalf of the District.

**4. Confidentiality:**

The identity of the complainant will be kept confidential to the extent permitted by state and federal law. The District will notify the complainant of the anti-retaliation provisions of applicable laws and that the District will take steps to prevent retaliation and will take prompt and strong responsive actions if retaliation occurs.

If a complainant requests confidentiality or asks that the complaint not be pursued, the District will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation, as long as doing so does not prevent the District from responding effectively to the harassment and preventing harassment of other students. If a

complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the District will inform the complainant that its ability to respond may be limited. Even if the District cannot take disciplinary action against the alleged harasser, the District will pursue other steps to limit the effects of the alleged harassment and prevent its recurrence, if warranted,

**5. Training:**

The District will ensure that relevant District employees, including but not limited to officials, administrators, teachers, substitute teachers, counselors, nurses and other health personnel, coaches, assistant coaches, paraprofessionals, aides, bus drivers, and school law enforcement officers, are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate District officials or employees.

**6. Designated Compliance Coordinators:**

Designated compliance coordinators will be responsible for:

- l. Coordinating efforts to comply with anti-discrimination, anti-harassment, and anti-retaliation laws and regulations.
- m. Coordinating and implementing training for students and employees pertaining to anti-discrimination, anti-harassment and anti-retaliation laws and regulations, including the training areas listed above.
- n. Investigating complaints of discrimination (unless the coordinator designates other trained individuals to investigate).
- o. Monitoring substantiated complaints or reports of discrimination, as needed (and with the assistance of other District employees, if necessary), to ensure discrimination or harassment does not recur, and that retaliation conduct does not occur or recur.
- p. Overseeing discrimination complaints, including identifying and addressing any patterns or systemic problems, and reporting such patterns or systemic problems to the Superintendent and the Board of Education.
- q. Communicating regularly with the District's law enforcement unit investigating cases and providing current information to them pertaining to anti-discrimination, anti-harassment, and anti-retaliation standards and compliance requirements.
- r. Reviewing all evidence in harassment or violence cases brought before the District's disciplinary committee or administrator to determine whether the complainants are entitled to a remedy under anti-discrimination laws and regulations that was not available in the disciplinary process.
- s. Ensuring that investigations address whether other students or employees may have been subjected to discrimination, including harassment and retaliation.
- t. Determining whether District employees with knowledge of allegations of discrimination, including harassment and retaliation, failed to carry out

their duties in reporting the allegations to the designated compliance coordinator and responding to the allegations.

- u. Recommending changes to this policy and grievance procedure.
- v. Performing other duties as assigned.

The designated compliance coordinators will not have other job responsibilities that may create a conflict of interest with their coordinator responsibilities.

**7. Preventive Measures:**

The District will publish and widely distribute on an ongoing basis a notice of nondiscrimination (notice) in electronic and printed formats, including prominently displaying the notice on the District's website and posting the notice at each building in the District. The District also will designate an employee to coordinate compliance with anti-discrimination laws (see Designated Compliance Coordinator section, above, for further information on compliance coordinator), and widely publish and disseminate this grievance procedure, including prominently posting it on the District's website, at each building in the District, reprinting it in District publications, such as handbooks, and sending it electronically to members of the school community. The District will provide training to employees and students at the beginning of each academic year in the areas (B.6.a-g) identified in the Training section, above.

The District also may distribute specific harassment and violence materials (such as sexual violence), including a summary of the District's anti-discrimination, anti-harassment, and anti-retaliation policy and grievance procedure, and a list of victim resources, during events such as school assemblies and back to school nights, if recent incidents or allegations warrant additional education to the school community.

Date of Adoption: 9-13-21

**POLICY NO. 5401A – COMPLAINT FORM – DISCRIMINATION, HARASSMENT OR RETALIATION**

**Complaint Form**

**Discrimination, Harassment or Retaliation**

The Bayard Public School District does not discriminate on the basis of sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status, in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. This complaint form is to be used when a person has a complaint related to discrimination, harassment or retaliation on such bases in regard to employment or the programs and activities of the school district.

Refer to Board Policy 4003 and/or 5401 for the particulars of the complaint and grievance process. You may attach additional materials to this form if needed.

The applicable coordinator may be contacted if you have questions about filling out this complaint form:

Students: Secondary Principal, 726 4th Avenue, Bayard, NE 69334 (308) 586-1700.

Employees and Others: Superintendent, 726 4th Avenue, Bayard, NE 69334 (308) 586-1325

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

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

(1) Description of the complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(2) Names of any witnesses to the matter being complained about: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(3) Identify and attach any document supporting the complaint: \_\_\_\_\_  
\_\_\_\_\_.

(4) Confidentiality: I \_\_\_ do\_\_\_ do not give consent to my identity being shared with the person(s) against whom I am complaining. If I do not give consent, I understand that the investigation may be hindered, but that the District will nonetheless investigate and take prompt and effective action to remediate the concerns I have raised, if appropriate.  
\_\_\_\_\_  
\_\_\_\_\_.

(5) Relief requested (what I want done in response to this complaint):

---

---

The undersigned states: The facts in this complaint are true to the best of my knowledge, information and belief. I give permission for an investigation to be made into this complaint. I understand that the District will take steps to prevent me being retaliated against for filing this complaint, that I am to notify the District if any such retaliation occurs, and that the District will take prompt and strong responsive action if retaliation occurs.

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

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Adopted: 9-13-21

**POLICY NO. 5408 - STUDENT HEALTH INSPECTIONS**

The school district shall cause every child under its jurisdiction to be separately and carefully inspected, except as otherwise provided by law, to ascertain if such a child is suffering from (1) defective sight or hearing, (2) dental defects, or (3) other conditions as prescribed by the Department of Health and Human Services (“Department”). Such inspections shall be conducted on a schedule prescribed by the Department and shall be based on current medical and public health practice. In lieu of conducting the inspections, the school board may employ regularly licensed physicians to make such inspections.

If such inspection determines that any child has defective sight or hearing, dental defects, or other condition for which screening is required, the school shall notify the parent of the child in writing of such condition and explain to the parent the necessity of professional attendance for such child.

Whenever a child apparently shows symptoms of any contagious or infectious disease, such child shall be sent home immediately or as soon as safe and proper conveyance can be found and the school board shall be at once notified. Such student may be excluded from school as provided in the Student Discipline Act.

A child shall not be required to submit to an inspection required by this policy if his or her parent or guardian provides school authorities with a statement signed by a physician, a physician assistant, or an advanced practice registered nurse practicing under and in accordance with his or her respective credentialing act or other qualified provider as identified by the Department’s applicable rules and regulations, stating that such child has undergone such required inspection within the past six months. A child shall submit to any required inspection for which such a statement is not received.

Legal Reference: Neb. Rev. Stat. §§ 79-248 and 79-249  
Neb. Rev. Stat. § 79-264  
Neb. Rev. Stat. § 79-526

Adopted: 6-14-10  
Reviewed: 7-12-10

## **POLICY NO. 5416 - SCHOOL WELLNESS POLICY**

The Bayard Public School (BPS) District is committed to providing school environments that promote and protect children's health, well being, and ability to learn by supporting healthy eating and physical activity. Therefore, it is the policy of the Bayard Public School District that practical and reasonable efforts will be made to comply with the following:

- The school district will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district wide nutrition and physical activity policies.
- All students in grades K 12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- Foods and beverages sold or served at school will meet the nutrition recommendations of the U.S. Dietary Guidelines for Americans.
- Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.
- To the maximum extent practicable, our district will participate in available federal school meal programs.
- The district will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services.

TO ACHIEVE THESE POLICY GOALS:

### **I. Wellness Team (School Health Advisory Committee)**

The school district will create, strengthen, or work within the existing wellness team to develop, implement, monitor, review, and, as necessary, revise school nutrition and physical activity policies. The team will also serve as resources for implementing these policies. (The wellness team consists of a group of individuals representing the school and community, and should include parents, students, representatives of the school food authority, members of the school board, school administrators, teachers, health professionals, and members of the public.)

### **II. Nutritional Quality of Foods and Beverages Sold and Served on Campus**

#### **School Meals**

Meals served through the National School Food Program will meet, at a minimum, nutrition requirements established by local, state, and federal statutes and regulations. When practical and



available in a form that can be efficiently prepared, local foods will be used in the school lunch program.

#### **Free and Reduced priced Meals**

BPS will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced price school meals.

#### **Food Vending Machines**

Any food vending will be in compliance with the Nebraska Department of Education School Nutrition Program guidelines.

#### **Fundraising Activities**

To support children's health and school nutrition education efforts, BPS will encourage fundraising activities that will promote physical activity and/or involve food that is in compliance with USDA regulations.

#### **Snacks**

Snacks served during the school day will have an emphasis on serving fruits and vegetables as the primary snacks and water or milk as the primary beverage. BPS will assess if and when to offer snacks based on timing of school meals, children's nutritional needs, children's ages, and other considerations.

#### **Rewards**

If using foods or beverages as rewards for academic performance or good behavior, BPS will encourage staff members to use foods or beverages that are in compliance with USDA regulations. BPS will not withhold food or beverages (including food served through school meals) as a punishment.

#### **Celebrations**

BPS will limit celebrations that involve food during the school day. The district will keep a list of ideas for healthy celebrations/parties.

### **III. Nutrition and Physical Activity Promotion and Food Marketing**

#### **Nutrition Education and Promotion**

Bayard Public School District aims to teach, encourage, and support healthy eating by students. Schools may provide nutrition education and engage in nutrition promotion as follows:

- Encourage nutrition education and nutrition promotion not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects;
- Administrators may inform teachers about opportunities to attend training on nutrition and the importance of role modeling healthful habits for students;
- Teachers will have access to nutrition resources via Nebraska Action for Healthy Kids website and the Nebraska Department of Education Nutrition Services website.

### **Family & Community**

Parents may, from time to time, be invited to join students for school meals. Family members and community members are encouraged to become actively involved in programs that provide nutrition education.

### **Staff Wellness**

Bayard Public School District highly values the health and well being of every staff member and will plan and implement activities and policies that support personal efforts by staff to maintain a healthy lifestyle. This wellness team will develop, promote, and oversee a multifaceted plan to promote staff health and wellness. The plan should be based on input solicited from school staff and should outline ways to encourage healthy eating, exercise, and other elements of a healthy lifestyle among school staff. BPS staff members are encouraged to serve as healthy role models for students.

## **IV. Physical Activity Opportunities and Physical Education**

### **Physical Education (P.E.)**

- All students in grades K-6, including students with disabilities, special health care needs, and in alternative educational settings, will be provided the opportunity to receive physical education for the entire school year. Students in grades 7-12 may receive physical education as is allowed within their course schedules.
- Students will spend at least 50 percent of physical education class time participating in moderate to vigorous exercise.
- The curriculum will meet or exceed the health and physical education standards established by the Nebraska Department of Education.

### **Daily Recess**

Elementary students will have at least 20 minutes a day of supervised recess, preferably outdoors. As a general guideline, if the wind chill factor is above zero degrees Fahrenheit recess will be conducted outdoors. Parents of students with medical conditions for whom this policy is a concern are to inform the school nurse, the classroom teacher, and the building administrator and upon request from school personnel shall provide medical verification, physician treatment protocols and prescribed medication as appropriate.

Moderate to vigorous exercise will be encouraged verbally and through the provision of adequate space and age appropriate equipment.

### **Physical Activity and Punishment (This guideline does not apply to extracurricular activities)**

Teachers and other school personnel will not use physical activity (e.g., running laps, pushups) or withhold opportunities for physical activity, other than reasonable limitations on recess, as

punishment. Upon the agreement of the teacher, the principal, and the parent, students may be required to complete school assignments prior to attending recess. Alternative recess times or alternate recess activities may be assigned (walking during recess or cleaning the sidewalk during recess) for school disciplinary purposes.

### **Integrating Physical Activity into the Classroom Setting**

For students to receive the nationally recommended amount of daily exercise (i.e., at least 60 minutes per day) and for students to fully embrace regular physical activity as a personal behavior, students need opportunities for exercise beyond physical education class. Toward that end:

- Classroom health education will complement physical education by reinforcing the knowledge and self management skills needed to maintain a physically active lifestyle and to reduce time spent on sedentary activities, such as watching television;
- Opportunities for physical activity will be incorporated into other subject lessons;
- When circumstances make it necessary for students to remain indoors and inactive for more than two consecutive hours, the students will be given periodic breaks during which they will be encouraged to stand and be moderately active;
- School administrators may inform teachers about opportunities to attend training on physical activity/physical education and the importance of modeling healthful habits for students; and
- Teachers will be able to access physical education/physical activity resources via Nebraska Action for Healthy Kids website and the Nebraska Department of Education PE Health website.

### **Family & Community**

Information will be made available upon request to help families incorporate physical activity into the lives of all household members. Families and community members may be encouraged to institute programs that support physical activity, such as a walk to school program. The district may provide information about physical education and other school based physical activity opportunities before, during, and after the school day, and support parents' efforts to provide their children with opportunities to be physically active outside of school. Such supports may include sharing information about physical activity and physical education through a website, newsletter, or other take home materials, special events, or physical education homework.

School staff will continue to make school facilities available to community members and groups to promote physical activity and wellness for community members in accordance with other board policies and in accordance with the requirements of the district's insurance.

### **V. Monitoring and Policy Review**

**Monitoring**

The superintendent or designee will monitor compliance with established district wide nutrition and physical activity wellness policies. The elementary and high school principal or designee will monitor compliance with those policies in their school and will report on the school's compliance to the school district superintendent or designee upon request of the superintendent.

School food service staff will monitor compliance with nutrition policies within school food service areas and will report on this matter to the superintendent upon request of the superintendent.

The district may annually incorporate wellness policy information into the annual report.

**Policy Review**

To help with the initial development of the 2015 revision of the district's wellness policies, a baseline assessment of the school's existing nutrition and physical activity environments was conducted in 2015 utilizing the *School Health Index* from the Centers for Disease Control and Prevention. As part of that review, the school district reviewed nutrition and physical activity policies, provisions of an environment that supports healthy eating and physical activity; and nutrition and physical education policies and program elements. The district may as necessary revise the wellness policies and develop work plans to facilitate their implementation and the School Health Index may be reviewed at least every three years.

Policy Reference: Policy No. 1000 – Principles and Objectives for Community Relations  
Policy No. 1401 – General Regulations for Use of School Facilities  
Policy No. 1406 – Use of School Grounds and Facilities

Adopted: 5-8-06

Reviewed: 7-12-10

Revised: 6-8-15

**POLICY NO. 5418 - HOMELESS STUDENTS**

This School District will comply with the federal and state law related to homeless students.

A “homeless child” for purposes of this Policy is a child who lacks a fixed, regular, and adequate nighttime residence, as defined by applicable federal and state law related to homeless students. An “unaccompanied youth” is a child who is not in the physical custody of a parent or guardian.

6. Homeless Coordinator: The District’s designated Homeless Coordinator is the Superintendent. The Homeless Coordinator may delegate the specified duties as the Homeless Coordinator determines to be appropriate. The Homeless Coordinator shall serve as the school liaison for homeless children and youth.
  - a. Responsibilities. The responsibilities of the Homeless Coordinator are to assist with identification, enrollment, and placement of homeless children and to provide staff development activities to all school personnel regarding the educational rights and needs of homeless children and youth. The Homeless Coordinator shall ensure that:
    - i. homeless children are identified by school personnel;
    - ii. homeless children enroll in, and have a full and equal opportunity to succeed in school;
    - iii. homeless children and their families receive educational service for which they are eligible and referrals to health, dental, and mental health services and other appropriate services;
    - iv. the parents or guardians of homeless children are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
    - v. public notice of the educational rights of homeless children is disseminated where such children receive services under the federal homeless children laws, such as schools, family shelters, and soup kitchens;

- vi. enrollment disputes are mediated in accordance with law; and
  - vii. the parents or guardians of homeless children, and any unaccompanied youth, are fully informed of transportation services available under law.
- b. Coordination. The Homeless Coordinator shall coordinate with State coordinators and community and school personnel responsible for the provisions of education and related services to homeless children. Coordination activities with area shelters and other homeless service providers are to be established by the Homeless Coordinator.
- c. Financial. The Homeless Coordinator shall ensure that financial records are maintained to show expenditures are for authorized activities. Title I, Part A homeless set-aside funds are also to be used for services for homeless children. Materials and equipment purchased with grant funds are properly identified and inventoried.
- d. Program Activities. The Homeless Coordinator shall design program activities to meet the greatest need as determined by the District and homeless service providers.
- e. Documentation. The Homeless Coordinator shall document the number of homeless children and youth receiving services.
- f. Student Records. The Homeless Coordinator shall ensure that any record ordinarily kept related to students, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, are to be maintained so that the records of a homeless child are available, in a timely fashion, when the child enters a new school or school district and in a manner consistent with the Federal Education Rights and Privacy Act.

- g. Notice. The District shall annually inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths of the duties of the Homeless Coordinator, and shall annually provide to NDE the identity of the District's Homeless Coordinator.
7. Enrollment and Placement of Homeless Children: The enrollment and placement of homeless children shall be in compliance with federal and state law.
- a. Enrollment. A homeless child shall be immediately enrolled even if the child is unable to produce records normally required for enrollment. Lack of previous school records, immunization and medical records, birth certificate, or other documentation from the previous school will not delay the enrollment of a homeless child or youth. Guardianship issues, uniform or dress code requirements, and residency requirements will not be obstacles to delay or deny enrollment. The District may nonetheless require the parent or guardian of the homeless child to submit contact information.
  - b. Obtaining Records. The District shall immediately contact the school last attended by the homeless child to obtain relevant academic and other records. If the homeless child needs to obtain immunizations or medical records, the District shall immediately refer the parent or guardian of the homeless child to the Homeless Coordinator, who shall assist in obtaining necessary immunizations or medical records.
  - c. Placement. Placement decisions for a homeless child shall be made according to the District's determination of the child's best interests.
    - i. The placement shall be at either:
      - 1. The child's "school of origin," which is the school that the child attended when permanently housed or the school in which the child was last enrolled; or

2. The school of the attendance area in which the child is actually living.
  - ii. If placed in the school of origin, the placement shall continue for the duration of the child's homelessness. If the child becomes permanently housed (no longer homeless) during the school year, the placement in the school of origin will be continued for the remainder of that school year.
  - iii. To the extent feasible the placement shall be in the school of origin except when such is contrary to the wishes of the homeless child's parent or legal guardian. If the placement is not in the school of origin or a school requested by the homeless child's parent or legal guardian, the District shall provide a written explanation of the placement decision and a statement of appeal rights to the parent or guardian.
  - iv. If the homeless child is an unaccompanied youth, the Homeless Coordinator shall assist in the placement decision, consider the views of the unaccompanied youth, and provide the unaccompanied youth with notice of the right to appeal.
  - v. The grade placement for the homeless child will be the appropriate grade level as determined by the building principal or designee using the same procedures that are used for placing non-homeless children attending that school.
  
8. Educational Services and Stigmatization or Segregation: It is the District's policy that homeless children not be stigmatized or segregated on the basis of their status as homeless. Homeless children will be provided the same free, appropriate public education as other students. Homeless students will be provided services comparable to services offered to other students in the school in which the homeless child has been placed, including the following: transportation services, educational services for which the student meets the eligibility criteria, such as services provided under Title I, educational programs for children with disabilities, and educational programs for students with limited English proficiency, programs in vocational and technical education, programs for gifted and talented students, and school nutrition programs.
  
9. Transportation: Transportation will be provided to homeless students to the extent required by law.



- a. Comparable Service. Transportation will be provided to a homeless student comparable to that provided to students who are not homeless.
  - b. School of Origin. When the homeless student attends the school of origin, transportation will be provided to and from the school of origin upon request of the parent or guardian of the homeless child, or upon request of the Homeless Coordinator in the case of an unaccompanied youth. If the homeless child relocates out of the District but continues to be enrolled in this School District based on it being the school of origin, this School District will negotiate with the school district in which the child is residing to develop a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If agreement is not reached, the responsibility and cost for transportation shall be shared equally.
  - c. Eliminate Barriers. Transportation will be provided when necessary to eliminate barriers to school enrollment and the retention of students experiencing homelessness.
10. Dispute Resolution Process. The process to resolve disputes concerning the enrollment or placement of a child or youth experiencing homelessness is as follows:
- a. The child and the parent, guardian or other person having legal or actual charge or control of the child shall be referred to the Homeless Coordinator. The Homeless Coordinator shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute within not less than thirty (30) calendar days. The dispute resolution process is as follows:
    - i. The child or parent/guardian will notify the Homeless Coordinator. The District's Dispute Resolution Form shall be used if such is available.
    - ii. When it is determined that additional information would be helpful, the Homeless Coordinator will schedule a meeting within 10 days, or such time as practicable, at which the child and parent/guardian will be given the opportunity to provide information in support of their position.
    - iii. The Homeless Coordinator will contact school officials and others as determined appropriate to obtain information to corroborate the information provided in support of the positions of the child and parent/guardian and the District.

BOARD POLICY BAYARD PUBLIC SCHOOLS

- iv. The Homeless Coordinator will provide a written response and explanation of a decision regarding the dispute within 30 calendar days after receiving the dispute statement.
  - v. The written response and explanation of the decision will include a notice of the right to appeal using the appeal process provided for in the Nebraska Department of Education Rule 19.
- b. In the case of an unaccompanied youth, the District liaison will ensure that the youth is enrolled immediately in the school in which enrollment is sought pending resolution of the dispute;
- c. The District will ensure the immediate enrollment of the child in the school in which enrollment is sought pending resolution of the dispute; and
- d. The District's written response will include a notice of the right to appeal as provided in Nebraska Department of Education Rule 19, Section 005.03.

11. Right to Appeal.

- a. Any parent, guardian or other person having legal or actual charge or control of a homeless child or youth or an unaccompanied youth that is dissatisfied with the decision of the District after the dispute resolution process may file a written appeal with the Nebraska Commissioner of Education within thirty (30) calendar days of receipt of the decision. Refer to NDE, Rule 19, Section 005.03 for further details.
- b. A party may appeal the decision of the Commissioner or designee by filing a Petition with the State Board of Education within thirty (30) calendar days of the receipt of the decision. Refer to NDE, Rule 19, Section 005.03C for further details.

Legal Reference: Neb. Rev. Stat. § 79-215

Nebraska Department of Education Rule 19

McKinney-Vento Homeless Assistance Act, 42 USC §§11431, et seq.

Adopted: 11-14-16

**Homeless Education Program**

**HOMELESS STUDENT ENROLLMENT INFORMATION  
& PLACEMENT REQUEST**

Child's Name: \_\_\_\_\_ Birth Date: \_\_\_\_\_ Grade \_\_\_\_\_  
(Last Name) (First Name) (M.I.)

Parent/Guardian Name \_\_\_\_\_ Unaccompanied Youth \_\_\_\_\_  
(Last Name) (First Name) (M.I.)  
("Yes" or "No")

Current Address \_\_\_\_\_

Telephone Number: \_\_\_\_\_

(If phone # not available, phone number of someone who can be contacted and their relationship, if any).

Information provided on this form is confidential.

1. Homeless Status

a. Do you live in any of these following situations?

\_\_\_\_\_ sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (example: evicted from home, cannot afford housing, etc.)

BOARD POLICY BAYARD PUBLIC SCHOOLS

\_\_\_\_\_ in a motel, hotel, campground or similar setting due to lack of alternative adequate accommodations

\_\_\_\_\_ in emergency or transitional shelters such as domestic violence or homeless shelters or transitional housing shelter or agency

\_\_\_\_\_ have a primary nighttime residence that is a place not designed for or ordinarily used as a regular sleeping accommodation for humans

\_\_\_\_\_ in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings

\_\_\_\_\_ None of the above.

b. How long do you anticipate living in current location? \_\_\_\_\_

2. School Most Recently Attended

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

(State) (School Name) (City)

Dates of Attendance: \_\_\_\_\_ to \_\_\_\_\_

Grade level when last attended: \_\_\_\_\_

3. Eligible for any of these educational and school related activities and services?

Special Education (IDEA) If yes, please identify disability and special education services previously provided : \_\_\_\_\_

\_\_\_\_\_

English Language Learners (ELL)  Gifted  Vocational Education

Other \_\_\_\_\_

4. Possible Barriers to Education

BOARD POLICY BAYARD PUBLIC SCHOOLS

- No Birth Certificate  No immunizations or other medical records
- No School Records  Transportation  School Selection
- Other issues/barriers \_\_\_\_\_

5. Requested Services and Activities to be Provided by Homeless Student Program

- Obtaining or transferring records necessary for enrollment
- Emergency assistance related to school attendance
- Expedited evaluations
- Transportation  Clothing to meet a school requirement  School supplies
- Early childhood program  Tutoring or other instructional support
- Before/after-school, mentoring, summer programs
- Referrals for medical, dental, or other health services
- Referral to other programs/services
- Assistance with participation in school programs
- Parent education related to rights/resources
- Coordination between schools and agencies
- Counseling  Addressing needs related to domestic violence
- Staff professional development/awareness
- Other \_\_\_\_\_

6. Placement

a. School placement requested by parent/guardian or unaccompanied youth:

\_\_\_\_\_

b. Reason(s) for Request: \_\_\_\_\_

\_\_\_\_\_

BOARD POLICY BAYARD PUBLIC SCHOOLS

c. Name of "School of Origin" \_\_\_\_\_

(School of Origin means the school that the child attended when permanently housed or the school in which the child was last enrolled).

Enrollment Date \_\_\_\_\_

Has student been withdrawn? \_\_\_\_\_

If so, what was the withdraw date? \_\_\_\_\_

d. Distance from:

i. Residence to the school of origin (miles): \_\_\_\_\_

ii. Residence to the school requested (if not school of origin): \_\_\_\_\_

\_\_\_\_\_  
Parent or Guardian or Unaccompanied Youth's signature

\_\_\_\_\_  
Date

Children living in homeless situations have certain rights under the McKinney-Vento Homeless Assistance Act. Please contact the Homeless Coordinator with any questions.

**WRITTEN NOTIFICATION OF  
ENROLLMENT/PLACEMENT DECISION FOR HOMELESS STUDENT**

Child's Name: \_\_\_\_\_

In compliance with the McKinney-Vento Homeless Assistance Act, the following written notification is provided to:

Parent/Guardian \_\_\_\_\_ Unaccompanied Youth \_\_\_\_\_

(Name) (Name)

After reviewing your request to enroll the child, the determinations are as follows:

**Homeless student program eligibility:**

\_\_\_\_\_ Child does not qualify under the homeless student program.

\_\_\_\_\_ Child qualifies under the homeless student program. This determination was based upon: \_\_\_\_\_

\_\_\_\_\_

**Placement** (if enrolled under the homeless student program) was made based on best interest of the student. The placement will be at: \_\_\_\_\_

(Name)

Explanation for this determination (if not school of origin or the choice of parent/guardian or unaccompanied youth, give detail): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



If you are not satisfied with the determinations, you have the right to use the dispute resolution process. Contact the Homeless Coordinator and complete a Dispute Resolution Form.

Notices:

- The student has the right to be immediately admitted in the school in which enrollment is sought pending resolution of the dispute.

- You may contact the state coordinator:

Education Specialist & Homeless Education / NCLB Programs

Nebraska Department of Education

<http://www.education.ne.gov/federalprograms/Title%20X.html>

Telephone: (402) 471-1419 Facsimile: (402) 742-2371

- You may seek the assistance of advocates or attorneys.

\_\_\_\_\_  
Administrator

\_\_\_\_\_  
Date

Written Notification Form was given to parent/guardian or unaccompanied youth on

\_\_\_\_\_ (Name) \_\_\_\_\_ (Date).

**Homeless Education Program**

**DISPUTE RESOLUTION FORM**

This form should be completed when a dispute arises over school enrollment/placement.

Child's Name: \_\_\_\_\_

Person completing form: \_\_\_\_\_

( Name)

(Relation to Student)

I may be contacted at (address/phone/e-mail): \_\_\_\_\_

I wish to dispute the following decision: \_\_\_\_\_

\_\_\_\_\_

The decision I am disputing was wrong because (give detailed information in support of your position and use an attachment if necessary): \_\_\_\_\_

\_\_\_\_\_

Persons who have information to support my position (include contact information): \_\_\_\_\_

\_\_\_\_\_

I request that the following action be taken on this dispute: \_\_\_\_\_

\_\_\_\_\_

Parent or Guardian or Unaccompanied Youth's signature

\_\_\_\_\_

Date

-----**For School Use**-----

Date received by Homeless Coordinator \_\_\_\_\_

-----**Determination of Homeless Coordinator**-----

In compliance with the McKinney-Vento Homeless Assistance Act, the following written notification is provided to:

Parent/Guardian \_\_\_\_\_ Unaccompanied Youth \_\_\_\_\_

( Name)

(Name)

After reviewing the information relevant to your dispute my determination is as follows:

\_\_\_\_\_  
\_\_\_\_\_

Explanation for this determination: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Notice of Right to Appeal: If you are not satisfied with the determination on this dispute, you have the right to appeal as provided for in the Nebraska Department of Education Rule 19. The appeal is to be filed with the Commissioner of Education within 30 calendar days of receipt of this decision. For information about an appeal you may contact the state coordinator:

Education Specialist & Homeless Education / NCLB Programs

Nebraska Department of Education

<http://www.education.ne.gov/federalprograms/Title%20X.html>

Telephone: (402) 471-1419 Facsimile: (402) 471-0117

---

Administrator

---

Date

The Determination of the Homeless Coordinator on this dispute was given to parent/guardian or unaccompanied youth on \_\_\_\_\_ (Date).

## **POLICY NO. 5419 - STUDENT PRIVACY PROTECTION**

It is the policy of Bayard Public Schools to develop and implement policies which protect the privacy of students in accordance with applicable laws. The District's policies in this regard include the following:

A. Right of Parents to Inspect Surveys Funded or Administered by the United States Department of Education or Third Parties

Parents shall have the right to inspect, upon the parent's request, a survey created by and administered by either the United States Department of Education or a third party (a group or person other than the District) before the survey is administered or distributed by the school to the parent's child.

B. Protection of Student Privacy in Regard to Surveys of Matters Deemed to be Sensitive

The District will require, for any survey of students which contain one or more matters deemed to be sensitive (see section headed Definition of Surveys of Matters Deemed to be Sensitive), that suitable arrangements be made to protect student privacy (that is, the name or other identifying information about a particular student). For such surveys, the District will also follow the procedures set forth in the section entitled: Notification of and Right to Opt-Out of Specific Events.

C. Right of Parents to Inspect Instructional Materials

Parents shall have the right to inspect, upon reasonable request, any instructional material used as part of the educational curriculum for their child. Reasonable requests for inspection of instructional materials shall be granted within a reasonable period of time after the request is received. Parents shall not have the right to access academic tests or academic assessments, as such are not within the meaning of the term instructional materials for purposes of this policy.

The procedures for making and granting a request to inspect instructional materials are as follows: the parent shall make the request, with reasonable specificity, directly to the building principal. The building principal, within five school days, shall consult with the teacher or other educator responsible for the curriculum materials. In the event the request can be

accommodated, the building principal shall make the materials available for inspection or review by the parent, at such reasonable times and place as will not interfere with the educator=s intended use of the materials. In the event there is a question as to the nature of the curriculum materials requested or as to whether the materials are required to be provided, the building principal shall notify the parent of such concern, and assist the parent with forming a request which can reasonably be accommodated. If the parent does not formulate such a request, and continues to desire certain curriculum materials, the parent shall be asked to make their request to the Superintendent.

D. Rights of Parents to be Notified of and to Opt-Out of Certain Physical Examinations or Screenings

The general policy and practice of the District is to not administer physical examinations or screenings of students which require advance notice or parent opt-out rights under the applicable federal laws, for the reason that the physical examinations or screenings to be conducted by the District will usually fit into one of the following exceptions: (1) hearing, vision, or scoliosis screenings; (2) physical examinations or screenings that are permitted or required by an applicable State law; and (3) surveys administered to students in accordance with the Individuals with Disabilities Education Act. For physical examinations or screenings which do not fit into the applicable exceptions, the District will follow the procedures set forth in the section entitled: Notification of and Right to Opt-Out of Specific Events.

E. Protection of Student Privacy in Regard to Personal Information Collected from Students

The general policy and practice of the District is to not engage in the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information. The District will make reasonable arrangements to protect student privacy to the extent possible in the event of any such collection, disclosure, or use of personal information.

Personal information for purposes of this policy means individually identifiable information about a student including: (1) a student or parent's first and last name, (2) home address, (3) telephone number, and (4) social security number. The term personal information, for purposes of this policy, does not include information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions. This exception includes the following examples: (i) college or postsecondary education recruitment, or military recruitment; (ii) book clubs, magazines, and programs providing access to low-cost literary products; (iii) curriculum and instructional materials used by elementary schools and secondary schools; (iv) tests and assessments used by

elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about student, or to generate other statistically useful data for the purpose of securing such tests and assessments, and the subsequent analysis and public release of the aggregate data from such tests and assessments; (v) the sale by student of products or services to raise funds for school-related or education-related activities; (vi) student recognition programs.

F. Parent Access to Instruments used in the Collection of Personal Information

While the general practice of the District is to not engage in the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, parents shall have the right to inspect, upon reasonable request, any instrument which may be administered or distributed to a student for such purposes. Reasonable requests for inspection shall be granted within a reasonable period of time after the request is received.

The procedures for making and granting such a request are as follows: the parent shall make the request, with reasonable specificity, directly to the building principal and shall identify the specific act and the school staff member or program responsible for the collection, disclosure, or use of personal information from students for the purpose of marketing that information. The building principal, within five school days, shall consult with the school staff member or person responsible for the program which has been reported by the parent to be responsible for the collection, disclosure, or use of personal information from students. In the event such collection, disclosure, or use of personal information is occurring or there is a plan for such to occur, the building principal shall consult with the Superintendent for determination of whether the action shall be allowed to continue. If not, the instrument for the collection of personal information shall not be given to any students. If it is to be allowed, such instrument shall be provided to the requesting parent as soon as such instrument can be reasonably obtained.

Annual Parental Notification of Student Privacy Protection Policy

The District shall provide parents with reasonable notice of the adoption or continued use of this policy and other policies related to the student privacy. Such notice shall be given to parents of students enrolled in the District at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in such policies.

Notification to Parents of Dates of and Right to Opt-Out of Specific Events

The District shall directly notify the parents of the affected children, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when any of the following activities are scheduled, or are expected to be scheduled:

The collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information. (Note: the general practice of the District is to not engage in the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information);

Surveys of students involving one or more matters deemed to be sensitive in accordance with the law and this policy; and



Any nonemergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student or of other students. (Note: the general practice of the District is to not engage in physical examinations or screenings which require advance notice, for the reason that the physical examinations or screenings to be conducted by the District will usually fit into one of the following exceptions to the advance notice requirement and parent opt-out right: (1) hearing, vision, or scoliosis screenings; (2) physical examinations or screenings that are permitted or required by an applicable State law, and (3) surveys administered to students in accordance with the Individuals with Disabilities Education Act).

Parents shall be offered an opportunity in advance to opt their child out of participation in any of the above listed activities. In the case of a student of an appropriate age (that is, a student who has reached the age of 18, or a legally emancipated student), the notice and opt-out right shall belong to the student.

#### Definition of Surveys of Matters Deemed to be Sensitive

Any survey containing one or more of the following matters shall be deemed to be Asensitive@ for purposes of this policy:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's parent;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of other individuals with whom the student has close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
7. Religious practices, affiliations, or beliefs of the students or the student's parent;
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

## Mental Health Assessment or Service

The District shall obtain informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service that is funded under the Every Student Succeeds Act (“ESSA”). Before obtaining the consent, the District shall provide the parent written notice describing in detail such mental health assessment or service, including the purpose for such assessment or service, the provider of such assessment or service, when such assessment or service will begin, and how long such assessment or service may last. The informed consent from the parent described in this section is not required in (1) an emergency, where it is necessary to protect the immediate health and safety of the child, other children, or any District personnel or (2) in other instances in which the District actively seeks parental consent but such consent cannot be reasonably obtained, including without limitation, the case of a child whose parents has not responded to the notice described above in this section or a child who has attained the age of 14 and is either homeless or not in the physical custody of a parent or guardian.

Legal Authorities: Every Student Succeeds Act

Protection of Pupil Privacy Amendment, 20 U.S.C. Sec. 1232h and 34 CFR Part 98;

Family Educational Rights and Privacy Act, 20 U.S.C. Sec.1232g;

Neb. Rev. Stat. Sec. 79-530 to 79-533

Adopted: 11-14-16

## **POLICY NO. 5800 - STUDENTS – ANTI BULLYING**

One of the missions of the District is to provide a physically safe and emotionally secure environment for all students and staff.

The administration and staff are to implement strategies and practices to reinforce and encourage positive behaviors by students. Positive behaviors include non-violence, cooperation, teamwork, understanding, and acceptance of others.

The administration and staff are to implement strategies and practices to identify and prevent inappropriate behaviors by all students, including anti-bullying education for all students. Inappropriate behaviors include bullying, intimidation, and harassment. Bullying means any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased or contracted by the school being used for a school purpose by a school employee or designee, or at school-sponsored activities or school-sponsored athletic events.

The school district shall review the anti-bullying policy annually.

Legal reference: Laws 2008, LB 205

Student Discipline Act, Neb. Rev. Stat 79-254 to 79-296;

NDE February 2003 State Board Action; Reaffirmed December 2005

Adopted: 8-9-04

Revised: 7-14-08

Reviewed: 7-12-10

## **POLICY NO. 5801 - DATING VIOLENCE PREVENTION**

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

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

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

This policy shall be published in the student handbook.

Legal Reference: Neb. Stat 79-2,141

Adopted: 4-12-10

Reviewed: 7-12-10

## **POLICY NO. 5802 - BAYARD PUBLIC SCHOOLS SAFE PUPIL TRANSPORTATION PLAN**

This Safe Pupil Transportation Plan sets forth the District's plan for providing safe transportation to students being transported in pupil transportation vehicles.

**1. Weapons-** Upon becoming aware of a weapon aboard a pupil transportation vehicle, the driver will make every attempt to:

A. Radio transportation dispatch and notify them of the situation *if possible*. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location. Examples of a safe haven include, but are not limited to, any school building site, emergency service station (law enforcement or fire department), community service agency, etc.

B. Pull vehicle over to safe and secure area.

C. Confiscate weapon (if it doesn't jeopardize student or driver safety).

D. Give description of weapon and participating parties to dispatch.

E. Dispatch will immediately notify appropriate law enforcement agencies and school administration.

**2. Pupil behavior-** Students are expected to follow student conduct rules while in a pupil transportation vehicle. The pupil transportation driver is responsible for controlling behavior which affects safety and for reporting rule violations to school administration. In the event a student's behavior jeopardizes safety, the driver will make every attempt to:

A. First seek to resolve incident through discussion with the student(s) involved.

B. Radio transportation dispatch and notify them of situation *if possible*. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.

C. Activate emergency flashers.

- D. Bring vehicle to a safe stop. Seek to resolve the incident, using physical force only as necessary to protect students or yourself.
- E. Report and document discipline problems to the school administrator on a Bus Conduct Report/Incident Form.

**3. Terrorist threats-** A person commits a terroristic threat if the person threatens to commit a crime of violence with the intent to terrorize another or with the intent of causing evacuation of a building, place of assembly or facility of public transportation or in reckless disregard of the risk of causing such terror or evacuation. Upon becoming aware of a terroristic threat relating to a pupil transportation vehicle, the driver will make every attempt to:

- A. Radio transportation dispatch and notify them of situation *if possible*. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.
- B. Make every attempt to keep passengers calm (this may mean complying with the terrorist).
- C. Dispatch will immediately notify appropriate law enforcement agencies and school administration.
- D. Driver should wait for instructions from dispatch *if possible*.

**4. Severe weather-** Upon becoming aware of severe weather while aboard a pupil transportation vehicle, the driver will make every attempt to:

- A. Radio transportation dispatch and notify them of situation *if possible*. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.
- B. Return to the school if less than five minutes away and follow the directions of the school administrator.
- C. If more than five minutes away from school, go to the nearest school and follow the directions of the school administrator.

- D. If more than five minutes away from the nearest school or there is immediate danger, get to the nearest basement or underground shelter with all students.
- E. If there is no shelter and there is immediate danger the driver and passengers are to follow evacuation procedures and get everyone off the vehicle into the nearest ditch or culvert at least 100 feet away from the vehicle.

**5. Hazardous materials-**Upon becoming aware of a hazardous material aboard a pupil transportation vehicle, the driver will make every attempt to:

- A. Radio transportation dispatch and notify them of situation *if possible*. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.
- B. Pull vehicle over to safe and secure area.
- C. Give description of hazardous materials in question to dispatch.
- D. Dispatch will immediately notify appropriate law enforcement and school administration.
- E. Driver should wait for instructions from dispatch *if possible*.

**6. Medical emergencies-** Upon becoming aware of a medical emergency aboard a pupil transportation vehicle, the driver will make every attempt to:

- A. Radio transportation dispatch and notify them of situation *if possible*. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.
- B. Dispatch will immediately notify appropriate medical agencies and school administration.
- C. Driver should follow instructions from dispatch, school officials, and parents when such information can be obtained quickly enough. If not available, follow emergency first aid procedures.

- D. ***Only if necessary***, the driver should move passengers only enough to get them out of danger of traffic or fire. If moved, the driver and aide are to keep them where placed until a medical agency arrives, unless a parent has taken charge of their child.
- E. Driver should try to keep student passengers as calm as possible.

**7. Procedures in the event of mechanical breakdowns of the vehicle-** Upon becoming aware of a mechanical breakdown aboard a Pupil transportation vehicle, the driver will make every attempt to:

- A. Pull vehicle over to safe and secure area ***if possible***
- B. Radio transportation dispatch and notify them of situation ***if possible***. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.
- C. Activate emergency flashers and place warning flares/reflectors in accordance with safety guidelines, if not in secure area.
- D. Driver should try to keep student passengers as calm as possible.
- E. Dispatch will arrange for assistance and a relief vehicle ***if needed***.

**8. Procedures in the event the drop-off location is uncertain or appears unsafe to leave students.** In the event the drop-off location is uncertain or appears unsafe to leave students, the driver will make every attempt to:

- A. Radio transportation or otherwise communicate with dispatch to notify them of the situation if possible.
- B. Release children only if an adult responsible for the children is present. If not, keep children who are to be released in the vehicle, continue with route, and return children who were to be released to the school.
- C. Dispatch will notify appropriate law enforcement agencies and school administration if appropriate given the circumstances.



**9. Documentation under Safe Pupil Transportation Plan.** Each pupil transportation driver is required to complete and submit to the school administration a bus conduct report or incident report involving the pupil transportation vehicle operated by the driver or any pupils transported in it. Documentation is to include the occurrence of any of the following events: weapons, student behavior which affects safety, terroristic threats, severe weather, hazardous materials, or medical emergencies. Documentation of such events shall be completed and submitted as soon as practicable after the incident.

**10. Transportation of Unsafe Items.** Drivers shall not permit pupil transportation vehicles to transport any items, animals, materials, weapons or look-a-like weapons or equipment which in any way would endanger the lives, health or safety of the children or other passengers and the driver. Look-a-like weapons associated with a school sponsored or approved activity may be transported only with written permission of a school administrator. Any items that would break or could produce injury if tossed about inside the pupil transportation vehicle when involved in an accident or sudden stop shall be secured.

**11. Supplemental Information.** A copy of this plan shall be placed in each pupil transportation vehicle, kept at each school building, and made available upon request. Supplemental information with respect to operational and procedural guidelines used to administer this plan can be found in the District's safety and security plan adopted pursuant to 92 NAC10 and in the Nebraska Department of Education Pupil Transportation Guide.

Legal Reference: Neb. Rev. Stat. §§ 79-318, 79-602, 79-607 and 79-608

Title 92, Nebraska Administrative Code, Chapter 91

Adopted: 08/11/2014

## POLICY NO. 5900 - SERVICE ANIMALS

Individuals with disabilities, including but not limited students, may use a service animal (as defined herein) on school district property on the terms and subject to the conditions in this policy.

A. Services Animal Defined. This policy shall apply to “service animals” defined as follows: Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

B. Service Animal Allowed. Except as specifically provided in this policy, individuals with disabilities may be permitted to be accompanied by their service animal in all areas of the district’s facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go, but only during the times such persons, as relevant, are allowed to go to those places.

C. Inquiries. School representatives may ask an individual seeking access for a service animal (1) whether the service animal is required because of disability and (2) what work or task the animal has been trained to perform. Notwithstanding the forgoing, school representatives may **not** (1) ask about the nature or extent of a person’s disability; (2) require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal; or (3) make the inquiries permitted above if it is readily apparent that the service animal is trained to do tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has

low visions, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

D. Service Animal Under Handler's Control. A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

E. Care or Supervision and Damages. The school and its employees, agents, contractors, and representatives are not responsible for the care and supervision of service animals on district property. To the extent allowed by law, an individual with a disability shall be charged for damage caused by his or her service animal.

F. Health and Safety. If a service animal on district property imposes a threat to the health and safety of others, the school district will reasonably modify its policies, practices, and procedures, or provide reasonable auxiliary aids or services to mitigate the threat. To the extent allowed by law, the school district may exclude a service animal based on its threat to the health and safety of others if there is no reasonable means of mitigation. To determine whether a threat to the health and safety of others exists, the school district will make an individualized assessment to ascertain the nature, duration, and severity of the threat and the probability that the potential injury will occur. This individualized assessment will be based on reasonable judgment that relies on the best available objective evidence, which may include current medical knowledge.

G. Other Reasons for Exclusion or Removal. A service animal may be removed or excluded from district property if (1) the animal is out of control and the animal's handler does not take effective action to control it; (2) the animal is not housebroken; or (3) removal or exclusion of the service animal is mandated or permissible under applicable and controlling law, rule, or regulation. If a service animal is excluded from district property, the individual with a disability shall still have the opportunity to participate in the service, program, or activity without having the service animal on district property.

Adopted: 2-14-11

## **POLICY NO. 5901 - MINIATURE HORSES**

If an individual with a disability, including but not limited to a student, requests the use of a miniature horse on district property, and the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability, then the superintendent of schools, or if the superintendent is unavailable, an available school administrator, shall make an assessment based on the following factors to determine whether to permit the miniature horse into a specific facility:

1. The type, size and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

The provisions of the district's Service Animal Policy shall apply to the allowance and use of miniature horses on district property, except to the extent those provisions are inconsistent with this policy.

Adopted: 2-14-11

## **6000 Series – Instruction**

### **POLICY 6020 - THE PROGRAM OF INSTRUCTION**

The minimum program of instruction in the schools shall be that prescribed by the statutes. The statutory curriculum may be augmented and extended to provide for the educational needs of individual pupils and differing areas in the School District.

The District shall educate staff and students about the harms of copyright piracy.

Legal Reference: Rule 10; ESSA

Adopted: 11-14-16

## **POLICY NO. 6050 - COOPERATION WITH INTERIM-PROGRAM SCHOOLS IN COUNTY DETENTION HOMES, INSTITUTIONS AND JUVENILE EMERGENCY SHELTERS**

### General Policy Regarding Interim-Program Schools

The School District shall cooperate with Interim-Program Schools in carrying out the requirements of Title 92, Nebraska Administrative Code, Chapters 18 and 51 (Nebraska Department of Education Rule 18 and Rule 51), so that students temporarily in such schools who later return or transfer to the district may receive academic credit in order to make continued progress toward grade promotion or graduation.

### Procedures

#### 92 NAC 18-004.01 Mandatory Requirements for Legal Operation

92 NAC 18-004.01D Academic Advancement – Interim-Program Schools shall initiate contact and work with accredited or approved schools to secure academic credit leading to grade promotion or graduation for student work completed while in their program, including diplomas for students who have satisfactorily completed sufficient credits to meet the requirements for graduation of the student's approved or accredited high school. Interim-Program Schools shall not issue diplomas.

#### 92 NAC 18-004.2F Relationship with School District

92-NAC 18-004.2F1 Academic Advancement and Graduation – The school liaison of the Interim-Program School initiates contact with the appropriate accredited or approved school to develop an academic advancement plan intended to achieve academic progress leading to grade promotion or to graduation of students. The school liaison seeks to secure grade promotion or diplomas from schools for those students who have met their school's requirements.

92 NAC 18-004.02F2 Special Education – The school liaison of the Interim-Program School initiates contact with the school district responsible for providing special education services for each student with a disability to insure that each student with a disability is provided by the responsible school district with special education and related services pursuant to 92 NAC 51. The school liaison works with the responsible school district to insure continuation of special education services and information.

#### 92 NAC 18-005 Special Education Requirements

92 NAC 18-005.01 Responsibilities of the Public School District – The duty of providing or contracting for special education services for all students with verified disabilities pursuant to 92 NAC 51 remains with the responsible public school district. The Interim-Program Schools may assist the public school districts in fulfilling those responsibilities.

Page 2

92 NAC 18-005.01A Determining the Responsible Public School District – Pursuant to 79-1127 and 92 NAC 51, each school district shall provide or contract for special education programs and transportation for all resident children with disabilities who would benefit from such programs.

92 NAC 18-008 Accreditation or Approval Violation

92 NAC 18-008.01 Failure to Accept Credit – Failure of accredited or approved schools to accept the academic credit earned at Interim-Program Schools or to issue diplomas to students transferring from Interim-Program Schools who have met the requirements for graduation of their own approved or accredited high school shall be treated as a violation of a requirement for accreditation under 92 NAC 10 or approval under 92 NAC 14.

Adopted: 9-11-06

Reviewed: 7-12-10



## **POLICY NO. 6051 - POLICY REGARDING FREE APPROPRIATE PUBLIC EDUCATION FOR STUDENTS IN INTERIM PROGRAM SCHOOLS**

For resident students with disabilities who are placed in detention facilities, correctional facilities, jails or prisons, the School District will maintain contact with the facility by establishing district responsibility, exchange of student records, reviewing and revising the Individual Education Program (IEP) and assisting in the transition of the student back to the School District.

### Procedures

#### 92 NAC 51-004.10D - Responsibility for Special Education Programs

92 NAC 51-004.10D School districts' responsibility to ensure the availability of FAPE (Free Appropriate Public Education) includes ensuring the availability of FAPE for resident students in detention facilities, correctional facilities, jails and prisons.

1. The School District will complete the following activities:

Establish contact with the facility where the student is currently placed.

Share information with the facility which will assist in providing special education and related services to the student.

Conduct an IEP meeting, including appropriate participants from the facility on the IEP Team, to review and revise the IEP and develop an Academic Advancement Plan which will secure grade promotion or diplomas from the School District for those students who meet the requirements.

For those students who will leave the facility prior to graduation, the School District will work with the facility to develop a transition plan for movement back to the district and completion of the student's education program through graduation and receipt of a diploma.

2. It is anticipated what all students with disabilities will receive a regular high school diploma upon completion of their education program. In those limited cases where it is determined that the student will not meet the requirements for a regular high school diploma, the IEP Team will determine the education program through the IEP and the type of program completion recognition the student will receive.

Adopted: 9-11-06  
Reviewed: 7-12-10

## **POLICY NO. 6111 – CLASSROOM ENVIRONMENT**

At all times, teachers are expected to organize, maintain and ensure that their classroom is in a safe, orderly and clean condition for student learning. Classrooms should be free from distractions (such as inappropriate or unprofessional posters or other displays) and other apparatus that may cause student health problems (such as essential oils and/or essential oil diffusers). Teachers who are uncertain as to whether their classroom meets this requirement are encouraged to consult with their building principal in a proactive manner.

Staff members may not hang posters, flags, banners or other displays in the classroom that are (1) unrelated to the curriculum and (2) may otherwise result in a disruption to the learning environment. Any staff member who is uncertain as to whether a particular display is permitted in the classroom should consult with their building principal in a proactive manner.

Adopted: 9-13-21

## **POLICY NO. 6210 - CURRICULUM DEVELOPMENT**

Curriculum development shall be an ongoing process in the school district. Each curriculum area shall be reviewed and revised when necessary, according to the timelines set out by the superintendent. These timelines will provide for periodic review of each curriculum area.

The superintendent shall be responsible for curriculum development and for determining the most effective way of conducting research of the school district's curriculum needs and a long-range curriculum development program. In making recommendations to the board, the superintendent shall propose a curriculum that will:

- Fulfill the philosophy of the school district;
- Reflect the educational and operational needs assessment of the school district;
- Articulate courses of study from kindergarten through grade twelve;
- Identify minimum objectives for each course and, at the elementary level, for each grade;
- Provide for objective monitoring of a student's progress;
- Provide for the needs of vocational and college bound students;
- After planning by the faculty and approval by the Administration, new courses will be presented to the Board for approval;
- Provide measurable quality academic content standards by the dates specified in Part 004 of Rule 10 that are the same as, equal to or more rigorous than the adopted state standards of the Nebraska Department of Education.

It shall be the responsibility of the superintendent to keep the board apprised of necessary curriculum changes and revisions and, if needed, to develop administrative regulations for curriculum development and recommendations to the board.

Legal Reference: NDE Rule 10

20 U.S.C. § 1232h (1994).

34 C.F.R. Pt. 98 (1996).

Cross Reference: 8001-A Educational Philosophy of the District  
6211 Instruction Curriculum Assessments

Adopted: 8-9-93

Revised: 6-8-09

Reviewed: 7-12-10

## **POLICY NO. 6211 - INSTRUCTION CURRICULUM ASSESSMENTS**

### **1. State Assessments.**

Bayard Public Schools has adopted an assessment plan and has aligned the curriculum with the state approved content standards. The assessment plan includes a schedule and procedures for assessing success in achieving state standards.

Teachers are to clearly articulate the learning targets and align instruction to the learning targets within each of the content standards. Teachers are to give students instruction on the content prior to students being assessed on each content standards in order to provide learning opportunities for all students.

The assessments are to be conducted in accordance with the assessment plan schedule. Teachers are to conduct the assessments in a manner that assures it accurately assesses whether or not students are meeting the targets outlined by the content standards.

Assessment results are to be reported by the teachers in the manner and within the time directed by the administration or designee. The assessment data is to be used to meet state standards, to provide students and parents with information about student progress, to enhance school improvement planning, and to improve instruction. The assessment data is to be evaluated by teachers to monitor student learning and to improve instruction or terminate ineffective teaching practices to ensure students are being given the opportunity to meet the standards.

### **2. Achieving Valid Assessments.**

Educators are responsible for maintaining the integrity of the assessments to ensure that assessments provide a valid measure of student progress and accomplishments. Educators are not to engage in any practice that may result in assessment results that do not reflect student learning, knowledge, skills or abilities in the area assessed.

For purpose of this policy, student assessments include both “standardized assessments” (including state assessments, norm referenced tests, and evaluations conducted for special education eligibility) and “coursework assessments” (e.g., classroom tests, quizzes, and other evaluative tools used to assign grades).

The following specific assessment expectations and rules apply:

a. Integrity of the Assessment Instrument. The integrity of the assessment instrument is to be maintained.

1. Standardized Assessments. Standardized assessment instruments are not to be made available to students at any time before the student takes the assessment. The assessment instrument is to be maintained in a secure manner.
2. Coursework Assessments. Coursework assessment instruments are to be periodically modified to keep the assessments current and prevent students from effectively using “test banks.” For coursework assessments that are given on a repeat basis to students at different times (e.g., a test that is given to students throughout the school day), the educator is to remind students to not share the content of the assessment with students who will be taking the assessment later.

b. Teaching for Success on Assessments.

It is appropriate for educators to prepare students to do well on assessments. This is to be accomplished in a manner that assures the assessment accurately reflects the student’s knowledge, and not simply test preparation.

1. Teach the Content. Educators are to prepare students to do well on assessments by teaching the subject content. Educators are not to “teach to the test” by teaching based solely on the content of the assessment. The content is to be taught to the students over an appropriate amount of time prior to the assessment. “Cramming” assessment content just before the assessment is to be taken is not appropriate. Review of content previously taught is appropriate.
2. Practice Test. Educators are to prepare students by teaching test taking skills independent of the subject matter being assessed. Educators are not to conduct reviews (drills) using earlier (no longer published) versions of the same test, using alternate (parallel) forms of the same published test, or using actual items from the current form of a standardized test that will be administered to students. Educators are not to conduct reviews (drills) using items of identical format (for example, multiple choice) to the exclusion of other formats.

c. Conditions for Successful Assessments.

1. Communications. Educators are to communicate to students and parents when assessments will be administered, the purpose of the assessment and how the assessment results will be used. Educators are to motivate students to do their best on assessments. Educators are to read and be familiar with assessment administration directions in advance and communicate the rules to students accurately and clearly.
2. Climate. Educators are to have sufficient assessment materials available (e.g., No. 2 pencils, if needed). The classroom is to be arranged to allow comfortable seating. Distractions are to be eliminated. Educators in nearby classrooms are to be informed that the assessment is to be administered so noises from neighboring classrooms are kept a minimum. Activities or arrangements are to be made for students who finish early so such students do not cause a distraction to other students still taking the assessment.
3. Security. Educators are to monitor students while administering assessments to ensure students are complying with standards of academic integrity. Students who violate standards of academic integrity are to be reported to the administration.

- d. Full Participation. Educators are to make efforts to have all eligible students take the assessments. The educator should develop a list of students who will be exempted from assessment and the reason for the exemption and submit the list for review and approval by the Principal.

e. Assistance During Assessments.

1. Standardized Assessments. Educators are not to provide assistance to students while a standardized assessment is being administered except as provided for in a student's 504 Plan or IEP. This includes giving "hints," giving extra time, reading the tests to students or defining or pronouncing words for students,

allowing students access to instructional material related to the content of the assessment (e.g., displaying a map during a social studies assessment) or allowing students access to mechanical aids (e.g., calculators).

2. Coursework Assessments. For coursework assessments, students may be allowed access to instructional materials or mechanical aids only when all students being given the assessment are given the aids and use of the aids does not hinder the students from learning the content of the lesson.

f. Student Answers. Assessments are to reflect the students' work as submitted by the students. During the assessments, educators are to monitor students to make sure directions are being followed (e.g., students are using a No. 2 pencil on all "bubble" sheet assessments and completely erase mistaken answers and extra marks on "bubble" sheet assessments). Educators are not to change answers on a student's assessment sheet or otherwise participate in the submission of false or misleading assessment results.

All employees are to adhere to Nebraska's NeSA Security Procedures and report breaches in security to the Superintendent's assessment designee for report to the Nebraska Department of

Education. Professionalism, common sense, and practical procedures provide the framework for testing ethics.

Violations of the rules and expectations set forth in this policy will be considered to be a breach of the District's standards of ethics and may result in disciplinary consequences. Educators are to report suspected violations of the expectation to the administration. The administration is to investigate and appropriately respond to violations of the expectations.

Legal Reference: NDE Rule 10.05; NDE Rule 27.004.02H and 004.03D

Adopted: 8-9-93

Revised: 6-8-09; 7-11-11

Reviewed: 7-12-10;



## **POLICY NO. 6212 - ASSESSMENTS – ACADEMIC CONTENT STANDARDS**

The Board of Education adopts the academic content standards of the State Board of Education (“State Board”). The adoption of the academic content standards includes the:

English Language Arts standards that were adopted by the State Board in September, 2014;  
Mathematics standards that were approved by the State Board in September, 2015;  
Science standards that were adopted by the State Board in September, 2017; and  
Social Studies standards that were adopted by the State Board in November, 2019.

The administration shall be responsible for implementing assessments on the state standards in accordance with the procedures established by the State Board and the Department of Education, including conducting assessments in the same subject areas and the same grade levels as established in the state standards, and the reporting of scores and sub-scores.

This policy does not supersede the existing standards adopted by the Board of Education except as set forth herein.

Legal Reference: Neb. Rev. Stat. §§ 79-760 to 79-760.05

Adopted: 6-14-10

Revised: 7-11-11, 8-10-15, 11-14-16

Adopted: 6-14-10

Revised: 7-11-11, 8-10-15, 11-14-16, 9-13-21

## POLICY 6283 - ACTIVITIES - CONCUSSIONS

### 1. Training.

The Superintendent or designee shall make available training approved by the chief medical officer of the State on how to recognize the symptoms of a concussion or brain injury and how to seek proper medical treatment for a concussion or brain injury to all coaches of school athletic teams.

### 2. Education.

The Superintendent or designee shall require that concussion and brain injury information be provided on an annual basis to students and the students' parents or guardians prior to such students initiating practice or competition. The information provided to students and the students' parents or guardians shall include, but need not be limited to:

- a. the signs and symptoms of a concussion;
- b. the risks posed by sustaining a concussion; and
- c. the actions a student should take in response to sustaining a concussion, including the notification of his or her coaches.

### 3. Response to Concussions.

- a. Removal. A student who participates on a school athletic team shall be removed from a practice or game when he or she is reasonably suspected of having sustained a concussion or brain injury in such practice or game after observation by a coach or a licensed health care professional who is professionally affiliated with or contracted by the school.
- b. Return-to-Play. A student who has been removed from a practice or game as a result of being reasonably suspected of having sustained a concussion or brain injury student shall not be permitted to participate in any school supervised team athletic activities involving physical exertion, including, but not limited to, practices or games, until the student: (i) has been evaluated by a licensed health care professional, (ii) has received written and signed clearance to resume participation in athletic activities from the licensed health care professional, and (iii) has submitted the written and signed clearance to resume participation in athletic activities to the school accompanied by written permission to

resume participation from the student's parent or guardian.

The coach or administration may require that the student's return to full activities be on a stepwise progression back to full participation, or otherwise establish conditions for return to participation that are more restrictive than those defined by the licensed health care professional if the coach or an administrator reasonably deems such to be appropriate.

The signature of an individual who represents that he or she is a licensed health care professional on a written clearance to resume participation that is provided to the school shall be deemed to be conclusive and reliable evidence that the individual who signed the clearance is a licensed healthcare professional. The school is not required to determine or verify the individual's qualifications.

- c. Parent Notification. If a student is reasonably suspected after observation of having sustained a concussion or brain injury and is removed from an athletic activity per the preceding paragraph, the parent or guardian of the student shall be notified by the Superintendent or designee of the date and approximate time of the injury suffered by the student, the signs and symptoms of a concussion or brain injury that were observed, and any actions taken to treat the student.

- d. Return to Learn. The Superintendent or designee shall develop a return to learn protocol for students who have sustained a concussion. The return to learn protocol shall recognize that students who have sustained a concussion and returned to school may need informal or formal accommodations, modifications of curriculum, and monitoring by medical or academic staff until the student is fully recovered.

#### 4. Responsibility of Coaches.

Coaches shall comply with this policy and apply their safety and injury prevention training. A coach who fails to do is subject to disciplinary action, including but not limited to termination of employment.

#### 5. Student and Parents.

It is recognized that coaches cannot be aware of every incident in which a student has symptoms of a possible concussion or brain injury. As such, students and their parents have a responsibility to honestly report symptoms of a possible concussion or brain injury to the student's coaches on a timely basis.

6. Effective Date.

This policy becomes operative on July 1, 2012. The administration may, but shall not be required to, implement provisions of this policy prior to such date as it determines appropriate.

Legal Reference: Neb. Rev. Stat. §§ 71-9102 to 71-9106

Adopted: 7-11-11

Revised: 8-11-14

## **POLICY NO. 6284 - RETURN FROM PEDIATRIC CANCER**

The Superintendent or designee shall make available training on how to recognize that students who have been treated for pediatric cancer and returned to school may need informal or formal accommodations, modifications of curriculum, and monitoring by medical or academic staff.

A 504 team meeting will be held, as appropriate, to develop individual return to learn accommodations and modifications.

Legal Reference:                   LB 511 (2015)

Approved: 8-10-15

Revised: 11-14-16

## **POLICY NO. 6286 - INITIATIONS, HAZING, SECRET CLUBS, AND OUTSIDE ORGANIZATIONS**

Initiations. Initiations by classes, clubs or athletic teams are prohibited except with the approval of the administration. Any student who engages in or encourages initiations that have not been approved by the administration is subject to disciplinary action, up to and including denial of any or all school privileges and expulsion.

The administration may only give consent to initiation activities that are consistent with student conduct expectations and that do not present a risk of physical or mental injury or belittlement.

Hazing. Hazing by classes, clubs, athletic teams or other student organizations are prohibited. Hazing means any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with any school organization. Such prohibited hazing activity includes whipping, beating, branding, an act of sexual penetration, an exposure of the genitals of the body done with intent to affront or alarm any person, a lewd fondling or caressing of the body of another person, forced and prolonged calisthenics, prolonged exposure to the elements, forced consumption of any food, liquor, beverage, drug, or harmful substance not generally intended for human consumption, prolonged sleep deprivation, sexual conduct, nudity, or any brutal treatment or the performance of any act which endangers the physical or mental health or safety of any person or the coercing of any such activity. Hazing is prohibited even though the person who has been the subject of the hazing consents to the activity. Any student who engages in or encourages hazing is subject to disciplinary action, up to and including denial of any or all school privileges and expulsion.

Secret Organizations. It is unlawful for students to participate in or be members of any secret fraternity or secret organization that is in any degree a school organization. Any student who violates this restriction is subject to disciplinary action, up to and including denial of any or all school privileges and expulsion.

Outside Organizations. It is unlawful for any person, whether a student of the District or not, to enter upon the school grounds or any school building for the purpose of rushing or soliciting, while there, any student to join any fraternity, society, or association organized outside of the schools. Any person who violates this restriction is subject to criminal prosecution and removal and exclusion from school grounds.

Legal Reference:     Neb. Rev. Stat. §§ 79-2,101 to 79-2,103  
                           Student Discipline Act, Neb. Rev. Stat. §§ 79-254 to 79-296  
                           Reference Neb. Rev. Stat. §§ 28-311.06 to 28-311.07

Adopted: 11-14-16

**POLICY NO. 6920 - STUDENT SELF-MANAGEMENT OF ASTHMA, ANAPHYLAXIS, AND/OR DIABETES**

Students with asthma, anaphylaxis or diabetes will be permitted to self-manage such medical conditions upon:

1. Written request of the student's parent or guardian;
2. Authorization of the student's physician; or, for asthma and anaphylaxis, a health care professional who prescribed the medication for treatment of the student's condition;
3. Receipt of a signed no liability statement from the parent or guardian; and
4. Development of an asthma or anaphylaxis or diabetes medical management plan for the student.

Students with such a medical management plan may possess the necessary medication to manage their condition under the conditions established in the plan and not be subject to discipline for such possession. Provided that, if the student uses or allows the medication to be used for any reason other than as prescribed or as provided in the plan or possesses the medication other than as provided in the plan the student shall be subject to discipline in accordance with the student conduct and drug-free school policies.

Legal Reference: Neb. Rev. Stat. §§ 79-224 and 79-225

Adopted: 10-9-06

Reviewed: 8-9-10

Revised: 11-14-16

## **7000 Series – Special Education**

### **POLICY NO. 7000 - Implementation and Interpretation of Special Education Policies**

Bayard Public Schools adopts these special education policies with the intent that such place and maintain the District in compliance with all applicable laws affecting special education services and programs. Employees and contractors of the District are expected to comply with these policies and regulations in all respects.

The District will abide by all state and federal laws and regulations relating to special education and its special education policies and regulations are to be interpreted to be in compliance with federal and state law and regulations. In the event of changes in law or regulations, the school administration shall be authorized to implement modifications of practice to comply with such changes (whether the changes impose more or less stringent procedural or substantive requirements) until such time as amended policies or regulations are adopted by the Board of Education.

References hereinafter in the policies to “the School District” or “the District” shall mean Bayard Public Schools.

Date of Adoption: April 14, 2009

Reviewed: August 10, 2020, December 14, 2020



## **POLICY NO. 7001 - Free Appropriate Public Education**

The District ensures that a free appropriate public education is available to all children with disabilities from birth through the school year in which the student reaches 21 years of age, including children who have been suspended or expelled from school. The Administration shall implement and adhere to the procedural timelines necessary to provide a free appropriate public education to children with disabilities, according to law.

Legal Reference: 34 CFR 300.17

Adopted: April 14, 2009

Reviewed: August 10, 2020, December 14, 2020

Revised: October 12, 2020

## **POLICY NO. 7002 - Full Educational Opportunity Goal**

The District has a goal of providing full educational opportunity for all children with disabilities birth through the school year when the student reaches ages 21 consistent with the state's Full Educational Opportunity Goal.

Legal Reference: 34 CFR 300.109

Adopted: April 14, 2009

Reviewed: August 10, 2020, December 14, 2020

Revised:

## **POLICY NO. 7003 - Childfind**

All children with disabilities residing in the District, including children with disabilities who are homeless children, wards of the state, or attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, will be identified, located and evaluated and a practical method shall be developed and implemented by the administration to determine which children with disabilities are currently receiving needed special education and related services. These requirements apply to highly mobile children including migrant children and children suspected of having a disability and in need of special education, even though advancing from grade to grade.

Legal Reference: 34 CFR 300.109

Adopted: April 14, 2009

Reviewed: August 10, 2020, December 14, 2020

Revised: October 12, 2020

## **POLICY NO. 7004 - Identification, Evaluation and Verification**

The District ensures that children with disabilities are evaluated in accordance with 92 NAC 51-006.

Procedures to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it is clearly not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

Legal Reference: 34 CFR 300.08, 34 CFR 300.304 through 300.311

Adopted: April 14, 2009

Reviewed: August 10, 2020, December 14, 2020

Revised:

## **POLICY NO. 7005 - Individualized Education Program**

The District ensures that an individualized education program (IEP), or an individualized family service plan (IFSP) is developed, reviewed, and revised for each child with a disability in accordance with 92 NAC 51-007.

Legal Reference: 34 CFR 300.320 through 300.328

Adopted: April 14, 2009

Reviewed: August 10, 2020, December 14, 2020

Revised:

## **POLICY NO. 7006 - Individualized Family Services Plan (IFSP)**

The District ensures that an individualized education program (IEP), or an individualized family service plan (IFSP) is developed, reviewed, and revised for each child with a disability in accordance with 92 NAC 51-007.

Legal Reference: 34 CFR 300.320; 34 CFR 300.340(b); 480 NAC 10-100

Adopted: April 14, 2009

Reviewed: August 10, 2020, December 14, 2020

Revised:

## **POLICY NO. 7007 - Early Intervention Transition**

The District ensures that children participating in Early Intervention Services experience a smooth and effective transition to services provided under Part B of the IDEA.

Legal Reference: 34 CFR 303.148

Adopted: April 14, 2009

Reviewed: August 10, 2020, December 14, 2020

Revised:

## **POLICY NO. 7008 - Participation in Assessments**

The District ensures that children with disabilities are included in district-wide assessment programs, with appropriate accommodations, where necessary. As appropriate, the School District develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in district-wide assessments and develops and conducts those alternate assessments. The District will make available to the Nebraska Department of Education the information necessary to carry out its duties relating to the reporting of children with disabilities participation in assessments.

Legal Reference: 34 CFR 300.160

Adopted: April 14, 2009

Reviewed: August 10, 2020, December 14, 2020

Revised:



## **POLICY NO. 7009 - Least Restrictive Environment**

To the maximum extent appropriate, children with disabilities, including children in public and nonpublic institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular education environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

If placement in a public or non-public residential program is necessary to provide special education and related services to a child with a disability, the program including non-medical care and room and board, must be at no cost to the parents of the child.

The District ensures that children with disabilities have available to them the variety of educational programs and services available to non-disabled children, including art, music, industrial arts, consumer and homemaking education and vocational education. For infants and toddlers, services will be provided in the child's natural environments, including home and community settings that are natural or normal for the child's age peers who have no disabilities.

Legal Reference: 34 CFR 300.114  
34 CFR 303.18

Adopted: April 14, 2009

Reviewed: August 10, 2020, December 14, 2020

Revised:

## **POLICY NO. 7010 - Children in Nonpublic Schools**

To the extent consistent with the number and location of children with disabilities who are enrolled by their parents in nonpublic elementary and secondary schools, provision is made for the participation of those children in special education and related services in accordance with the requirements contained in 92 NAC 51.

The District's policy relating to childfind activities applies with respect to children with disabilities who are enrolled in nonpublic, including parochial, elementary and secondary schools.

Children with disabilities in nonpublic schools and facilities are provided special education and related services in accordance with an individualized education program, at no cost to their parents, if the child is placed in, or referred to nonpublic schools or facilities by the District as a means of carrying out the requirements of IDEA or any other applicable law requiring the provision of special education and related services to all children with disabilities. Children served by nonpublic schools or facilities as a result of a referral by the District will have all the rights they would have if served by the District.

The District is not required to pay for the cost of education, including special education and related services, of a child with a disability at a nonpublic school or facility if the District made a free appropriate public education available to the child and the parents elected to place the child in such nonpublic school or facility.

If the parents of a child with a child with a disability, who previously received special education and related services under the authority of the District, enroll the child in a nonpublic preschool, elementary or secondary school without the consent of or referral by the District, a court or a hearing officer may require the District to reimburse the parents for the cost of the enrollment if the court or hearing officer finds that the District had not made available a free appropriate public education to the child in a timely manner prior to that enrollment.

The cost of the reimbursement may be reduced or denied if at the most recent IEP team meeting that the parents attended prior to the removal of the child from the District, the parents did not inform the IEP Team that they were rejecting the placement proposed by the District to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a nonpublic school at public expense; or at least 10 business days (including any holidays that occur on a business day), prior to the removal of the child from the School District, the parents did not give written notice to the District of the information required above. The cost of reimbursement will not be reduced or denied for failure to provide the information required above. The cost of reimbursement will not be reduced or denied for failure to provide the information required if the parent is illiterate and cannot write in English, if compliance with the requirement would likely result in physical or serious emotional harm to the

child, if the school prevented the parent from providing the information or if the parents had not received notice required by 92 NAC 51-009 of the parents responsibility to provide notice to the District.

The reimbursement may also be reduced or denied if prior to the parents removal of the child from the District, the School District informed the parents, through the notice requirements described in 92 NAC 51-009, of its intent to evaluate the child (including a statement of the purpose of the evaluation was that appropriate and reasonable), but the parents did not make the child available for the evaluation.

The reimbursement may also be reduced or denied upon a judicial finding of unreasonableness with respect to actions taken by the parents.

Legal Reference: 34 CFR 300.130 through 300.148

Adopted: April 14, 2009

Reviewed: August 10, 2020, December 14, 2020

Revised:

## **POLICY NO. 7011 - Procedural Safeguards**

The District ensures that children with disabilities and their parents are afforded the procedural safeguards required in 92 NAC 51-009.

### Confidentiality

The District complies with the requirements contained in 92 NAC 51-009 relating to the confidentiality of records and information.

Legal Reference: 34 CFR 501  
34 CFR 300.610 and §§300.611 through 300.627

Adopted: April 14, 2009

Reviewed: August 10, 2020, December 14, 2020

Revised:

## **POLICY NO. 7012 - Transportation**

The District ensures that transportation will be provided to any special education student who qualifies for special education transportation under Neb. Rev. Stat. 79-1129.

Legal Reference: 34 CFR 300.34(c)(1b); 34 CFR 300.107; 34 CFR 300.8(c)(12)

Adopted: April 14, 2009

Reviewed: August 10, 2020, December 14, 2020

Revised:

## **POLICY NO. 7013 - Personnel Standards**

The District ensures that all personnel are appropriately and adequately prepared subject to IDEA requirements and the District will take measurable steps to recruit, hire, train and retain personnel meeting the requirements of IDEA to provide special education and related services to children with disabilities.

Legal Reference: 34 CFR 300.156

Adopted: April 14, 2009

Reviewed: August 10, 2020, December 14, 2020

Revised:

## **POLICY NO. 7014 - Performance Goals and Indicators**

The District will use performance goals and indicators established by the state to assess progress toward achieving those goals that are consistent to the extent appropriate with any other goals and academic standards for children.

The District will provide the Nebraska Department of Education with information necessary to enable the state to assess progress toward achieving the goals established by the state.

Legal Reference: 34 CFR 300.157

Adopted: April 14, 2009

Reviewed: August 10, 2020, December 14, 2020

Revised:

## **POLICY NO. 7015 - Suspension and Expulsion Reporting**

The District will report data to the Nebraska Department of Education to determine if significant discrepancies are occurring in the rate of long-term suspension and expulsions of children with disabilities.

Legal Reference: 34 CFR 300.170

Adopted: April 14, 2009

Reviewed: August 10, 2020, December 14, 2020

Revised:



## **POLICY NO. 7016 - PROHIBITION ON MANDATORY MEDICATION**

The school districts, approved cooperatives and special education and related services providers are prohibited from requiring parents to obtain a prescription for substances identified under Schedules I, II, III, IV or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) for the child as a condition of attending school, receiving an evaluation under Section 006 of this Chapter, or receiving services under 92 NAC 51, or receiving services under Chapter 51.

Nothing in 92 NAC 51-004.11D1 shall be construed to create a prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a student's academic and functional performance, or behavior in the classroom or school, or regarding the need for evaluation for special education or related services.

NDE document "Supporting Document to Checklist of Required Special Education Policies, Procedures and practices for Part B of the IDEA" shall serve as an administrative procedure to this policy. The entire document can be found at <http://www.education.ne.gov/sped/regulations.html>.

Adopted: September 14, 2020

Reviewed: December 14, 2020

Revised:

## **POLICY NO. 7017 - OVER-IDENTIFICATION AND DISPROPORTIONALITY**

The district has a goal of preventing the inappropriate over identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment as described in 92 NAC 51-003.10.

“Child with a disability” means a child who has been verified as per 92 NAC 51-006 as a child with autism, a behavior disorder, deaf-blindness, a developmental delay, a hearing impairment including deafness, a mental handicap, multiple impairment, an orthopedic impairment, an other health impairment, a specific learning disability, a speech-language impairment, a traumatic brain injury or a visual impairment including blindness, who because of this impairment needs special education and related services. If, under 92 NAC 51-003.63, it is determined, through an appropriate evaluation under 92 NAC 51-006, that a child has one of the disabilities identified above, but only needs a related service and not special education, the child is not a child with a disability under this Chapter. If the related service required by the child is considered special education rather than a related service, the child would be determined to be a child with a disability.

NDE document “Supporting Document to Checklist of Required Special Education Policies, Procedures and practices for Part B of the IDEA” shall serve as an administrative procedure to this policy. The entire document can be found at <http://www.education.ne.gov/sped/regulations.html>.

Adopted: September 14, 2020

Reviewed: December 14, 2020

Revised:

## **POLICY NO. 7018 - ACCESS TO INSTRUCTIONAL MATERIALS**

A school district or approved cooperative that chooses to coordinate with the National Instructional Materials Access Center NIMAC when purchasing print instructional materials shall enter into a written contract with the publisher of the print instructional materials to:

1. Require the publisher to prepare and, on or before the delivery of the print instructional materials, provide to the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the Instructional Materials Accessibility Standard (NIMAS); or
2. Purchase instructional materials from a publisher that are produced in or may be rendered in specialized formats.

Nothing in this section shall be construed to require a school district or approved cooperative to coordinate with the National Instructional Materials Access Center. If a school district or approved cooperative chooses not to coordinate with the National Instructional Materials Access Center, the school district or approved cooperative shall provide an assurance to the Nebraska Department of Education that the school district or approved cooperative will provide instructional materials to students with blindness or other students with print disabilities at the same time as other students.

NDE document “Supporting Document to Checklist of Required Special Education Policies, Procedures and practices for Part B of the IDEA” shall serve as an administrative procedure to this policy. The entire document can be found at <http://www.education.ne.gov/sped/regulations.html>.

Adopted: September 14, 2020

Reviewed: December 14, 2020

Revised:

## **POLICY NO. 7019–Student Discipline and Manifestation Determination**

1. For purposes of this Policy, the following principles apply:
  - A. A *change in placement* occurs if:
    - i. The child is removed from his or her current educational placement for more than 10 consecutive school days; or
    - ii. The child is subjected to a series of removals, which total more than 10 school days in a school year and constitute a pattern as determined by the District. Administration shall implement procedures to determine when a series of removals constitutes a pattern resulting in a change of placement.
  - B. The protections of this Policy apply to:
    - i. A child who has been determined to be eligible for special education and related services.
    - ii. A child who has not been determined to be eligible for special education and related services, but has engaged in behavior that violates a code of student conduct of the District which could result in disciplinary action and the District had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. Administration shall implement procedures for determining whether the District had knowledge that the child was a child with a disability before imposing discipline.
2. Within 10 school days after any decision to change the placement of a child with a disability because of a violation of the student code of conduct, the District, parent, and relevant members of the child’s IEP team (as determined by the parent and District) shall review all relevant information in the student’s file, including the child’s IEP, any teacher observations, and any relevant information provided by the parents to determine:
  - A. If the conduct in question was caused by or had a direct and substantial relationship to the child’s disability; or
  - B. If the conduct in question was the direct result of the District’s failure to implement the IEP.If the District, parent, and relevant members of the child’s IEP team determine that either condition set forth above is met, then conduct must be determined to be a manifestation of the child’s disability.

If the District, parent, and relevant members of the child's IEP team determine that condition "B" above was met, then the District must take immediate steps to remedy the District's deficiencies.

3. If the District, parent, and relevant members of the child's IEP team determine that the conduct was a manifestation of the child's disability, then the IEP team must:
  - A. Either conduct a functional behavioral assessment, unless the District had conducted a functional behavioral assessment before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan for the child; or if a behavioral intervention plan has already been developed, review the behavioral intervention plan and modify it, as necessary to address the behavior; and
  - B. Except as provided in Section 4 below, return the child to the placement from which the child was removed, unless the District and parent agree to a change in the placement as part of the modification of the behavioral intervention plan.
4. The District may remove a child to an interim alternative educational setting (determined by the child's IEP team) for not more than 45 days without regard to whether the conduct is determined to be a manifestation of the child's disability if the child:
  - A. Carried a weapon to or possessed a weapon at school, on the school premises or at a school function under the jurisdiction of the Nebraska Department of Education;
  - B. Knowingly possessed or used illegal drugs, or sold or solicited the sale of a controlled substance at school, on the school premises or at a school function under the jurisdiction of the Nebraska Department of Education; or
  - C. Inflicted serious bodily injury upon another person at school, on the school premises or at a school function under the jurisdiction of the Nebraska Department of Education.
5. For disciplinary changes in placement that exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code of conduct is determined not to be a manifestation of the child's disability, then the District may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as are applied to children without disabilities, except as provided in Section 6 below.

6. If a child with a disability is removed from his or her current placement according to Sections 4 or 5 above, then the District must:
  - A. Continue to provide educational services, so as to enable the child to continue to participate in the general educational curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP.
  - B. Provide, as appropriate, a functional behavior assessment, behavior intervention services and modifications that are designed to address the behavior violation so it does not recur.

The services described above may be provided in an interim alternative educational setting (determined by the child's IEP team). The District is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year if it provides services to a child without disabilities who is similarly removed. After a child with a disability has been removed from his or her current placement for 10 school days in the same year, if the current removal is for not more than 10 consecutive school days and not a change in placement, District personnel, in consultation with at least one of the child's teachers, shall determine the extent to which special education services are needed, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. If the removal is a change in placement, the child's IEP team shall determine appropriate services.

7. This Policy should be construed consistently with regulations of the Nebraska Department of Education. To the extent this Policy is in conflict with the Nebraska Department of Education's regulations, the regulations shall control.

Adopted: October 12, 2020

Reviewed: December 14, 2020

Revised:

## **8000 Series – Philosophy and General**

### **POLICY NO. 8001 - NON-DISCRIMINATION IN EDUCATION PROGRAMS AND ACTIVITIES**

It is the policy of the Bayard Public Schools, not to discriminate on the basis of race, color, national origin, creed, age, marital status, sex or disability in its educational programs, activities, or employment policies as required by Title VI and VII of the 1964 Civil Rights Act, Title IX of the 1972 Education Amendments, the Section 504 Rehabilitation Act of 1973 and the Nebraska Equal Educational Opportunity Act.

Any person who believes she or he has been discriminated against, denied a benefit, or been excluded from participation in any district education program or activity on the basis of sex, race or handicap in violation of this policy may grieve such matters using the adopted grievance procedures of this district. Such procedures shall provide for prompt and equitable resolution of complaints alleging acts of discrimination.

Inquiries regarding compliance with Title IX, Section 504, Title VI or the Nebraska Equal Opportunity in Education Act may be directed to the Secondary Principal, Bayard High School, (308)586-1700 or in the case of Title IX and Section 504 Rehabilitation Act to the Director of the Region VII Office for Civil Rights, 10220 North Executive Hills Boulevard, 8<sup>th</sup> Floor, Kansas City, Missouri 64153 or call (816) 891-8026.

Adopted: 8-8-94

Reviewed: 8-9-10, 3-13-17

## **POLICY NO. 8001-A - STATEMENT OF EDUCATIONAL PHILOSOPHY**

As a school corporation of Nebraska, the Bayard Public School District, acting through its School Board, is dedicated to promoting an equally opportunity for a quality public education to its students within the limitations of the school district's ability and willingness to furnish financial support to provide for students in cooperation with their parents and the school district community, the opportunity to develop a healthy social, intellectual, emotional, and physical self-concept in a learning environment that provides guidance to and encourages critical thinking in the students for a lifetime.

The board endeavors through the dedication of the school district's resources, to encourage students, who come to the school district from a variety of backgrounds, to look forward to the time when they will have jobs, homes, families, places in the school district community, and attain recognition as individuals. In order to achieve this goal, the board will seek qualified employees dedicated to development of their professional skills for the betterment of the educational program and for the expertise for educational productivity.

Instruction and curriculum are the key elements of a public education. Critical thinking and problem-solving skills that will assist the students' preparation for life shall be instructed as part of a sequentially coordinated curriculum. The school district strives to prepare students for employment, to discover and nurture creative talent and to prepare them to meet and cope with social change in an atmosphere conducive to learning.

The support and involvement of the home and the school district community are essential to achieve educational excellence in the school district. The school district strives to maintain an active relationship with the home and the school district community to create within the students an awareness of dignity and worth of the individual, civic responsibility and respect for authority.

Legal Reference: Neb. Statutes 79-526

79-701

Adopted: 8-17-76

Reviewed: 8-9-10

Revised: 9-13-10, 3-13-17



## **POLICY NO. 8002 - PURPOSE OF THE BOARD OF EDUCATION**

The purpose of a Board of Education is to provide education of the highest feasible character for the residents of the district in which the board operates, taking into account the wishes of the people of the district and their ability and willingness to support such a program of education.

Adopted: 8-17-76

Reviewed: 8-9-10, 3-13-17

## **POLICY NO. 8003 - FUNCTIONS OF THE BOARD OF EDUCATION**

Since the Board of Education is the governing body of the School District, with full control over all the many phases of the school program, its attention is necessarily directed to planning, evaluating, and policy-making. The following tasks are then included among its major functions:

a) Personnel

- Adoption of pay schedules
- Election or rejection of new employees recommended by the executive officer
- Adoption of such policies as leave provisions, promotional provisions, etc.

b) Curriculum

- Decisions as to the general scope and nature of educational offerings
- Enforcement of the rules and regulations of the State Board of Education with respect to the instructional program.

c) Financial

- Approval and adoption of an annual budget
- Approval of current expenditures
- Adoption of regulations concerning accounting for school funds
- Decisions as to time, size, and sale of bonds, and the investment of monies
- Preparation of policies for the purchasing and distribution of supplies and equipment

d) Plant

- Decisions as to where, what, and how to build
- Employment of architects
- Purchasing, holding and sale of sites
- Employment of contractors
- Provision for custodial and maintenance services
- Provision of adequate furnishings for buildings

e) Public Relations

- Representation of the school to the community and the community to the school
- Upholding the schools before individuals and groups
- Working for adequate financial support from all sources
- Making buildings and facilities available to community groups

f) Pupils

- Determination of policies concerning age of entrance, requirements for graduation, health and personnel services, school lunches, and discipline.

- Fixing of tuition charges and terms of admission for non-resident pupils, and waiving of tuition if necessary for the welfare of child

g) General

- Determination of school calendar
- Determination of the years or grades to be taught
- Employment of an executive officer, auditor, and attorney, and evaluation of their services.
- Delegation of the interpretation of policy and the administration of regulations to the professional staff
- Requirement of frequent, thorough reports on the management and operation of the schools
- Annual revision of handbook of policies and procedures, during July or August.

Adopted: 8-17-76

Reviewed: 8-9-10, 3-13-17

## **POLICY NO. 8101 – COMMITTEE ON AMERICAN CIVICS**

At the beginning of each calendar year a committee on American Civics shall be chosen from the Board.

Adopted: 8-17-76

Reviewed: 8-9-10, 3-13-17

Revised: 3-8-21

## **POLICY NO. 8201 - LIMITATIONS OF BOARD MEMBERS**

The decisions and actions of a single member of the Board of Education cannot be binding on the entire Board. As an individual, he/she has no legal status. He/She has no right to commit the other members of the Board or the administration to any request made directly to him/her.

The Board can exercise its powers and duties only in properly called meetings where a majority of the Board constitutes a quorum to transact business.

Adopted: 8-17-76

Reviewed: 8-9-10, 3-13-17

Revised: 3-8-21

## **POLICY NO. 8202 - REIMBURSEMENT FOR TRAVEL EXPENSES**

Recognizing that travel to certain educational conferences and conventions provides school personnel with an opportunity to keep abreast of the latest developments and trends in the field of education which ultimately result in an improved program of instruction for the local school system, and that in the course of conducting school business, certain expenses are incurred, the Board of Education authorizes the reimbursement of expenses incurred therein.

Reimbursement regulations shall be as follows:

### **A. Meals and Lodging**

1. Cost of meals must be itemized by date
2. Hotel bills should be filed with expense report
3. Reimbursement for tips will be allowed

### **B. Transportation**

1. When school representatives are attending a conference or conducting school business and a private car is used mileage will be allowed at the current IRS Mileage Rate.
2. Parking and storage charges will be allowed
3. Transportation by public carrier will be reimbursed at the actual cost of the fare minus the federal tax. (Travel or school district business by public carrier is exempt from Federal Tax.)

Adopted: 8-17-76

Revised: 1-14-80, 7-13-81; 9-13-10, 3-8-21

Reviewed: 8-9-10, 3-13-17

## **POLICY NO. 8203 - COMPLIMENTARY TICKETS TO BOARD MEMBERS**

All past, present, and future Board of Education members and their spouses are given complimentary tickets to all school-sponsored events.

Adopted: 8-17-76

Reviewed: 8-9-10, 3-13-17

## **POLICY NO. 8204 - MEALS, PLAQUES, CERTIFICATES OF ACHIEVEMENT, AND ITEMS OF VALUE**

Recognizing that Board of Education member participation in committee meetings and recognition events provides the Board of Education with an opportunity to keep abreast of the latest developments in the district and promotes harmonious relations between the Board and school personnel, the Board of Education authorizes the expenditure of funds for the following purposes:

### Meals:

1. Provision of meals and nonalcoholic beverages to individuals attending committee meetings and work sessions of the Board of Education,
2. Provision of meals and nonalcoholic beverages to individuals attending school personnel meetings such as professional development workshops,
3. Provision of up to one recognition dinner (such as the traditional Board/Staff steak fry) each year held for elected and appointed officials, employees, or volunteers of the local government. The maximum cost per person for such dinner shall not exceed twenty-five dollars.

### Plaques, Certificates of Achievement, or Items of Value:

1. Provision of plaques, certificates of achievement, or items of value awarded to elected or appointed officials, employees, or volunteers, including persons serving on local government boards or commissions. The maximum cost per person of any plaque, certificate of achievement, or item of value to be awarded shall not exceed two-hundred dollars.

This policy, following its initial adoption, shall not be amended or altered more than once in any twelve-month period.

Legal reference: Neb. Rev. Stat 13-2203

Adopted: 7-9-12

Reviewed: 3-13-17



## **POLICY NO. 8301 - FORMULATION OF POLICIES**

The Board of Education shall reserve to itself the function of providing guides for the discretionary action of those to whom it delegates authority. These guides for discretionary action shall constitute the policies governing the operation of the school system. They shall be recorded in writing.

The formulation and adoption of these written policies shall constitute the basic method by which the Board of Education shall exercise its leadership in the operation of the school system. The study and evaluation of reports concerning the execution of its written policies shall constitute the basic method by which the Board of Education shall exercise its control over the operation of the school system.

The formal adoption of policies shall be recorded in the minutes of the Board of Education. Only those written statements so adopted and so recorded shall be regarded as official Board Policy.

Adopted: 8-17-76

Reviewed: 8-9-10, 3-13-17

## **POLICY NO. 8305 - GRIEVANCES AND COMPLAINTS**

Grievance or complaint procedures for certificated and classified employees are found in the negotiated agreement for certificated employees and other board policy as applicable. In the absence of a grievance or complaint procedure in a negotiated agreement or other board policy which applies to a particular employee in a particular situation, the employee shall use the grievance procedure set forth in Policy 8305-A.

Cross Reference: Policy 4003 Anti-Discrimination, Anti-Harassment, Anti-Retaliation  
Policy 8473 Sexual-Ethnic Harassment  
Policy 4111 Sexual-Ethnic Harassment

Adopted: 8-17-76

Reviewed: 8-9-10, 4-10-17

Revised 2-8-16

## POLICY NO. 8305-A - GRIEVANCE PROCEDURES FOR EMPLOYEES

### Explanations

1. **Grievance** - A grievance is a dispute or difference of opinion raised by an employee or group of employees involving the meaning, interpretation or application of established district policies; and/or civil rights legislation such as Title IV of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973.
2. **Grievant** – Any employee or group of employees of the district submitting a grievance in their own behalf.
3. **Days** – Days shall consist of all workdays, Monday through Friday.

### Due Process

1. **Right to Representation** – Grievant(s) have the right to be represented.
2. **Right to present Witnesses and Evidence** – Grievant(s) shall be allowed to present the grievance with relevant evidence and pertinent witnesses. Both parties shall have the opportunity for hearing and questioning witnesses.
3. **Time Limits** – All participants shall adhere to the time limits prescribed for each level. Failure by the administration at any step of the procedure to communicate the decision on a grievance within the specified time limit shall permit the grievant(s) to appeal the decision to the next step within the specified time limits. The number of days indicated at each level should be considered as a maximum and every effort should be made to expedite the process. Time limits may be extended by mutual agreement.
4. **Right to Information** – Unless state laws and right-to-privacy laws apply, all relevant records with names and identifying information must be available to the grievant(s) for use as evidence in the grievance issue.
5. **Reprisals – Retaliation** – Participants in a grievance submitted in this district shall not be subjected to reprisals, retaliation or different treatment because of such participation. Participation shall not be recorded in the personnel file(s) or used to

affect equal opportunity in employment.

6. ***Advanced Step Filing:*** The grievance shall be initially filed at the level where the decision resulting in the grievance was made.

#### Procedure

Informal Level: The grievant shall first, through informal communications, attempt to resolve the problem with the supervisor or administrator whose decision gave rise to the grievance.

Formal Level: If a grievance remains unresolved after a meeting at the informal level, then the grievance shall be processed through the step by step process as set forth below. The formal grievance shall be presented at the appropriate step in writing. The written grievance shall indicate (a) a description of the grievance; (b) a list of facts giving rise to the grievance, including names of the persons who made decisions giving rise to the grievance and the dates of the facts giving rise to the grievance; (c) all potential witnesses who need to be interviewed related to the grievance; (d) the grievant's desired result; and (e) a description of the efforts the grievant made to resolve the grievance at the informal level. If a grievant wishes to change his or her written grievance, he or she must re start the step-by-step formal grievance process.

Step 1: The grievant shall present the grievance in writing to the employee's supervisor. A hearing shall be held within five (5) working days after the grievance is presented. Within five (5) working days of the hearing the supervisor shall provide a written answer to the grievance.

Step 2: If not resolved at Step 1, the grievant may appeal the decision to the Superintendent within five (5) working days after the decision rendered in Step 1. The Superintendent shall arrange for a hearing with the grievant within five (5) working days of the Superintendent's receipt of the appeal. Each party shall have the right to call such witnesses as deemed necessary to develop the facts pertinent to the grievance. The superintendent will have five (5) working days from the date of the hearing to provide the grievant and the Association a written decision. If the grievance involves a matter in which could be an issue at a hearing which the Board of Education may be required to conduct under Nebraska law, then the Superintendent's decision on the grievance shall be final and the grievant shall have the right to skip to Step 4. Otherwise, the grievant shall proceed to Step 3.

Step 3: If the grievance is not resolved at Step 2, and an appeal to the Board is allowed, then the grievant may appeal the grievance in writing to the Board president within five (5) working days after the decision rendered in Step 2. Within ten (10) working days from the date the appeal is received, the Board president shall schedule a hearing on the grievance before the Board of Education. The hearing shall be held not later than forty-five (45) days from the Board President's receipt of the appeal. Each party shall have the right to call such witnesses, as it

deems necessary to develop facts pertinent to the grievance, provided that the facts and witnesses presented by grievance were set forth in the grievant's written grievance. If the grievant wishes to present additional evidence or witnesses, the Board may require the grievant to restart the grievance procedure allowing administration to resolve the grievance with such additional facts and evidence, or the

Board may, in its discretion allow additional evidence or witnesses to be presented at the hearing. The Board shall have ten (10) working days from the date of the hearing to notify, in writing, the grievant and the Association of the Board's decision.

Step 4: If the grievant is not satisfied with the disposition of the grievance in Step 3 (or Step 2 as applicable), the grievant may proceed through the appropriate legal channels.

Adopted: 8-8-94

Reviewed: 8-9-10. 4-10-17

Revised: 2-8-16

## **POLICY NO. 8450 - EXTRA-CURRICULAR ACTIVITIES**

The Bayard Board of Education will develop and support a program of extra-curricular activities. The programs will provide equal opportunities for self-development of the individual student in areas outside the academic classroom. These activities will be developed and supported for the well being of the students. The activities should nurture leadership, sportsmanship, cooperation, self-responsibility, communication skills, pride, self-confidence and self-discipline. However, at no time or under any circumstance will the activity program be allowed to detract from or erode support from the academic programs.

Adopted: 8-11-86

Reviewed: 8-9-10, 4-10-17

## **POLICY NO. 8460 - AIDS EDUCATION**

AIDS education shall be included in the Bayard School Health Curriculum at all grade levels K-10. (Information and materials will be age and grade appropriate.) Suggested curriculum guides issued by the Nebraska Department of Education and the U.S. Department of Health and Human Services Center for Disease Control will be used as guides in developing AIDS educational plans.

Adopted: 8-8-88

Reviewed: 8-9-10, 4-10-17

Revised: 9-13-10

## **POLICY NO. 8470 - DRUG AND ALCOHOL EDUCATION AND PREVENTION PROGRAM**

PURSUANT TO P.L. 101-226 AND 34 C.F.R., PART 86

It shall be the policy of Bayard Public School District to provide age appropriate, developmentally based drug and alcohol education and prevention program for all students of the schools. It shall be the policy of the District to require instruction at each grade level concerning the adverse effects resulting from the use of illicit drugs and alcohol. Such instruction shall be designed by affected classroom teachers or as otherwise directed by the Board to be appropriate to the age of the student exposed to such instruction. Such instruction should be described in any curriculum guides of the District and should have as one of its primary objectives preventing the use of illicit drugs and alcohol by such students. It shall further be the policy of the District to encourage the use of outside resource personnel such as law enforcement officers, medical personnel, and experts on the subject of drug and alcohol abuse, so that its economic, social, educational, and physiological consequences may be made known to the students of the district.

It shall further be the policy of the district through the instruction earlier herein referred to as well as by information and consistent enforcement of the Board's policy pertaining to a student conduct as it relates to the use of illicit drugs and the unlawful possession and use of alcohol, that drug and alcohol abuse is wrong and is harmful both to the student and the District, and its educational programs.

Adopted: 8-13-90

Reviewed: 8-9-10, 4-10-17



## **POLICY NO. 8471 - INFORMATION TO STUDENTS**

It shall be the policy of Bayard Public School District to provide each student of the District a copy of the standards of conduct for student behavior in the District which prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol on school premises or as a part of any of the school's activities. Such standards of conduct and the District's policy of disciplinary sanctions that may be taken for violation of such standards of conduct shall be given to each student and his or her parent or parents or guardian prior to the commencement of each school year on a form to be developed by the administration.

Adopted: 8-13-90

Reviewed: 8-9-10, 4-10-17

## **POLICY NO. 8472 - 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**

It shall be the policy of Bayard Public School District, 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, at school sponsored activities off school premises.

Conduct prohibited at places and activities as hereinabove described shall include, but not 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 drug.
5. Distribution of any illicit drug.
6. Use of any drug in an unlawful fashion.
7. Distribution of any drug or controlled substance when such distribution is unlawful.
8. The possession, use, or distribution of alcohol.

It shall further be the policy of the District that violation of any of the above prohibited acts will result in disciplinary sanctions being taken within the bounds of applicable law, up to and including short term suspension, long term suspension, expulsion, and referral to appropriate authorities for criminal prosecution.

Adopted: 8-13-90

Reviewed: 8-9-10, 4-10-17

## **POLICY NO. 8473 - SEXUAL/ETHNIC HARASSMENT POLICY**

The Bayard Public School's Board of Education strongly endorses, and will comply with the provisions of Title VII of the Civil Rights Act of 1972, as amended; Title IX of the Education Amendments of 1972; and the Nebraska Equal Opportunity and Education Act. Therefore, it is the policy of the Bayard Public Schools to prohibit any and all discrimination based on race, color, sex, or national origin.

Sexual/ethnic harassment of any employee, certificated or non-certificated, or student by an individual under the jurisdiction of the Bayard Public Schools is, therefore, strictly prohibited. Persons determined to have engaged in either "Quid Pro Quo" sexual harassment or "Hostile Environment" sexual/ethnic harassment shall be subject to disciplinary sanctions as set forth herein.

Regarding school district employees, unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature shall constitute "Quid Pro Quo" sexual harassment when:

1. Submission to sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

It is also prohibited for any school district employee or student to verbalize on school district property any racial, ethnic, or gender harassing jokes or stories, or to bring or store on school property any sexual, racial, or ethnic epitaphs or jokes. School district employees and students are also prohibited from defacing any school district property with any racial, ethnic or sexual epitaphs or jokes.

If an individual's conduct, epitaphs, or jokes are so excessive, severe, or pervasive so as to create a threatening or uncomfortable working environment, and it adversely affects the ability of another employee to accomplish their work, that employee(s) shall have created and can be responsible for creating a "Hostile Environment" when:

1. The individual harassed belongs to a protected class;

2. The individual was subjected to unwelcomed sexual/ethnic harassment;
3. The harassment was based upon sex, race, or national origin; or
4. The harassment affected a term, condition, or privilege of employment.

Regarding students, unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual/ethnic nature shall constitute sexual/ethnic harassment when:

1. Submission of such conduct is made either explicitly or implied a term or condition of an individual's enrollment, participation, or affiliation with a course, activity, or other school-sanctioned program.
2. Submission to or rejection of such conduct by individuals is used as a basis for any decision that may affect the educational standing of that individual.
3. Such conduct has the purpose or effect of unreasonable interfering with an individual's educational performance or creating an intimidating, hostile or offensive environment.

## RESPONSIBILITY

All Bayard Public School employees and students shall have the responsibility of keeping school administrators informed, through the most confidential and direct means possible, of any alleged acts and/or complaints of sexual/ethnic harassment. It is the responsibility of each school district administrator, principal, department head, and supervisor to provide a working and academic environment free of sexual/ethnic harassment or sexual/ethnic intimidation. The school district will take prompt action to investigate an act upon all reported instances of alleged sexual/ethnic harassment.

All complaints and allegations of either sexual or ethnic harassment will be thoroughly investigated by a member of the Bayard Public Schools administrative team. The team shall consist of: Administrators, Principals and Assistant Principals and the Superintendent.

The Bayard Public Schools will utilize a three phase process to investigate all allegations of sexual or ethnic harassment:

## PHASE I: COMPLAINT

Any individual who believes that he or she has been either sexually or ethnically harassed, or any individual having knowledge of any incident of alleged sexual or ethnic harassment (hereinafter referred to as “complainant”), should notify a member of the administrative team. Such notification shall be by the most direct means possible and will be considered confidential. The complaint should be made as soon as possible after the alleged incident.

The administrative team member who received a report of alleged sexual/ethnic harassment shall notify the Superintendent, unless the Superintendent is alleged to be the school district employee engaged in sexual/ethnic harassment. If the complaint is made against the Superintendent, the information is to be brought to the attention of the President of the Board of Education. He/she shall, in turn, contact the school district’s attorney to conduct an investigation of the allegation.

If the complaint is made by a student, his or her parent(s) or legal guardian(s) shall be notified immediately in writing, by certified mail, by the individual assigned to conduct the investigation. If the person accused of sexual/ethnic harassment is a student, that student’s parent(s) or legal guardian(s) will be notified both telephonically and in writing, by certified mail, of the alleged complaint, and they shall be present when the accused student is interviewed.

## PHASE II: INVESTIGATION

Every effort shall be made to maintain full confidentiality throughout the entire investigation. The investigation phase will be directed towards securing signed statements about the complaint itself. Minimally, it shall include the name(s) of the complainant(s) and person(s) accused of sexual/racial harassment; the date(s), time(s), locations(s), description of the incident(s), witness(es), and the respective signed statement(s).

Additionally, signed statement(s) by the person(s) accused of sexual/ethnic harassment shall be obtained where possible. The person(s) accused of sexual/ethnic harassment will be advised of due process rights at the time of being informed of the allegation. The intent of this phase is to investigate all of the facts and to corroborate evidence either for or against the complaint.

## PHASE III: ACTION TAKEN

In determining whether conduct constitutes sexual/ethnic harassment, the individual conducting the investigation will examine the record as a whole and the totality of the

circumstances, such as the nature of the alleged sexual advancements and the context in which the alleged incident occurred. The determination will be on case-by-case basis. The individual conducting the investigation will review all information with the Superintendent. The Superintendent may take whatever disciplinary action is deemed appropriate. In any case where the disciplinary action of a school employee or student is subject to the due process procedures set forth in law, they will be followed as required.

If the Superintendent is the alleged individual, the school district's attorney will provide the evidence to the Board of Education, and they will determine the action to be taken.

The Superintendent will inform all parties of any disciplinary action taken by the Superintendent. The record of the investigation will be kept in a confidential file. If the complaint involves the Superintendent, the file will be kept in the office of the school attorney. A simple statement indicating that a complaint has been filed and the action taken, if any, will be placed in the individual's personnel/student file. However, where the complaint is found to be without merit, the complaint will be placed in a separate sexual/ethnic harassment file, which shall be confidential and not placed in the individual's personnel/student file.

If deemed necessary, the academic or employment situation of the complainant may be changed to provide for a non-intimidating or non-hostile atmosphere. These changes may occur but are not limited to: a transfer of work situation, change of instructor, and, if pertinent, waiver of academic requirements. Decisions concerning such action must consider that the complainant is not to be inadvertently or otherwise punished because he or she has allegedly been sexually/ethnically harassed.

Any employee who is found to have engaged in sexual/ethnic harassment of a subordinate, co-worker, or student will be subject to disciplinary sanctions, which may include, but are not limited to: written reprimand, probation, demotion, transfer, required professional counseling, or termination of employment. Where required by law any disciplinary action taken shall be subject to the due process procedures set forth in Sections 79-12, 107 to 79-12, 121, as amended.

A student, who is found to have engaged in sexual/ethnic harassment against either an employee or another student, will be subject to disciplinary sanctions which may include, but is not limited to: written reprimand, disciplinary probation, suspension, and/or expulsion. Where required by law any disciplinary action taken shall be subject to the due process procedures set forth in the Student Suspension or Expulsion Act, Sections 79-4, 170 to 79-4, 205, as amended.

If the complainant or accused is not satisfied with final action taken by the Superintendent, they may request that the Board of Education review the decision and action taken by placing it on the regular Board of Education meeting agenda as a personnel/student matter. Such a request will be held in executive Session unless the accused individual chooses otherwise. The decision by the Board of Education will be the final administrative act. Likewise, any person accused of

sexual/ethnic harassment may appeal the Superintendent's disciplinary action taken by filing a grievance through the established grievance procedures of the Bayard Public Schools as specified in Board Policy.

Adopted: 1-11-93

Reviewed: 8-9-10, 4-10-17

## **POLICY NO. 8474 - MISSION STATEMENT AND VISION STATEMENT**

### MISSION STATEMENT

The mission of Bayard Public Schools is to partner with parents to provide a successful educational experience and diverse opportunities.

### VISION STATEMENT

Bayard Public Schools will effectively provide and adapt its programs to meet the needs of its students, today and in the future.

Adopted: 1-11-93

Reviewed: 8-9-10, 4-10-17

Revised: 9-13-21

## **9000 Series – Board By-Laws**

### **POLICY NO. 9001- NUMBER OF MEMBERS AND TERMS OF OFFICE**

The Board of Education shall consist of six members who shall serve for terms of four years. The term shall be overlapping, three members being elected each two years. The term of the members shall begin with the second Monday in January succeeding their election.

Adopted: 8-17-76

Reviewed: 10-11-10



## **POLICY NO. 9002 - PERMANENT BOARD COMMITTEES**

Committees will be appointed by the president of the board. The president of the board shall be ex-officio member of any such committee. These committees are created for specific tasks of seeking information or investigation and will report back to the board for its consideration and action. Committee action is considered to be advisory only. The following committees are appointed for one year.

Committee on American Civics

Budget and Audit

Curriculum

Building and Insurance

Policy

Teacher & Staff

Transportation

Adopted: 8-17-76

Revised: 2-13-12, 7-8-19

## **POLICY NO. 9003 - TEMPORARY BOARD COMMITTEES**

The President may appoint temporary committees comprised of less than the full membership for special purposes. These committees shall be discharged on the completion of their assignment. The President of the Board shall be ex-officio member of any such committee.

Adopted: 8-17-76

Revised: 8-12-85

## **POLICY NO. 9003.1 - TEMPORARY BOARD ADVISORY COMMITTEES**

Whenever the board considers it necessary, the board may appoint a committee composed of patrons, students, staff, administrators and board members.

An advisory committee is formed by board resolution which shall outline the duties and the purpose of the committee. The committee is advisory in nature and had no duty or responsibility other than that specifically stated in the board resolution. The committee shall automatically dissolve upon the delivery of its final recommendation to the board or upon completion of the duties outlined in the board resolution. The board will receive the report of the committee for consideration. The board retains the authority to make a final decision on the issue. The committee will conduct its meetings as open meetings and a record of committee members present will be kept.

The method for selection of committee members shall be stated in the board resolution. When possible, and when the necessary expertise required allows, the committee members will be representative of the school district community and shall consider the various viewpoints on the issue. The board may designate a specific board member and administrator to serve on an advisory committee. The committee will select its own chairperson, unless the board designates otherwise.

Adopted: 8-17-76

Revised: 8-12-85; 11-08-10

## **POLICY NO. 9004 - VACANCIES**

A vacancy occurs when a board member resigns, forfeits or otherwise leaves the office. A vacancy also includes, but is not limited to, the following: failure to elect at an election when there is no incumbent to continue in office until his or her successor is elected and qualified, failure to reside in the school district or a continuous absence from the district of more than 60 days, absence from more than 2 consecutive regular board meetings unless excused by a majority of the remaining members of the board, death of the incumbent, a court order declaring the seat vacant, conviction of a felony, or any public offense in violation of the oath of office.

The resignation of a member or any other reason for a vacancy shall be made a part of the minutes of the school board. The board shall give notice of the date the vacancy occurred, the office vacated, and the length of the unexpired term in writing to the election commissioner or county clerk, and by a notice published in a newspaper of general circulation in the school district.

It is prohibited to meet in closed session for discussion of the appointment or election of a new board member.

Legal Reference:                   Neb. Statute 32-560 et seq.  
  32-1308  
  84-1410(1)(d)

Cross Reference:                   201.02 Board Membership - Elections/Appointment  
  201.03 Qualifications

Adopted: 11-14-16

## **POLICY NO. 9005 - PROCEDURES FOR FILLING A BOARD VACANCY**

The resignation of a board member or any other reason for a vacancy shall be made a part of the minutes of the school board. If a vacancy occurs on the board for any reason other than the expiration of a term, the vacant position shall be filled by appointment of a qualified registered voter by the remaining members of the board for the remainder of the unexpired term. The registered voter appointed shall meet the same requirements as the member whose office is vacant. If the board does not fill the vacancy by appointment, the vacancy may be filled by election at a special election or school district meeting called for that purpose. If one half or more of the offices of the school board members are vacant, the Secretary of State will call a special school district election to fill the vacancies. Unless otherwise provided by law, all vacancies shall be filled within forty-five days after the vacancy occurs unless good cause is shown that the requirement imposes an undue burden.

When a vacancy on the board of education occurs, the remaining members shall proceed to fill the vacancy in the following manner:

- I. The school board shall give notice of the date the vacancy occurred, the office vacated, and the length of the unexpired term (a) in writing to the election commissioner or county clerk and (b) by a notice published in a newspaper of general circulation in the school district.
- II. The board shall publicly request, in a manner the board deems effective, interested residents of the school district to submit to the Board President or Superintendent by a certain date selected by the board: (a) written statements indicating their desire to be considered as candidates for the vacancy and (b) any other information the board deems relevant such as a resume.
- III. At the time of the vacancy, the board shall choose a specific selection process for reviewing and/or interviewing candidates and selecting a candidate. If the board cannot decide on a selection process, then the Board President shall determine the selection process. The selection process shall be communicated to all candidates who have submitted the information requested by the board as set forth above.

It is prohibited to meet in closed session for discussion of the appointment or election of a new board member.

Legal Reference: Neb. Statute 32-501 et seq.

Adopted: 11-14-16

## **POLICY NO. 9006 - STUDENT BOARD REPRESENTATIVE**

### **I. PURPOSE**

The Bayard Board of Education believes that the views, insights, and suggestions of a student board representative on the Board of Education can provide great value in the decision-making process regarding educational policies and programs that affect all students. The purpose of this participation is to help the Board of Education gain greater insight into student activities, programs, and needs; to encourage student involvement in school district governance activities; to provide greater awareness and understanding of mutual issues among students, school staff, and community; to provide for the active involvement of students in their education; and to foster inquiry so students may freely express their views and listen to and evaluate the opinions of others. The purpose of this policy is to define the selection and term of office and the rights and responsibilities of the student board representative on the Board of Education.

### **II. SELECTION AND TERM OF OFFICE**

1. Student representation to the Board of Education is open to all students in grades 9-12 at Bayard Public Schools who are in proper academic standing equivalent to participation in athletics or other student activities and maintain proper academic standing throughout their term of office.
2. The term of office will be one semester. The first semester will start in September and end in December. The second semester will start in January and end in April.
3. Students must complete the Google form application in full by April 15<sup>th</sup> to be considered for the next school year, and an in person interview will be scheduled for each student with the Committee on American Civics. The Bayard Board of Education will give preference to first time applicants in an effort to provide this opportunity for all interested students. The students' application and interview will be scored on a rubric, and the Bayard Board of Education will select one student board representative for the first semester to be sworn in at the September Board of Education meeting, and one student representative for the second semester to be sworn in at the January Board of Education meeting. If no student applications are received by the deadline, then the Board of Education will work with the Secondary Principal to appoint a student representative for each semester.

4. The student board representative serves at the discretion of the Bayard Board of Education. The Board of Education may remove a student board representative for failure to fulfill his or her duties, for failure to maintain academic standards, or for behaviors that the Board determines unacceptable as a student board representative.

### **III. RIGHTS AND RESPONSIBILITIES**

1. Following the student board representative's selection, they will attend an orientation session with the Superintendent and the Board of Education President. This session will be held prior to the student board representative's first Board of Education meeting.
2. The student board representative will attend and sit on all regular meetings of the Board of Education during their semester term and can be appointed to Board committees at the discretion of the Board of Education President.
3. The student board representative will dress and act appropriately while serving on the Board of Education in a manner consistent with the Board Member Code of Ethics, and follow all the rules, policies, and regulations that the Board of Education follows.
4. The student board representative will not have the right to make or second motions or vote on agenda items before the Board.
5. The student board representative will not be permitted to participate in Board of Education meetings from which the general public is excluded to include: executive/closed sessions, negotiations sessions, or personnel portions of the regular meetings of the Board of Education.
6. The student board representative will receive all regular meeting agendas, minutes, and other pertinent information, excluding any confidential materials.
7. The student board representative will communicate with fellow students to obtain input and keep students informed on pertinent issues before the Board of Education in a manner approved by the Secondary Principal.



8. The student board representative will work to represent opinions of all students and not solely their own personal opinions.
9. The student board representative will be required to submit a monthly report to the Board of Education regarding student activities and other pertinent student information.
10. The student board representative will be required to develop an initiative for the betterment of the school district to be approved by the Secondary Principal prior to being presented to the Board of Education for consideration. The total cost allowed for the initiative is \$2,500 with no annual or recurring costs.
11. The student board representative will be required to submit a written summary of their experience on the Board of Education at the completion of their semester term.

Adopted: 9-14-20

Reviewed:

Revised: 9-13-21, 12-13-21, 12-12-22

## **POLICY NO. 9101 - DUTIES OF THE PRESIDENT**

It shall be the responsibility of the board president to lead a well-organized board in an efficient and effective manner. The board president shall set the tone of the board meetings and, as the representative of the consensus of the board, speak on behalf of the board to the public.

The president of the board shall be elected by a majority vote at the organizational meeting each year to serve a one year term of office.

The president, in addition to presiding at the board meetings, shall take an active role in board decisions by discussing and voting on each motion before the board in the same manner as other board members. However, before making or seconding a motion, the board president shall turn over control of the meeting to either the vice president or other board member.

The board president has the authority to call special meetings of the board. Prior to board meetings, the board president shall consult with superintendent of the development of the agenda for the meeting.

The board president shall sign employments contracts approved by the board. The president shall appear on behalf of the school district in causes of action involving the school district.

It is the responsibility of the president to appoint all committees whose appointment is not otherwise determined.

Adopted: 8-17-76

Revised: 8-15-83; 11-08-10

## **POLICY NO. 9102 - DUTIES OF THE VICE-PRESIDENT**

If the board president is unable or unwilling to carry out the duties required, it shall be the responsibility of the vice president of the board to carry out the duties of the president. If the president is unable or unwilling to complete the term of office, the vice president shall serve as president for the balance of the president's term of office, and a new vice president shall be elected.

The vice president of the board shall be elected by a majority vote at the organizational meeting each year to serve a one-year term of office.

The vice president shall accept control of the meeting from the president when the president wishes to make or second a motion. The vice president shall take an active role in board decisions by discussing and voting on matters before the board in the same manner as other board members.

Adopted: 8-17-76

Revised: 11-08-10

## **POLICY NO. 9104 - DUTIES OF THE COUNSEL**

It shall be the responsibility of the board to employ legal counsel to assist the board and the administration in carrying out their duties with respect to the numerous legal issues confronting the school district. The board may appoint legal counsel on an annual basis.

The superintendent and board president shall have the authority to contact the board's legal counsel on behalf of the board when the superintendent or board president believes it is necessary for the management of the school district. The board's legal counsel may attend regular or special school board meetings upon the request of the board or the superintendent. Other board members may contact the legal counsel upon the approval of a majority of the board. It shall be the responsibility of each board member to pay the legal fees, if any, of an attorney the board member consulted regarding matters of the school district unless the board has authorized the board member to consult an attorney on the matter in accordance with this policy.

It shall be the responsibility of the superintendent to keep the board informed of matters for which legal counsel was consulted, particularly if the legal services will involve unusual expense for the school district.

Adopted: 8-17-76

Revised: 11-08-10

## **POLICY NO. 9105 - AUDITS AND DUTIES OF THE AUDITOR**

An auditing firm shall be retained at the close of each fiscal year for the purpose of auditing and making necessary reports to the board and the Nebraska Department of Education (NDE). The superintendent shall arrange with the firm for an audit examination of all financial, transportation, food service and attendance records of the district, in accordance with state law. Confidential and privileged communications between the district and its auditor, including all auditor work products, are hereby closed to the extent permitted by statute.

The audit examination shall be made in accordance with generally accepted auditing standards, to include such reviews and tests of the accounting system, books and records, and other underlying data as are necessary to come to an informed opinion as to the financial affairs of the district. The audit report shall include the requirements as enumerated in statute.

Each member of the board shall receive a copy of the audit report, and copies shall be furnished to the Commissioner of Education and the Auditor of Public Accounts no later than November 5. A copy of the auditor's letter to management, resulting from the audit, and the district's responses to that letter shall be filed with the Commissioner of Education no later than January 31. The Superintendent shall be responsible for filing copies of the audit with the proper authorities.

School District will comply with the Governmental Accounting Standards Board (GASB) statement issued on March 11, 2009, GASB #54 Fund Balance Reporting and Governmental Fund Type Definitions.

The following are fund definitions from GASB #54

### **Fund Balance**

Fund Balance is the difference between assets and liabilities in governmental funds (i.e. general fund special revenue funds, capital project funds, debt service funds).

### **Nonspendable Fund Balance**

Describes the amount of the fund balance that cannot be spent because it is either not in spendable form or there is a legal or contractual requirement for the funds to remain intact.

### **Restricted Fund Balance**

The restricted fund balance category includes the portion of the fund balance that reflects constraints on spending because of legal restrictions stipulated by outside parties, constitutional

provisions, and enabling legislation including any legal restrictions based on state statutes or grant requirements placed on the use for specific purposes

At the end of the fiscal year, the School District will report Restricted Fund Balances for amounts that have applicable legal restrictions. As per Nebraska State Statute, the fund balances of the Depreciation Fund, the Special Building Fund, the Employee Benefit Fund and the Bond Fund are restricted by purpose and will be reported as Restricted Fund Balances.

#### Committed Fund Balance

The committed fund balance classification includes the portion of the fund balance that reflects constraints that the School District imposed upon itself by a formal action of the School Board. This constraint must be imposed prior to year end but the amount can be determined at a later date.

At the end of the fiscal year, the School District will report the Lunch Fund Balance as Committed Fund Balance. The Lunch Fund Balance is constrained by the creation of the fund, and also constrained by purpose through approving a yearly budget for the Lunch Fund.

#### Assigned Fund Balance

The assigned fund balance is the portion of the fund balance that reflects funds intended to be used by the School District for specific purposes. The authority to assign fund balance is delegated to the Superintendent.

At the end of the fiscal year, the School District will report any fund balance whose intent has been designated by the Superintendent as Assigned Fund Balance.

#### Unassigned Fund Balance

The unassigned fund balance is the residual classification for the School District's General Fund and includes all remaining amounts not contained in the other classifications and, therefore, is not subject to any constraints. Unassigned amounts are available for any purpose.

At the end of the fiscal year, the School District will report any General Fund Balance that has not been assigned to other fund balance classifications as Unassigned Fund Balance.

## DUTIES OF THE AUDITOR

The duties of the independent auditor shall be as follows:

1. To examine the balance sheet of the school district as at the close of its fiscal year and the related statements of transactions in the various funds for the fiscal year then ended.
2. To conduct such examinations in accordance with generally accepted auditing standards and to include such tests of the accounting records and such other auditing procedures as are necessary in the circumstances.
3. To render an opinion on the financial statements prepared as at the close of the fiscal year.
4. To prepare such financial statements for publication when directed.
5. To make such recommendations to the Board concerning its accounting records, procedures, and related activities as may appear necessary or desirable.
6. To perform such other related services as may be requested by the Board.

Legal Reference: Neb. Statute 79-1089

NDE Rule 1

Adopted: 8-17-76

Reviewed: 10-11-10

Revised: 11-14-11

## **POLICY NO. 9106 - BOARD MEMBER CODE OF ETHICS**

Board members' actions, verbal and nonverbal, reflect the attitude and the beliefs of the school district. Therefore, board members must conduct themselves professionally and in a manner fitting to their position.

Each board member shall follow the code of ethics stated in this policy.

AS A SCHOOL BOARD MEMBER:

1. I will listen.
2. I will respect the opinion of others.
3. I will recognize the integrity of my predecessors and associates and the merit of their work.
4. I will be motivated only by an earnest desire to serve my school district and the children of my school district community in the best possible way.
5. I will not use the school district or any part of the school district program for my own personal advantage or for the advantage of my friends or supporters.
6. I will vote for a closed session of the board if the situation requires it, but I will consider "secret" sessions of board members unethical.
7. I will recognize that to promise in advance of a meeting how I will vote on any proposition which is to be considered is to close my mind and agree not to think through other facts and points of view which may be presented in the meeting.
8. I will expect, in board meetings, to spend more time on education programs and procedures than on business details.
9. I will recognize that authority rests with the board in legal session and not with individual members of the board, except as authorized by law.
10. I will make no disparaging remarks, in or out of the board meeting, about other members of the board or their opinions.
11. I will express my honest and most thoughtful opinions frankly in board meetings in an effort to have decisions made for the best interests of the children and the education program.
12. I will insist that the members of the board participate fully in board action and recommend that when special committees are appointed, they serve only in an investigative and advisory capacity.
13. I will abide by majority decisions of the board.
14. I will carefully consider petitions, resolutions and complaints and will act in the best interests of the school district.
15. I will not discuss the confidential business of the board in my home, on the street or in my office; the place for such discussion is the board meeting.



16. I will endeavor to keep informed on local, state and national educational developments of significance so I may become a better board member.

#### IN MEETING MY RESPONSIBILITY TO MY SCHOOL DISTRICT COMMUNITY:

1. I will consider myself a trustee of public education and will do my best to protect it, conserve it, and advance it, giving to the children of my school district community the educational facilities that are as complete and adequate as it is possible to provide.
2. I will consider it an important responsibility of the board to interpret the aims, methods and attitudes of the school district to the community.
3. I will earnestly try to interpret the needs and attitudes of the school district community and do my best to translate them into the education program of the school district.
4. I will attempt to procure adequate financial support for the school district.
5. I will represent the entire school district rather than individual electors, patrons or groups.
6. I will not regard the school district facilities as my own private property but as the property of the people.

#### IN MY RELATIONSHIP WITH THE SUPERINTENDENT AND EMPLOYEES:

1. I will function, in meeting the legal responsibility that is mine, as part of a legislative, policy-forming body, not as an administrative officer.
2. I will recognize that it is my responsibility, together with that of my fellow board members, to see the school district is properly run and not to run them myself.
3. I will expect the school district to be administered by the best-trained technical and professional people it is possible to procure within the financial resources of the school district.
4. I will recognize the superintendent as executive officer of the board.
5. I will work through the administrative employees of the board, not over or around them.
6. I will expect the superintendent to keep the board adequately informed through oral and written reports.
7. I will vote to hire employees only after the recommendation of the superintendent has been received.
8. I will insist that contracts be equally binding on teachers and board.
9. I will give the superintendent power commensurate with the superintendent's responsibility and will not in any way interfere with, or seek to undermine, the superintendent's authority.

10. I will give the superintendent friendly counsel and advice.
11. I will present any personal criticism of employees to the superintendent.
12. I will refer complaints to the proper administrative officer.

TO COOPERATE WITH OTHER SCHOOL BOARDS:

1. I will not employ a superintendent, principal or teacher who is already under contract with another school district without first securing assurance from the proper authority that the person can be released from contract.
2. I will consider it unethical to pursue any procedure calculated to embarrass a neighboring board or its representatives.
3. I will not recommend an employee for a position in another school district unless I would employ the individual under similar circumstances.
4. I will answer all inquiries about the standing and ability of an employee to the best of my knowledge and judgment, with complete frankness.
5. I will associate myself with board members of other school districts for the purpose of discussing school district issues and cooperating in the improvement of the education program.

Legal Reference:                   Neb. Statute 79-526

Adopted: 10-08-12

Reviewed: 1-12-15, 1-11-16, 5-8-17, 1-14-19, 3-11-19, 1-13-20

## **POLICY NO. 9238 - MEETING NOTICE**

Reasonable advance public notice shall be given for meetings and work sessions held by the board. The board's designated method of giving reasonable advanced publicized notice is by publication in a local newspaper at least 3 days prior to the meeting. The board may, in its discretion, also use additional methods of public notice including, but not limited to, publishing notice in the Bayard Transcript or other newspaper, advertising on local radio station(s), posting notice on the district's website, and posting on the door(s) of business(es) within the district.

Public notice shall indicate the meeting's time, place and date, and shall include a statement that the agenda shall be readily available for public inspection at the district office during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature the agenda shall not be altered later than 24 hours before the meeting.

A copy of the public notice will be provided to those who have filed a request for notice with the superintendent. These requests for notice must be in writing. A copy of the public notice will also be accessible to employees and students.

In the case of special meetings, public notice shall be given in the same manner as for a regular meeting unless it is an emergency meeting. Public notice of emergency meetings shall be given as soon as practical and possible in light of the situation. Reasonable efforts shall be made to notify news media who have requested notification of meetings.

It shall be the responsibility of the recording secretary of the board to give public notice of board meetings and work sessions. The recording secretary of the board shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification of the time and place of each meeting and the subjects to be discussed.

Legal Reference: Neb. Rev. Stat. §§ 84-1408 to 1414, 79-554

Approved: 3-12-12

Revised: 9-14-20



## POLICY NO. 9239 - PUBLIC PARTICIPATION AT BOARD MEETINGS

### A. Attend

Members of the public shall be permitted to attend and to speak at board meetings. They will not be required to identify themselves as a condition for admission to the meeting.

The Board may allow advisors, consultants, and other persons who are not Board members to appear at the meeting via telephone or other similar means.

The chair has the authority to assure that people conduct themselves in an orderly manner at the meeting. Undue interruption or other interference with the orderly conduct of business will not be allowed. The chair may order persons who are disorderly to be removed from the meeting.

Legal Reference: §§ 79-570; 79-571;  
§ 84-1411 (3) and (6); § 84-1412 (1) and (3)

### B. Hear

The board will, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

Legal Reference: § 84-1412 (7)

### C. Record

Members of the public may use recording devices (tape recorder, video camera, etc.) to record any part of a meeting of a public body, except for closed sessions. No recording, other than note taking, shall be done without informing the President in advance. The President shall control the placement of the recording device so the device does not obstruct the view of Board members or other members of the public attending the meeting and does not otherwise interfere with the meeting.

Legal Reference: § 84-1412 (1)

### D. Access to Written Materials

At least one copy of all reproducible written material to be discussed at an open meeting will be made available at the meeting for examination and copying by members of the public.

Legal Reference: § 84-1412 (8)

E. Speak

Members of the public will be permitted to speak at Board meetings at which a public forum is on the Agenda.

The board requires any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the board waives the address requirement to protect the security of the individual. Members of the public who desire to address the Board will be required to identify themselves.

Members of the public may also speak when invited to make a presentation or when recognized by the chair. The Board is not required to allow members of the public to speak at each meeting. However, the Board will not forbid public participation at all meetings.

Members of the public will not be required to have their name be placed on the agenda prior to the meeting in order to speak about items on the agenda.

The President or chair for the meeting shall have the authority to establish reasonable time limits for individual speakers and for the duration of public forum sessions. The following time limits are established but may be altered by the President or chair if the pressure of business or other circumstances dictate at a particular meeting: 5 minutes for individual speakers and 30 minutes for the duration of the public forum session.

The board will not respond or take action on public comment.

Speakers will be permitted to address the Board consistent with free speech rights. However, offensive language, defamatory remarks, and hostile conduct will not be tolerated. Further, charges or complaints against a school employee shall not be made for the first time at a public Board meeting without having followed the school's complaint procedure.

Legal Reference: § 84-1412 (1) (2) and (3)

Adopted: 7-14-08

Reviewed: 10-11-10

Revised 8-8-2022





## **POLICY NO. 9240 - DETERMINING AGENDA**

The agenda for each board meeting shall be prepared in advance by the superintendent and board president and a copy shall be sent to each board member on Friday preceding the regular Monday meeting.

Except in an emergency the agenda must be set at least twenty-four (24) hours prior to the meeting. Items of an emergency nature may be added by majority action of the board.

Adopted: 8-15-83

Reviewed: 10-11-10, 4-12-21

Revised: 3-10-2022

## **POLICY NO. 9241 - MEETING MINUTES**

The board shall keep and maintain permanent records of the board including, but not limited to, records of the minutes of board meetings, documentation received or disclosed in open session of the meetings, and other required records of the board. The minutes may be kept as an electronic record.

It shall be the responsibility of the recording secretary of the board to keep the minutes of the board meetings. The minutes of each board meeting shall include as a minimum the following items: a record of the date, time, place, members present, action taken and the vote of each member, and the schedule of bills allowed shall be attached. This information shall be available within 10 days of the board meeting or prior to the next convened meeting, if earlier. Minutes shall be forwarded to the newspaper designated as the official newspaper for publication prior to the next regular meeting of the board. The permanent records of the board minutes may include more detail than is required for the publication of the minutes.

Minutes awaiting approval at the next board meeting will be available for inspection at the central office of the district after the office transcribes the notes into a document which has been proofread for errors and corrected.

Legal Reference:                   Neb. Statute 79-577  
  79-580  
  84-712  
  84-1408 to 1414

Approved: 8-10-15

Reviewed: 4-12-21

## POLICY NO. 9242 - ORDER OF BUSINESS

Except in an emergency the agenda must be set at least twenty-four (24) hours prior to the meeting. Items of an emergency nature may be added by majority action of the board.

The following is a sample order of business. The sample order of business is only an example; the board may include or not include various items on said agenda as it deems necessary.

### Agenda

- I. Opening the Meeting
  1. Call to Order: The regular June meeting of the Bayard Public Schools Board of Education was called to order on \_\_\_\_\_ (day) \_\_\_\_\_(month) \_\_ (date), 20\_\_ (year) at \_\_\_:\_\_\_ P.M., in the Bayard Public Schools Board Room, Bayard, Nebraska.
  2. Open Meetings Act
  3. Notice of Meeting
  4. Roll Call
  5. Status of Absent Board Members
- II. Approval of Agenda
- III. Introduction of Guests
- IV. Public Comments
- V. Recognition of Student Achievements
- VI. Invited Presentations and Discussions with Presenters
  1. Strategic Plan Progress Presentation and Discussion
- VII. Reports
  1. Board Members
  2. Board Committees
  3. Principals and District Administrators
  4. Superintendent
- VIII. Action Items
  1. Consent Agenda
    - i. Minutes of Previous Meeting
    - ii. Bills
    - iii. General Reports

- iv. Adoption of Policies on Second Reading
    - v. Additional Items as Necessary
  - 2. Action Item
  - 3. Action Item
- IX. Discussion Items
  - 1. Review and Discussion of Policies
  - 2. Discussion Item
  - 3. Discussion Item
- X. Set Next Meeting Date
- XI. Adjournment

The Bayard Public Schools Board of Education reserves the right to convene a Closed Session for purposes in accordance with § 84-1410(1).

Adopted: 8-17-76

Revised: 8-15-83 8-12-85, 11-8-10, 12-12-11, 7-8-19

Reviewed: 4-12-21

## **POLICY NO. 9243 - REGULAR MEETING**

The Board shall meet on the second Monday of each month to consider items of business and other matters pertaining to the school system.

All meetings shall be held in the Bayard Jr./Sr. High School Library, unless otherwise determined by the presiding officer of the board.

The Superintendent shall be present at every meeting of the Board, unless excused by personal illness or other emergent reasons, except for that portion of any meeting when his own employment is under consideration.

All meetings of the Board shall be held at the location designated in the notice of said meeting. If circumstances dictate meeting in a different location than designated in the notice, it shall be the responsibility of the Superintendent to take the appropriate steps to inform Board members and the public. Meetings of the Board may be held outside the School District boundaries when deemed necessary by the Board of Education. Meetings of the Board may be held outside the state of Nebraska upon compliance with the provisions of Neb. Rev. Stat. 84-1412 (6), and other applicable laws.

Legal Reference: Neb. Rev. Stat. 84-1411

Neb. Rev. Stat. 84-1412 (6)

Adopted: 8-17-76

Revised: 8-13-01, 7-8-19

Reviewed: 10-11-10, 4-12-21

## **POLICY NO. 9244 - SPECIAL MEETINGS**

The President shall call a special meeting of the Board when requested by two members of the Board to do so. The President may call a special meeting of the Board whenever he or the Superintendent considers such a meeting desirable. All members shall have prior notice of the time and place of the meeting.

Unless altered by the board, the order of business at a special meeting will be:

1. Roll Call
2. Status of Board Members
3. State the purpose of the meeting
4. Transaction of the business for which the meeting was called
5. Adjournment

Adopted: 8-17-76

Revised: 8-15-83

Reviewed: 10-11-10, 4-12-21

## **POLICY NO. 9245 - ADJOURNED MEETINGS**

Any legal meeting of the Board may be adjourned to a specific time and place. Only problems on the agenda of the meeting adjourned may be acted upon at the adjourned meeting.

Adopted: 8-17-76

Reviewed: 10-11-10, 4-12-21

## **POLICY NO. 9246 - POLL OF THE BOARD**

The President of the Board of Education or the Superintendent may poll the Board Members. Action taken must be approved by roll call vote at the next Special or Regular scheduled Board Meeting.

Adopted: 8-17-76

Revised: 8-12-85

Reviewed: 10-11-10, 4-12-21



**POLICY NO. 9247 - USE OF PUBLIC OFFICE, CONFIDENTIAL INFORMATION, OR SCHOOL PERSONNEL, RESOURCES, OR FUNDS FOR FINANCIAL GAIN OR FOR PURPOSES OF CAMPAIGNING FOR OR AGAINST THE NOMINATION OR ELECTION OF A CANDIDATE OR THE QUALIFICATION, PASSAGE, OR DEFEAT OF A BALLOT ISSUE.**

No member of the Board of Education or administrator or other employee of the School District shall use or authorize the use of, for personal financial gain, financial gain of a member of his or her immediate family, or financial gain of a business with which he/she is associated, other than compensation as provided by law, his/her public office, or confidential information received through such office, or school personnel, resources, or funds for financial gain, or for purposes of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot issue under that person's care or control other than in accordance with prescribed constitutional, statutory, and regulatory procedures.

Legal Reference: Section 19 of LB 242, Laws of 2001

Adopted: 8-13-01

Reviewed: 10-11-10, 4-12-21

## **POLICY NO. 9248 - BOARD MEMBER HEALTH INSURANCE**

All members of the Board of Education shall have the opportunity to become members of the major medical insurance plan made available to all district employees. Beginning February 1, 2008 until September 1, 2008, the District shall pay for single coverage for the member. Effective September 1, 2008 the cost of such coverage shall be born solely by the School Board member. The District shall pay no part of the premium. If a member chooses not to participate, he or she shall execute a declination of participation in the form of the attachment to this policy. Board Members seated after the operational date of this policy will have thirty days after taking the oath of office to indicate their intentions concerning participation.

Reference: Nebraska School Law Statute 79-502

Adopted: 12-10-07

Reviewed: 10-11-10, 4-12-21

Effective February 1, 2008

## **POLICY 9249 - PUBLIC HEARINGS**

Public notice of a public hearing shall be in the same manner as a board meeting and shall be given at least five days before the hearing is to be held.

At public hearings, citizens of the district, who identify themselves, will be allowed to speak on the issue for which the public hearing is being held. Others may be allowed to speak at the board's discretion. Speakers are asked to keep their remarks as brief as possible. Prior to the beginning of the hearing, speakers and spectators will be apprised of the rules of order to be followed regarding time limitations, questions, remarks and rebuttals. In no event will a speaker be allowed to take the time of another speaker.

The board shall conduct public hearings in an orderly fashion. At the beginning of the hearing statements, background materials and public hearing rules and procedures will be presented by the board president or administrators. The board president will recognize the speakers. A board member may ask questions of the speakers after receiving permission for the board president. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the board or the proceedings shall be asked to leave.

Adopted: 11-08-10

Reviewed: 4-12-21

## **POLICY 9300 - POLICY DEVELOPMENT**

The board has jurisdiction to determine the policies which will govern the operations of the school district with the force and effect of law.

The written policy statements contained in the manual provide guidelines and goals to the citizens, administration, employees and students in the school district community. The policy statements shall be the basis for the formulation of regulations by the administration. The board shall determine the effectiveness of the policy statements by the evaluation periodic reports from the administration.

Policy statements may be proposed by a board member, administrator, employee, student or member of the school district community. Proposed policy statements or ideas shall be submitted to the superintendent's office for possible placement on the board agenda. It shall be the responsibility of the superintendent to bring these proposals to the attention of the board.

Adopted: 11-08-10

Reviewed: 4-12-21

## **POLICY NO. 9301 - POLICY ADOPTION**

The board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of a regular board meeting. The proposed policy changes shall be distributed and public comment will be allowed at the meeting prior to final board action. This notice procedure shall be required except for emergency situations. If the board adopts a policy in an emergency situation, a statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The board shall have complete discretion to determine what constitutes an emergency situation.

The final action taken to adopt the proposed policy shall be approved by a simple majority of the board at the regular meeting. The policy will be effective on the later of the date of passage or the date stated in the motion.

In the case of an emergency, a new or changed policy may be adopted by a majority vote of a quorum of the board. The emergency policy shall expire at the close of the second regular meeting following the emergency action, unless the policy adoption procedure stated above is followed and the policy is reaffirmed.

Adopted: 11-08-10

Reviewed: 4-12-21

## **POLICY NO. 9302 - POLICY REVIEW AND REVISION**

The board will review, update and approve the policy manual periodically.

It shall be the responsibility of the superintendent to keep the board informed as to legal changes at both the federal and state levels. The superintendent shall also be responsible for bringing proposed policy statement revisions to the board's attention.

Adopted: 11-08-10

Revised: 7-8-19

Reviewed: 4-12-21

## **POLICY NO. 9303 - ADMINISTRATION IN THE ABSENCE OF POLICY**

When there is no board policy in existence to provide guidance on a matter, the superintendent is authorized to act appropriately, keeping in mind the educational philosophy and financial condition of the school district.

It shall be the responsibility of the superintendent to document the action taken and to inform the board of the situation. If needed, the superintendent shall draft a proposed policy for the board to consider.

Adopted: 11-08-10

Reviewed: 4-12-21

## **POLICY NO. 9341 - VOTING**

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. The requirements of a roll call or viva voce vote may be satisfied by use of an electronic voting device which allows the yeas and nays of each member of the board to be readily seen by the public.

Adopted: 11-14-16

Reviewed: 4-12-21



