

# **BENNINGTON PUBLIC SCHOOLS**



## **BOARD POLICY MANUAL**

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**BENNINGTON BOARD POLICY MANUAL**  
**APPENDIX 1**  
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Policies entirely new in the revised manual are designated by “new”  
 Numbers with a .50 or higher decimal do not have NASB equivalent model policies  
 Underlined numbers are not actually used in the new BPS manual

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**BENNINGTON BOARD POLICY MANUAL**  
**APPENDIX 2**  
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**BENNINGTON PUBLIC SCHOOL DISTRICT**

**BOARD POLICY MANUAL**

**INTRODUCTION**

This policy manual contains the policies of the board of directors of the Bennington Public School District. Policy development is a dynamic, ongoing process. New problems, issues, and needs give rise to the continuing need to develop new policies or to revise existing ones. The use of a loose leaf manual is to make it easier to keep the policy manual up-to-date.

Each person holding a copy of this manual has a duty to keep the manual current as new and revised policies are distributed by the central administration office.

**How To Use This Policy Manual**

The school district operates according to policies established by its school board. The board develops policies after careful deliberation, and the school administration implements them through specific regulations and procedures. The board reviews and evaluates its policies and makes revisions as necessary.

The manual is organized according to a numeric codification system. There are ten major classifications bearing a numeric Section Code.

- 100 DISTRICT ORGANIZATION AND BASIC COMMITMENTS
- 200 SCHOOL BOARD
- 300 ADMINISTRATION
- 400 PERSONNEL
- 500 STUDENTS
- 600 INSTRUCTION
- 700 BUSINESS OPERATION
- 800 SUPPORT SERVICES
- 900 BUILDINGS AND SITES
- 1000 COMMUNITY AND EDUCATION AGENCY RELATIONS

Subclassifications under each numeric Section are based on a logical sequence and coded by the subclassification numeric code.

The index pages that follow each tab present the policies included in that Section. These index pages serve as a table of contents for each Section.

## How To Find A Policy

There are two ways to find a policy. The first is to review the ten sections and determine which section the policy may be in. By turning to that section, you can review the table of contents to determine whether the policy is included. If the policy is included, you can turn to the policy by finding the correct code number in the upper right hand corner of the policy.

The second way to find a policy is to look up the policy in the alphabetical index found under the tab entitled "Index" at the end of the manual. It will direct you to the section and the policy code number. Again, you can turn to the policy by finding the correct code number in the upper right hand corner of the policy.

## How To Read The Signs And Symbols

A variety of signs and symbols are used in concert with the numeric codification system. These are explained below:

- No symbol indicates this is an actual policy adopted directly by the board for the governance of the district. Policies appear on blue paper.
- R This symbol following a policy code number indicates the statement is an administrative regulation rather than a board policy. These statements appear on yellow paper.
- E This symbol following a policy code number indicates the statement is an exhibit rather than a board policy. These statements appear on white paper.
- Legal This sign indicates the legal references. They tell the user where to find the statutes, case law, attorney general opinions, or administrative rules that give authority to a policy.
- Cross Many policies in the manual relate to other policies in the Reference manual. Cross references are provided to assist the user in finding all of the related policies.

Inquiries about the policies included in this manual may be directed to the board members or to the superintendent by telephone at (402)-238-3044 or by writing the school district at Bennington School District, Bennington, Nebraska 68007.

## BENNINGTON BOARD POLICY MANUAL

### **Section 100 District Organization and Basic Commitments**

- 100.1      Terminology Used in this Manual
- 101           Legal Status of the School District
- 102           Educational Philosophy of the District
- 103           Equal Educational Opportunity
- 104.01       Annual School Census

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## TERMINOLOGY USED IN THIS MANUAL

Throughout this manual, when actions, duties or responsibilities are ascribed to the “superintendent” or the “principal,” it shall be understood that those actions, duties or responsibilities are ascribed to the “superintendent or his/her designee” or to the “principal or his/her designee.”

Throughout this manual, when actions, rights or responsibilities are ascribed to the “parent” of a student, it shall be understood that those actions, rights or responsibilities are ascribed to the “parent(s)/guardian(s)” of a student.

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## LEGAL STATUS OF THE SCHOOL DISTRICT

Nebraska law authorizes the creation of public schools known as Common Schools System. As part of this Common Schools System, this school district is a school corporation created and organized under Nebraska law. The corporate name of this school district shall be Douglas County School District 059 also known as the Bennington Public School District. The school district, as a body corporate, possesses all the usual powers of a corporation for public purposes.

This school corporation is located in Douglas County, and its affairs are conducted by elected school officials, known as the Bennington Public School District Board of Education. This school corporation has local control over school matters in the territory of the school district, as outlined by the applicable state statutes.

Legal Reference:	Neb. Constitution, Art. VII, Sect. 1, 2 Neb. Statute 79-405 79-501 et seq. Languis v. Deboer, 181 Neb. 36 (1966)
Cross Reference:	201.01 Board Powers and Responsibilities

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## EDUCATIONAL PHILOSOPHY OF THE SCHOOL DISTRICT

It shall be the philosophy of Bennington Public Schools that the atmosphere shall be provided whereby each student may react to his environment as a total being. The following opportunity and means shall be provided whereby this philosophy may be realized.

1. Each student may search for the truth, find the truth and incorporate this truth into his or her values, ambitions, and aspirations.
2. Each student may develop an attitude of personal worth and self esteem and by so doing, may experience degrees of success and achievement within the bounds of his or her individual abilities and limitations.
3. Each student may learn to identify and cope with current trends in society.
4. Each student may experience an intellectual, a technical and a social environment which enhances the possibilities for group interaction conducive to peaceful coexistence in the school, community, state, nation and world.
5. Each teacher may use his or her individual capabilities in establishing constructive attitudes toward students, administrative heads, and the community.
6. Each teacher may use the resources necessary for attaining the highest measure of success in his or her particular field.
7. The administration may promote and preserve the establishment of every possibility for better education.
8. The administration may serve as a channel of communication between the teachers and the school and the community.
9. The community may be given an integral part in the implementation and accomplishment of the objectives of the school.
10. The community may demonstrate this responsibility to the school by expressing to the administration its beliefs and desires concerning the educational programs and practices of the school.

### PREAMBLE

1. The Bennington Public School shall be maintained for the education of the students of legal age in the school district. Students not residing in the district shall be accepted as allowed by law.
2. The Board of Education shall provide the facilities, personnel, and supplies deemed necessary to hold, and conduct an adequate education program for ages 0 to 21.

### Mission Statement

"The mission of the Bennington Public Schools is to provide educational opportunities in a safe, caring environment that will prepare all students to meet the challenges of the future."

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Legal Reference:                   Neb. Statute 79-526  
  79-701  
   NDE Rule 10.012.01A

Cross Reference                   103   Equal Educational Opportunity  
                                      205   School Board Policy Process  
                                      601   Goals and Objectives of Instructional Plan  
                                      603   Curriculum Development

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## EQUAL EDUCATIONAL OPPORTUNITY

The board will not discriminate in its educational activities on the basis of: race, color, national origin, religion, sex, disability, or marital status.

The board requires all persons, agencies, vendors, contractors and other persons and organizations doing business with or performing services for the school district to subscribe to all applicable federal and state laws, executive orders, rules and regulations pertaining to contract compliance and equal opportunity.

The board is committed to the policy that no otherwise qualified person will be excluded from educational activities on the basis of race, color, religion, sex, marital status, national origin, language barrier, or disability. Further, the board affirms the right of all students and staff to be treated with respect and to be protected from intimidation, discrimination, physical harm and harassment.

Harassment or discriminatory behavior that denies civil rights or access to equal educational opportunities includes comments, name-calling, physical conduct or other expressive behavior directed at an individual or group that intentionally demeans the race, color, religion, national origin, sex, language barrier, or disability of the individual or individuals or creates an intimidating, hostile or demeaning environment for education.

Legal Reference:	Neb. Statute 79-2,114-2,124 20 U.S.C. §§ 1221 et seq. 20 U.S.C. §§ 1681 et seq. 20 U.S.C. §§ 1701 -1721 29 U.S.C. § 794 42 U.S.C. §§ 12101 et seq. 28 C.F.R. Pt. 35.1 34 C.F.R. Pt. 100 34 C.F.R. Pt. 104 34 C.F.R. Pt. 106
Cross Reference	102 Educational Philosophy of the District 402.01 Equal Employment Opportunity 501 Objectives for Equal Educational Opportunities for Students

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## ANNUAL SCHOOL CENSUS

The board will direct the superintendent to establish a permanent, continuing census of school children residing in the district. A list of the names of district taxpayers and all children from birth through twenty years shall be maintained at the superintendent's office.

Projected kindergarten enrollment data shall be reported to the board prior to April 1st of each year.

Class size data (K-12) shall be reported to the board prior to April 1st of each year.

Legal Reference:                   Neb. Statute 79-524  
  79-578

Cross Reference:                  1002 District Annual Report

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## BENNINGTON BOARD POLICY MANUAL

### Section 200 School Board

<b>201</b>	<b>Legal Status of the School Board</b>
201.01	Board Powers and Responsibilities
201.02	Board Membership - Elections/Appointment
201.05	Term of Office
201.06	Vacancies
201.07	Board Member Liability (Insurance)
<b>202</b>	<b>School Board Member Conduct</b>
202.01	Board Member Code of Ethics
202.02	Board Member Conflict of Interest
202.03	Board Self-Evaluation
<b>203</b>	<b>Organization of the School Board</b>
203.01	Board Organizational Meeting
203.02	President
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203.06	Board Committees
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203.08	School Board Legal Counsel
203.09	Elementary Attendance Center Operating Councils
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<b>204</b>	<b>School Board Meetings</b>
204.01	Regular Board Meetings
204.02	Special Board Meetings
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204.05	Open Meetings
204.06	Closed Sessions
204.07	Meeting Notice
204.08	Quorum
204.09	Rules of Order
204.10	Agenda
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204.12	Public Participation at Board Meetings

**205      School Board Policy Process**

- 205.01      Policy Development
- 205.02      Policy Adoption
- 205.03      Policy Revision and Review
- 205.04      Policy Communication
- 205.05      Policy Suspension
- 205.06      Administration in the Absence of Policy
- 205.07      Review of Administrative Regulations

**206      Board Member Services**

- 206.01      New Board Member Orientation
- 206.02      Board Association Membership
- 206.03      Board Member Development Opportunities
- 206.04      Board Member Compensation and Expenses
- 206.50      Board Member Retirement

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## POWERS AND RESPONSIBILITIES OF THE BOARD

It is understood that the members of the board have authority only when acting as a board legally in session. The board shall not be bound in any way by any action or statement on the part of any individual board members, except when such statement or action is in pursuance of specific, formal instructions from the board. A board member has no individual authority. No individual member of the board shall exercise any administrative responsibility with respect to the schools.

### Responsibilities of the Board of Education

1. The Board's prime functions are the formulation of policies, setting the annual budget and hiring a superintendent.
2. The Board is responsible to the local community government, the state government, and the federal government.
3. Members of the Board, individually or collectively, recognize and welcome their responsibilities for listening to comments and suggestions from the residents of the school district.
4. Board members individually will refer complaints, suggestions, and constructive criticism about operational matters directly to the superintendent.
5. No Board member may speak for, or in the name of, the total Board unless so directed by the Board of Education.

### Methods of Operation

It shall be the policy of the Bennington Public Schools that the Board of Education exercises authority over the schools in accordance with applicable laws. It determines policy; delegates executive supervisory and instructional authority to its employees; and appraises results achieved in light of goals established by the Board of Education.

The Board of Education shall direct its attention primarily to broad questions of policy and the appraisal of results rather than to administrative details. It shall be recognized that the implementation and the application of policy is an administrative task to be performed by the superintendent of schools and professional and non-professional staff selected to work with the superintendent of schools. The superintendent and principals shall be held responsible for the effective administration and supervision of the Bennington Public Schools.

### Purpose and Role of the Board

The responsibilities of the Board of Education shall be as follows:

1. Provide a school system which offers a program from birth through 20 years of age as required by statute.

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2. Confer with the superintendent of schools about recommendation, for school programs.
3. Consider and adopt textbooks selected by the superintendent of schools and staff that has included input from parents, together with the courses of study recommended by them.
4. Set and annually review long term written goals for the school district.
5. Consider and approve the annual operating budget prepared by the superintendent of schools.
6. Consider and approve claims for expenditure.
7. Be responsible to interpret the school programs to the community through a community relations program.
8. Represent the needs of the school system before city and state authorities as well as the general public.
9. Refer parent and community criticism and suggestions to the superintendent for consideration and recommendation.
10. Serve as a body of final appeal for staff members and school patrons on matters qualifying for such appeal from orders of the superintendent.
11. Establish and maintain Policies consistent with the Board's interpretation of the wishes of the community and the requirements of the law.
12. Develop a procedure whereby policy changes and/or additions may be proposed by board members, other school employees, or the general public by submitting them to the superintendent for consideration and recommendation.
13. Continuously evaluate the effectiveness of the board policies.
14. Adopt rules and regulations in cooperation with the superintendent for governance of the school system.
15. Select the superintendent of schools and support him/her in the efficient discharge of his/her duties.
16. Require reports from the superintendent.
17. Evaluate the superintendent of schools in accordance with applicable state laws.
18. Approve school personnel.
19. Annually elect officers of the Board and appoint auxiliary personnel as necessary.
20. Perform specific duties imposed on school boards by statutes of the State of Nebraska.
21. Participate in local, state and national organizations for the school board members.
22. Cooperate with other governmental bodies and agencies.
23. Cooperate with professional and educational organizations.
24. Exercise financial responsibility through sound budgeting, efficient management of resources, monitoring for adequate accounting practices and controls, and using timely reporting procedures.

#### Duties and Functions of the Board of Education

1. The Board of Education shall exercise full legislative control over the Bennington Public Schools, in accordance with the statutes of the State of Nebraska.
2. The Board of Education shall employ a Superintendent to carry out the executive duties of the Bennington Public Schools. The Superintendent appointment shall be a

major item of business at the December meeting, unless the present Superintendent is on a term contract.

3. The Board of Education shall, through its legislative function initiate questions of policy and act upon matters of policy, employee employment or dismissal, salary schedules or other personnel regulations, courses of study, selection of text books, and other matters pertaining to the direct welfare of the schools.
4. The Board of Education shall require reports from its executive officer concerning conditions of efficiency and needs of the schools. The Board shall take steps to appraise the effectiveness with which the schools are achieving the educational purposes of the school system as may be determined by the Board of Education.
5. The Board of Education shall provide for the preparation and adoption of the annual budget and shall provide, by the exercise of its taxing power, the funds necessary to finance the operation of the schools within the guidelines of Nebraska State Statute.
6. In order to exercise its rights and duties, the Board of Education shall prepare and publish a body of policies and regulations covering organization, policies, and procedures of the school system. The Board of Education shall cause its policies and regulations to be kept in constant revision and shall republish such policies as often as necessary.

Legal Reference:

Neb. Statute 79-261 to 263

79-501 to 524

79-734

NDE Rule 10.004.01

Cross Reference

102 Educational Philosophy of the District

205 School Board Policy Process

301.03 Succession of Authority to the Superintendent

601 Goals and Objectives of Instructional Plan

## BOARD MEMBERSHIP - ELECTIONS AND APPOINTMENTS

The annual school election takes place on the first Tuesday after the first Monday in November. Terms shall be staggered so that three board members are elected at each general election. Members of the board will be elected at large.

Incumbents and other candidates for office must file for election at the Office of the County Clerk, Douglas County, by the date specified in statutes.

If a vacancy occurs on the board it may be temporarily filled by appointment within 45 days of the vacancy by the remaining members of the board. The remainder of the unexpired term shall be filled by the normal board member election process in the next general election. 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 a majority 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.

Legal Reference: Neb. Statute 32-501 et seq.

Cross Reference: 201.05 Term of Office

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## TERM OF OFFICE

Board members nominated by primary election and elected by general election will serve for four years. Board members appointed to fill a vacant position will serve until the January following the next general election.

Being a board member is a unique opportunity for a citizen to participate on a governing board of the school district. Eligible board members are encouraged to consider running for more than one term.

Legal Reference:                   Neb. Statute 32-543

Cross Reference:                   201.02 Board Membership - Elections/Appointment

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## 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, three violations of the open meetings law, or conviction of a felony or any public offense in violation of the oath of office.

Legal Reference:                   Neb. Statute 32-560 et seq.  
  32-1308  
  84-1410(1)(d)

Cross Reference:                  201.02 Board Membership - Elections/Appointment

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## BOARD MEMBER LIABILITY

Board members shall not be held personally liable for actions taken in the performance of their duties and responsibilities vested in them by the laws of Nebraska and the members of the school district community. In carrying out the duties and responsibilities of their office, board members shall act in good faith.

The school district shall defend, save harmless and indemnify board members against tort claims or demands, whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope of their official duties, unless it constitutes a willful or wanton act or omission. However, the school district shall not save harmless or indemnify board members for punitive damages.

Legal Reference:                   Neb. Statute 79-516

Cross Reference:                   805.01 Insurance

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## BOARD MEMBER CODE OF ETHICS

It shall be the policy of the Bennington Public Schools that members of the Board of Education will exercise their responsibilities in accordance with the following Code of Ethics:

1. As a member of the local Board of Education, representing all the citizens of the Bennington school district, each board member will recognize:
  - A. that he or she has been entrusted with the educational development of the children and youth of the community.
  - B. that the community expects that the first and greatest concern of a school board member will be the best interest of each and every one of the young people enrolled in the district's schools.
  - C. that the future welfare of this community, of this state, and of our nation depends in the largest measure upon the quality of education provided in the Bennington Public Schools to meet the needs of every learner.
  - D. that members of the Board of Education must collectively take the initiative in helping all the people in this community to have updated, accurate information about the public schools system, and to provide the finest possible school programs, school staff, and school facilities.
  - E. that by statute the authority of the Board of Education is derived from the state which is ultimately responsible for the organization and operation of the public schools and which determines the degree of discretionary power exercised by the Board representing the people of the Bennington community.
  - F. that a school board member must never neglect his or her personal obligation to the community and legal obligation to the State of Nebraska, nor surrender these responsibilities to any other person, group or organization; but that, beyond this, each school board member has a moral and civic obligation to our country which can remain strong and free only so long as public schools in the United States are kept strong and free.
2. In view of the foregoing consideration, it must be the constant endeavor of each school board member:
  - A. to devote time, thought and study to the duties and responsibilities of a school board member so that he/she may render effective and creditable service.
  - B. to work with fellow school board members in a spirit of harmony and cooperation so as to convert differences of opinion which arise during discussion and debate into a consensus for the benefit of the students enrolled in the Bennington Public Schools.
  - C. to base personal decisions upon all available facts in each situation, to vote honest conviction in every case, unswayed by partisan bias of any kind; thereafter, to abide by and uphold the final majority decision of the Board of Education.
  - D. to remember at all times that individual board members have no local authority outside the meetings of the Board of Education, and to conduct relationships with

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school staff members, local citizens, and all media of communication on the basis of this fact.

- E. to resist every temptation and outside pressure to use the position as a school board member to benefit either oneself or any other individual or agency apart from the total interest of the school system.
- F. to recognize that it is as important for the Board of Education to understand and evaluate the educational program of the Bennington Public Schools as it is to plan for the business of the school district.
- G. to bear in mind under all circumstances that the primary function of the Board of Education is to establish and maintain the policies by which the schools are to be administered.
- H. to welcome and encourage active cooperation by citizens, organizations, and the media of communication in the Bennington Public Schools with respect to the establishment of policy on current school operation and proposed future developments.
- I. to strive step by step to achieve the ideal conditions for the most effective service by a Board of Education to its community, in a spirit of teamwork and unwavering commitment to the American system of public education as a primary means for preservation and perpetuation of our representative democracy.

Legal Reference:

Neb. Statute 79-526

Cross Reference:

201.01 Board Powers and Responsibilities  
202.02 Board Member Conflict of Interest

## BOARD MEMBER CONFLICT OF INTEREST

It shall be the responsibility of each board member to be aware of an actual or potential conflict of interest. It shall also be the responsibility of each board member to take the action necessary to eliminate such a conflict of interest. Should a conflict of interest arise, a board member should not participate in any action relating to the issue from which the conflict arose.

No voting board member may have an interest in any contract to which the district, or anyone for its benefit, is party. The prohibition applies when the board member or the board member's immediate family is a partner, director, officer, or is a stockholder of closed corporation stock worth one thousand dollars or more at fair market value or which represents more than a five per cent equity interest, or is a stockholder of publicly traded stock worth ten thousand dollars or more at fair market value or which represents more than ten percent equity interest. An individual who occupies a confidential professional relationship protected by law is exempt from this policy. This policy does not apply to publicly traded stock under a trading account.

The above prohibition does not apply if the voting board member:

1. Supplies a written statement describing the matter up for decision and the nature of the conflict to the Nebraska Accountability and Disclosure Commission and to the board secretary. The secretary shall enter the statement onto the public records of the district.
2. The board member must take such action as the Commission advises to remove himself or herself from influence over the decision.
3. Does not vote on the matter of granting the contract, except if the number of members of the board declaring an interest in the contract would prevent the board, with all members present, from securing a quorum on the issue, then all members may vote on the matter and this action will be reported to the commission; and
4. Does not act for the district to inspect, supervise or determine the performance of contracts under which he or she has an interest.

A board member who is an employee of a business involved in a contract with the district and who has no ownership interest or will receive no direct fee or commission shall not be deemed to have an interest within the meaning of this policy. The receiving of deposits, cashing of checks and buying and selling of warrants and bonds of indebtedness of any school district by a financial institution will not be considered an interest in the contract under this policy.

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If a board member's immediate family member is an employee of the school district, the member may vote on all issues of the contract which are generally applicable to all employees or all employees within a classification and do not single out his or her family member for special action.

Any contract entered into with an interested board member shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the school district.

A voting board member or district employee may employ, recommend the employment of, or supervise the employment of an immediate family member if he or she does not abuse his or her official position and makes a full disclosure of the relationship to the board and a written disclosure of the relationship to the board secretary. No board member or administrator shall employ an immediate family member without first having made a reasonable solicitation and consideration of applications for such employment. The family member must be qualified for, able to perform, and required to perform the duties of the position. The family member must not be paid an unreasonably high salary. No existing employee may be terminated for the purpose of making a position available to such a family member.

Any newly elected or appointed board member or administrator shall make a full disclosure of any immediate family member employed in a position subject to this policy as soon as reasonably possible after the date of taking office.

No board member or district employee shall use their position or any confidential information received through their position to obtain financial gain, other than compensation provided by law, for himself or herself, an immediate family member, or a business with which the individual is associated. No board member shall use or authorize the use of personnel, property, resources or funds under his or her official care 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.

The superintendent shall keep a record for the district for every contract entered into by the district in which a board member has an interest. This information shall be kept for five years from the date of the board member's last day in office and will include the following:

1. Names of contracting parties;
2. The nature of the interest of the board member in question;
3. The date that the contract was approved by the district;
4. The amount of the contract; and
5. Basic terms of the contract.

The record kept by the superintendent shall be available for public inspection during the normal working hours of the superintendent's office.

An open account established by the district with a business in which a board member has an interest, shall be deemed a contract subject to the provisions of this policy. The superintendent shall maintain a running account of all amounts purchased in open accounts.

Contracts involving one hundred dollars or less in which a board member may have an interest are excluded from the provisions of this policy.

Legal Reference: Nebraska Statute 49-1493 to 14,103.7

Cross Reference: 201 Legal Status of the School Board  
202.01 Board Member Code of Ethics  
206.04 Board Member Compensation and Expenses  
402.04 Nepotism

## BOARD SELF-EVALUATION

The primary purpose for board self-evaluation is for the improvement of school board leadership. In evaluating the board's functions and roles, the board may focus attention to the following:

1. Evaluation shall be conducted annually at a scheduled time and place;
2. The evaluation should be a composite of the individual board members' opinions;
3. The evaluation should include a constructive discussion of strengths and weaknesses; and
4. The board should be free to comment on any area related to its function of governing the district.

The board and superintendent will cooperatively develop an evaluation plan that annually evaluates the various aspects of the board's functions, duties, and roles. The evaluation will include the following items:

1. The evaluation instrument shall define and describe the standards against which the board evaluates its performance.
2. The evaluation shall include the establishment of objectives and strategies for improving board performance.
3. The evaluation shall analyze progress toward existing board goals and examine the need to establish new or revised goals.

Legal Reference: Neb. Statute 79-526

Cross Reference: 102 Educational Philosophy of the District  
104 Educational and Operational Planning  
201.01 Board Powers and Responsibilities  
702.02 Budget Planning, Preparation and Schedules  
902.01 Buildings and Sites Long Range Planning

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## BOARD ORGANIZATIONAL MEETING

An annual organizational board meeting shall be held on or before the third Monday of January of each year at which all newly elected board members will assume their duties and take the oath of office. At the annual meeting, the board shall appoint all necessary board officers and committees. The board shall also appoint an affirmative action coordinator.

The following are procedures for election of officers and other business to take place at the annual organizational meeting of the Board:

1. After new Board members are sworn in, the Board will elect from its members a President, Vice President, Secretary and Treasurer, and ex-officio secretary and treasurer, if it is determined by the Board of Education that same are needed, all of whom will assume office at the organizational meeting.
2. Upon call for nominations for each office by the Chair, nominations shall be made by written ballot. Voting will be by oral or written ballot on all members nominated and repeated until a majority of the board is achieved for a nominee. If the tie is not broken after five ballots, the Chair will determine the winner by the flip of a coin. Ballots for officers may be cast in secret but the total vote for each candidate shall be recorded by the secretary.
3. The President shall assume the chair immediately upon his election.

The order of business for the remainder of the meeting shall be as follows:

1. The election of a Vice President by the same method as used for the election of the President.
2. The election of a Secretary and Treasurer.
3. The adoption of an order of business to guide the preparation of future agenda and conduct of meetings.
4. Review of existing temporary committees or special appointments involving Board members.
5. Approval of current Board policies and regulations.
6. Dissemination to each Board member of conflict of interest statutes.

Legal Reference:

Neb. Statute 79-724  
84-712  
84-1413

Cross Reference:

201.01 Board Powers and Responsibilities  
201.02 Board Membership - Elections/Appointment

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## 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 of the board at the organizational meeting each year to serve a one year term of office.

1. The duties of the board president shall be to:
  - A. Preside at all meetings of the school board in accordance with Robert's Rules of Order.
  - B. Countersign all warrants of the secretary of the county treasurer.
  - C. Administer the oath to the secretary and treasurer when so required by law.
  - D. Other duties as the law may require.
2. The president has the right to vote on any issue that may come before the school board.
3. The president has the additional duties to maintain order at public meetings of the school board.
4. The president or designee must appear for and on behalf of the district in all suits brought by or against the district.
5. The president shall appoint or provide for the election of all committees of the board, unless otherwise directed by the board, and shall be ex-officio member of all such committees for the purpose of substitution in the absence of a regular member.
6. The president shall provide for the appointment of board representatives as mandated by state statute.
7. The president may call special meetings of the board.
8. The president shall call special meetings of the board when requested by two or more board members.
9. The board president may designate a representative to carry out the above duties.

Legal Reference:                   Neb. Statute 79-564  
  79-566 to 574

Cross Reference:                  201.01 Board Powers and Responsibilities

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## 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. In the case of the absence of both the president and vice president, the remaining members shall select a president pro tem to preside at the meeting.

Legal Reference:                   Neb. Statute 79-564  
  79-567 to 569  
  79-593

Cross Reference:                   201.01 Board Powers and Responsibilities

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## SECRETARY

It shall be the responsibility of the board to annually appoint a board secretary. The secretary shall take the oath of office.

A board secretary may be appointed from employees, from the public or from among board members at the annual board organizational meeting.

It shall be the responsibility of the board secretary, as custodian of school district records, to preserve and maintain the records and documents pertaining to the business of the board; to keep complete minutes of special and regular board meetings; to cause the meeting minutes and a list of all approved claims to be published; to keep a record of the results of regular and special elections; to keep an accurate account of school funds; to sign warrants drawn on the school funds after board approval; and to complete and maintain the annual school census. The board secretary is also responsible for filing the required reports with the Nebraska Department of Education.

Legal Reference:                   Neb. Statute 11-101  
  79-528  
  79-564  
  79-576 to 580

Cross Reference:                  104.01 Annual School Census  
  201.01 Board Powers and Responsibilities  
  203.01 Board Organizational Meeting  
  203.05 Treasurer  
  204.11 Meeting Minutes

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## TREASURER

It shall be the responsibility of the board to annually appoint a board treasurer.

It shall be the responsibility of the treasurer to receive the funds collected for the district by the county treasurer, to pay out the funds for expenses approved by the board, to maintain accurate accounting records for each fund, to manage district's investments for the maximum benefit to the district, to report monthly and annually the status of all district funds and investments, and to file required reports with the appropriate state agencies and other entities.

The treasurer will work with the secretary to coordinate the recording, preserving and reporting of financial records, reports, cash flow needs and district investments.

If the treasurer is unable or unwilling to carry out the duties required, it shall be the responsibility of the superintendent or other person designated by board policy to carry out the duties of the treasurer.

The treasurer shall provide one of the following to appropriate authorities within ten days after election to the position:

1. Give bond in an amount set by the board of not less than \$500 and not more than double the amount of money to come into his/her hands as treasurer at any one time.
2. Give evidence of an equal amount of insurance coverage by the district.

The cost of the bond or insurance coverage will be paid by the school district.

Legal Reference:                   Neb. Statute 79-586 to 592

Cross Reference:                   201.01 Board Powers and Responsibilities  
  203.01 Board Organizational Meeting  
   203.04 Secretary  
   700     Business Operation

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## BOARD COMMITTEES

### Standing Committees of the Board

The Superintendent of Schools shall be an ex-officio member of all committees. There shall be three (3) standing committees of the board. They are: Curriculum, Americanism and Activities; Building and Finance; and Policy. Each committee shall be composed of three (3) members appointed by the President of the Board, one of which shall be designated as chairperson of the committee. Committee meetings will be called as needed by the chairperson of the committee. Each committee shall keep the Board informed of its activities and seek Board approval of its recommendations.

A. The duties of the Curriculum, Americanism and Activities Committee shall be those prescribed by law. It will assure the Board that, as required by law (Statute 79-213), American citizenship remains an important part of the District curriculum. The meetings will be called by the President and the purposes of the instruction and curriculum meetings will be: (1) to become aware of national and international trends associated with curriculum; (2) to be knowledgeable of instructional and curriculum programs within the District; and (3) to review new curriculum and instructional programs for the purpose of making recommendations for adoptions.

B. The Building and Finance Committee shall be responsible for the long range planning of school finances and facilities. The meetings will be called by the President and the purposes of the building and finance meetings will be: (1) to be knowledgeable of the facilities and property owned by the District; (2) to be knowledgeable of the financial operations of the District; (3) to represent the full Board of Education in negotiations with professional staff. (The Board of Education reserves the right to appoint a chief spokesperson that is not a member of the Board to represent the Board in negotiations); and (4) to make recommendations for facility and financial plans and budgets.

C. The Policy Committee shall have the responsibility of overseeing the development and implementation of policies and procedures of the District. The President will call the meetings and the purposes of the Policy meetings will be: (1) to review issues regarding federal, state, and local legislation or regulations, NSBA and NASB resolutions, and issues of interest regarding other governmental bodies; (2) conduct annual review of District policies to ensure compliance with federal, state, and local legislation or regulations; and (3) develop new policy as needed.

### Temporary, Special or Ad Hoc Committees

Additional temporary, special, or ad hoc committees of the Board may be established only by Board action.

The Board shall authorize such special committees as deemed necessary. Such

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committees will be appointed by the Board President and will be given a written or oral statement of duties and a timeline for completion of responsibilities. The committee will terminate when its final report is made to the Board and the Board declares the work of the committee completed.

Legal Reference: Neb. Statute 79-724

Cross Reference: 201.01 Board Powers and Responsibilities  
203.01 Board Organizational Meeting  
203.02 President

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## ADVISORY BOARD 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 purpose of the committee. The committee is advisory and temporary in nature and has 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. Special committees shall be considered dissolved upon submission of a final report. 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.

Legal Reference: Neb. Statute 84-1408 to 1414

Cross Reference: 104 Educational and Operational Planning  
203.02 President  
204.05 Open Meetings  
204.06 Closed Sessions

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## SCHOOL BOARD LEGAL 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 believe 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 legal counsel upon 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.

Legal Reference: Neb. Statute 79-513

Cross Reference: 201.01 Board Powers and Responsibilities

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## ELEMENTARY ATTENDANCE CENTER OPERATING COUNCILS

Nebraska law allows the formation of operating councils at Class I elementary attendance centers for the purpose of acting in a purely advisory capacity to the school board, superintendent and principal. The school board has final authority, within the limitations of state and federal statutes, to make all governance decisions including those involving budgets, personnel and policy. For the purposes of this policy, "school board" refers to the Class II, III, IV or V school board of a district containing a Class I attendance center.

An operating council shall be formed by the school board if the Class I board of any elementary attendance center within the district requests its designation as a community school on or before June 14, 2006. Each operating council shall be composed of not less than three and not more than six members. Initial members of the council shall be chosen by a process specified in regulations to be developed by the superintendent and reviewed by the board.

The school board shall hold an operating council organizational meeting at that attendance center. The meeting shall be held within sixty days after receiving the request but the school board shall not be required to hold more than one organizational meeting at any one attendance center per calendar year.

Once formed, the operating council shall determine the timing and procedures for selecting its own successor members. Appointees shall meet all qualifications set by the board.

Candidates for the operating council positions must meet the following qualifications:

1. Candidates shall be legal residents of the Class I attendance center district;
2. Candidates shall be eligible to register to vote; and
3. Candidates shall not be employees of the district and shall be free from a financial conflict of interest as defined by the district's Conflict of Interest policies.

The operating council(s) shall be advisory to the superintendent, the school board, and the principal of the community school on all matters affecting the community school. Operating councils shall propose and submit a budget for the community school to the school board and one or more members of the operating council shall interview and recommend staff for the community school. The board shall receive for consideration the council's budget and staff recommendations.

The superintendent shall provide the operating council(s) with copies of public information provided by the school district staff to the school board regarding the budget and staffing decisions for the community school and proposed policy changes affecting the community school. The principal of the community school shall provide an

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opportunity for the operating council to meet with the principal not less than once each month.

Legal Reference: Laws 2005, LB 126, sec. 4

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## ELEMENTARY ATTENDANCE CENTER OPERATING COUNCILS REGULATION

Each operating council shall be composed of not less than three and not more than six members. Once formed, the operating council shall determine the timing and procedures for selecting its own successor members. Members must still meet any general qualifications set forth in school board policy.

Initial members of the operating council shall be chosen and seated by the following process:

1. Following the request for designation as a community school by the Class I board, the superintendent shall request nominations for the operating council from interested citizens.
2. At a regular or special meeting, the school board shall pass a resolution specifying the number of members to sit on the council. It shall also appoint the initial members of the operating council. Appointees may or may not have been nominated by the public. The school board shall direct the superintendent to notify, in writing, the members of the operating council of their appointment and advise them of their statutory responsibilities.
3. Not more than sixty days following the Class I board's request, a joint meeting of the school board and operating council shall be held at the attendance center for the purpose of conducting an organizational meeting.
4. It shall be the duty of the operating council members to determine meeting dates and make any necessary arrangements with the principal for the use of attendance center facilities for subsequent council meetings.

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## REGULAR BOARD MEETINGS

The regular meeting time and date shall be set by the board at its organizational meeting.

All meetings shall be held in the district office board room unless otherwise designated by the president with the approval of the Board.

In each odd number year, the January meeting will be held on or after the first Thursday after the first Tuesday before the third Monday in January.

Legal Reference:                   Neb. Statute 79-554  
  79-560  
   79-561

Cross Reference:                   203.01 Board Organizational Meeting

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## SPECIAL BOARD MEETINGS

Special meetings may be called by the president of the board when in his opinion it is necessary, or upon recommendation of the superintendent of schools, or any two board members. Should a special meeting be called, public notice shall be given and the meeting shall be conducted in accordance with the open meetings laws. All meetings shall be held in the district office board room, unless otherwise designated by the president with the approval of the board.

If the special meeting called is an emergency meeting and the board cannot give public notice in its usual manner, the board shall give public notice of the meeting as soon as practical and possible in light of the situation. The reason for the emergency meeting and why notice in its usual manner could not be given shall be stated in the minutes. Minutes of the emergency meeting must be made available to the public by no later than the end of the next regular business day.

Only the purpose or issue for which the special meeting was called may be discussed and decided in the special meeting. The board shall strictly adhere to the agenda for the special meeting and action on other issues shall be reserved for the next regular or special board meeting.

Special board sessions may be adjourned to a definite date and time.

Legal Reference: Neb. Statute 79-554

79-555

84-712

84-1403

04 1408 to 1414

Cross Reference: *the* 201.01 Board Powers and Responsibilities  
203.02 President  
204 School Board Meetings

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## PUBLIC HEARINGS

Public notice of a public hearing shall be in the same manner as for 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 register to speak will be allowed to speak only on the issue for which the public hearing is being held. 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 from 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.

Legal Reference: Neb. Statute 84-1408 et seq.

Cross Reference: 204.01 Regular Board Meetings  
204.12 Public Participation at Board Meetings  
702.03 Budget Adoption Process  
1005.03 Parental Involvement in the Schools

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## OPEN MEETINGS

A gathering of a majority of board members for the purposes of briefing, discussion of board business, formation of policy or taking formal action is a board meeting. Meetings of the board shall be conducted in a meeting open to the public unless the board is temporarily convened in a closed session.

Chance or social gatherings, attendance at or travel to conventions or workshops or other occasions when there is no discussion of or action on any matter within the board's supervision, control, jurisdiction, or advisory power will not constitute a meeting.

Legal Reference: Neb. Statute 84-1408 to 1410

Cross Reference: 204.06 Closed Sessions

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## CLOSED SESSIONS

A closed, or executive, session will take place as part of an open meeting of the board. The item for discussion in the closed session shall be listed as part of the tentative agenda on the public notice. The motion for a closed session, stating the purpose for the closed session, shall be made and seconded during the open meeting, and approved by a majority of the voting members. The minutes shall state the reason for the closed session, the roll call vote to enter closed session, and the time the closed session began and ended.

The board shall restrict its considerations to only those matters set forth in the minutes as the reason for the closed session. Reasons for the board entering into a closed session from an open meeting include, but are not limited to, the following:

1. Strategy sessions with respect to collective bargaining, real estate purchases, or litigation;
2. Discussion regarding the use of security personnel or devices;
3. Investigative proceedings regarding allegations of criminal misconduct;
4. Evaluations of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if that person has not requested a public meeting.

No formal action may be taken until the board has reconvened in open session.

Any board member may challenge the continuation of a closed session if he or she believes the session has exceeded the reason stated in the motion to hold the closed session. A majority vote of the board is required in order to overrule the challenge. The challenge and its disposition shall be recorded in the meeting minutes.

Legal Reference: Neb. Statute 84-1410

Cross Reference: 204.05 Open Meetings

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## MEETING NOTICE

Reasonable advance public notice shall be given for meetings and work sessions held by the board by a method designated and recorded in the board minutes. Public notice shall indicate the time, place, date and tentative agenda of board meetings. The notice shall be transmitted to the public and a copy kept readily available for public inspection at the principal office of the district. Advance notice of meetings of the board shall be by publication or posting, and if by posting, such posting shall occur by posting notice in at least three (3) public places throughout the school district not less than two (2) days prior to such meeting, unless such meeting is an emergency 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 board secretary to give public notice of board meetings and work sessions. The superintendent 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. Statute 84-1408 to 1414  
79-554  
79-560  
79-561

Cross Reference:

204.01 Regular Meetings  
204.02 Special Meetings  
204.10 Agenda

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## QUORUM

Action by the board regarding the business of the school district may be taken only when a quorum, a majority of the board members, is in attendance at the board meeting.

While board members are encouraged to attend board meetings, a simple majority of the members shall constitute a quorum and are a sufficient number to transact business of the school corporation. The adjournment of a meeting may be executed without a quorum.

An affirmative vote of a majority of the votes cast shall be sufficient to pass a motion or take action unless law or board policy specifically requires a vote of a greater number. It is the responsibility of each board member to attend board meetings.

Legal Reference:                   Neb. Statute 79-554  
  79-562

Cross Reference:                  204     School Board Meetings

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## RULES OF ORDER

It shall be the responsibility of each board member to follow the rules of order stated in this policy at each meeting, and it shall be the responsibility of the presiding officer to conduct the board meeting within these rules.

The board shall follow Robert's Rules of Order, Revised latest edition as modified by this policy and subsequent rule.

The purposes of modified rules adopted by the board are:

- To establish guidelines by which the business of the governing board can be conducted in a regular and internally consistent manner;
- To organize the meetings so all necessary matters can be brought to the board and decisions of the board can be made in an orderly and reasonable manner;
- To ensure members of the board, concentrating on the substantive issues at hand, have the necessary information to make decisions, and to ensure adequate discussion of decisions to be made; and,
- To ensure meetings and actions of the board are conducted so as to be informative to the staff and the public, and to produce a clear record of actions taken and decisions made.

Legal Reference:

Neb. Statute 84-1408 to 1414  
79-570, 571

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## AGENDA

The tentative agenda for each board meeting shall state the topics for discussion and action at the board meeting. The agenda is part of the public notice of the board meeting and will be posted and distributed.

Persons requesting to place an item on the agenda must make a request to the superintendent/board president prior to the drafting of the tentative agenda. The person making the request must state the person's name, address, purpose of the presentation, action desired and pertinent background information. Requests from the public may be added to the tentative agenda at the discretion of the superintendent after consultation with the board president. Requests received after the deadline may only be added to the agenda for good cause.

The tentative agenda and supporting documents shall normally be sent to the board members at least 3 days prior to the scheduled board meeting. These documents are the private property of the board member. Persons wishing to view the tentative agenda and supporting documents may do so at the administrative office of the district.

The board shall take action only on the items listed on the tentative agenda posted with the public notice. Items added to the agenda may be discussed or taken under advisement by the board. If an added item is acted upon, the minutes of the board meeting shall state the reason justifying the immediate action. Only items of an emergency nature may be added to the agenda later than twenty-four hours before the scheduled meeting.

It shall be the responsibility of the board president and superintendent to develop the agenda for each board meeting.

A consent agenda may be used by the board for noncontroversial business. The consent agenda will consist of routine business that requires action but not necessarily discussion. These items may all be approved at the same time. A board member may ask that any item be removed from the consent agenda. The removed item will then be placed on the regular agenda.

Legal Reference:                   Neb. Statute 84-712  
  84-1408 to 1414

Cross Reference:                   203     Organization of the School Board  
  403.05 Public Complaints about Employees  
  503     Student Rights and Responsibilities  
  1003    Public Examination of District Records

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## 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 board secretary 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. The minutes shall also include all required information regarding any closed sessions as stated in policy 204.06.

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. The schedule of bills allowed may be published on a once monthly basis in lieu of publication with the minutes. The permanent records of the board minutes may include more detail than is required for the publication of the minutes.

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. Voting on motions shall begin with the board member making the motion and continue clockwise.

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

Cross Reference:

203 Organization of the School Board  
1003 Public Examination of District Records  
1004 Press, Radio and Television News Media

## PUBLIC PARTICIPATION IN BOARD MEETINGS

The board recognizes the importance of citizen participation in school district matters. In order to assure citizens are heard and board meetings are conducted efficiently and in an organized manner, each board meeting shall normally have on its agenda a specific time entitled Public Forum, during which patrons may address the board on matters of general concern. Patrons wishing to address the board during the Public Forum will be allowed five (5) minutes to express their view. Board of Education members will refrain from expressing personal opinions during the Public Forum unless asked a direct question by a patron recognized by the Board President as having the floor. The board imposed time limit may be extended by a majority vote of the board following a request to do so. Board action may not be taken on matters discussed during the Public Forum unless the matter specifically appears on the prepared agenda.

If the pressure of business or other circumstances dictate, the board president may decide to eliminate this practice at a particular meeting. The orderly process of the board meeting shall not be interfered with or disrupted. Only those speakers recognized by the board president shall be allowed to speak. Comments by others are out of order. If disruptive, the individual making the comments or another individual causing disruption may be asked to leave the board meeting.

Citizens wishing to address the board on a certain agenda item must notify the superintendent/ board president prior to the board meeting. Citizens wishing to present petitions to the board may do so at this time. However, the board will only receive the petitions and not act upon them or their contents.

Subjects for comment should involve areas within the board's proper responsibility. Discussion on unrelated matters is to be discouraged.

Individuals who have a complaint about employees may bring their complaint to the board only after they have followed board policy addressing citizens' complaints. Students who have a complaint may only bring their complaint to the board after they have followed board policy addressing students' complaints.

Any written or printed materials to be circulated for a meeting of the school board must be submitted to the superintendent five days prior to the scheduled meeting date. This material will be transmitted to the members of the board for their consideration.

Legal Reference: Nebraska Statute 84-1408 to 1414

Cross Reference: 201.07 Board Member Liability  
403.05 Public Complaints about Employees  
1004.03 Live Broadcast or Videotaping

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## 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 this 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 evaluating 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.

Legal Reference:                   Neb. Statute 79-526  
  79-532  
   79-539  
   NDE Rule 10.004.01A1

Cross Reference:                 102    Educational Philosophy of the District  
   201.01 Board Powers and Responsibilities

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## POLICY ADOPTION

The board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two regular board meetings. The proposed policy changes shall be distributed and public comment will be allowed at each 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 vote of the board at the next regular meeting after the meeting allowing public discussion. 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 adopting motion shall state how long the emergency policy will be in effect, unless the policy adoption procedure stated above is followed and the policy is reaffirmed.

Legal Reference:                   Neb. Statute 79-520  
  79-526  
   84-712 et seq.  
   NDE Rule 10.004.01A1

Cross Reference:                 201.01 Board Powers and Responsibilities

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## POLICY REVIEW AND REVISION

Policies shall be reviewed at least every two years.

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.

If a policy is revised because of a legal change over which the board has no control or a change which is minor, the policy may be approved at one meeting at the discretion of the board.

Legal Reference:                   Neb. Statute 79-526  
  79-532  
  79-539  
  NDE Rule 10.012.01A

Cross Reference:                   102     Educational Philosophy of the District  
  201.01 Board Powers and Responsibilities

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## POLICY COMMUNICATION

A board policy manual shall be housed in each school attendance center and in the central administration office. Each board member shall have a personal copy of the board policy manual. The board's policy manual is a public record and shall be open for inspection at the administrative offices of the district.

It shall be the responsibility of the superintendent to ensure copies of new and revised policy statements are distributed to the custodians of board policy manuals no later than the first regular board meeting following the policy's adoption. Copies of changes in board policy shall also be included in or attached to the minutes of the meetings in which the final action was taken to adopt the new or changed policy.

It shall be the responsibility of each board member, during the board member's term of office, to keep the manual current and up-to-date and to surrender the manual to the board secretary at the conclusion of the board member's term of office.

Legal Reference:                   Neb. Statute 84-712 et seq.  
  84-1408 to 1414

Cross Reference:                   302.04 Superintendent Duties

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## POLICY SUSPENSION

It shall be within the discretion or amendment of the board to suspend a policy. Policies of the board may be immediately amended or temporarily suspended by a majority vote of the board at an official meeting of the board if the board determines that an emergency exists. This does not apply to any section of board policies established by law or by contract. Reasons for amendment or suspension of board policy shall be documented in board minutes.

Legal Reference: Nebraska Statute 79-526

Cross Reference: 201.01 Board Powers and Responsibilities

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## 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.

Legal Reference: Nebraska Statute 79-526

Cross Reference: 302.04 Superintendent Duties

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## REVIEW OF ADMINISTRATIVE REGULATIONS

The Superintendent has responsibility for carrying out the policies established by the board.

When necessary, it shall be the responsibility of the Superintendent to develop administrative regulations to implement the board policies. The regulations, including handbooks, will be adopted by the board when specific state or federal laws require the board to do so or when the board or superintendent considers such approval desirable. The board reserves the right to review and demand revisions of administrative regulations should they, in the board's judgment, be inconsistent with the policies adopted by the board.

The administrative regulations will be available within a reasonable period of time after the adoption of the board policy.

Legal Reference:                   Neb. Statute 79-526

Cross Reference:                   201.01 Board Powers and Responsibilities  
  302.04 Superintendent Duties

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## NEW BOARD MEMBER ORIENTATION

The Board of Education and staff members shall assist each newly elected member to understand the functions, policies, and procedures of the Board of Education before the member takes office. To this end the following steps shall be taken:

1. The newly elected member shall be given selected materials such as a copy of the board's policies, a copy of the school budget, a copy of Nebraska school laws and information on the responsibility of a school board member.
2. He/she shall be invited to attend meetings of the Board of Education and to participate in the discussions.
3. The secretary of the Board of Education shall supply material pertinent to the meetings and the superintendent of schools shall explain the use of such materials.
4. The newly elected member shall be invited to meet with the superintendent and principals to discuss their area of responsibility as defined by the Board of Education.
5. Any other material deemed helpful shall be made available upon request.

Cross Reference:

201.02 Board Membership - Elections/Appointment  
202 School Board Member Conduct

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## BOARD ASSOCIATION MEMBERSHIP

The Board of Education may hold memberships in such local, state, regional, and national school board associations as may exist, and shall look upon such memberships as an opportunity for growth in board service.

Legal Reference:                   Neb. Statute 79-512

Cross Reference:                   206.03 Board Member Development Opportunities

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## BOARD MEMBER DEVELOPMENT OPPORTUNITIES

The board may participate in conferences sponsored by educational associations and agencies in addition to its own in-service programs and work sessions.

The board shall encourage its members to attend training and development programs with the purpose of improving members' leadership skills, increasing their knowledge of educational issues and better representing the interests of the school district.

Cross Reference: 206.02 Board Association Membership

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

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## BOARD MEMBER COMPENSATION AND EXPENSES

As an elected public official, the board member is the only public servant who serves without compensation. Board members shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

Out of state travel. Board members authorized to attend educational conferences out of state shall be reimbursed for reasonable expenditures in addition to transportation to and from the destination and registration fees. Board members must have approval in advance from the board of education.

In state travel. Board members shall be granted reimbursement for reasonable expenditures in addition to registration fees.

Mileage. All board members are authorized to be reimbursed for use of their personal cars on board business at the rate established by the Board of Education.

School board members are not paid members and when appropriate because of the timing, length or other factors, sandwiches or meals may be provided to school board members, employees and volunteers attending public meetings or in other appropriate or necessary situations such as joint meetings with other governing bodies.

That non alcoholic beverages, cookies or other similar items may be provided to individuals attending public meetings, private meetings, discussions or public or private conferences as determined necessary or appropriate by the superintendent or the superintendent's designee to be in the best interest of this school district.

Non-alcoholic beverages and meals may be provided for individuals during or after performing relief, assistance or support activities in emergency situations, or during or immediately following their participation in any activity approved by the school board.

Nothing in this policy shall authorize the expenditure of public funds to pay for any expenses incurred by a spouse of a board member, employee or volunteer unless the spouse is also a board member, employee or volunteer.

Legal Reference:                   Neb. Statute 13-2201 et seq.  
  79-546  
  81-1174 to 1177

Cross Reference:                   202.02 Board Member Conflict of Interest  
  402.08 Employee Travel Compensation  
  402.11 Credit Cards

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## BOARD MEMBER RETIREMENT

It shall be the policy of the Bennington Public Schools that retiring members of the Board of Education shall be appropriately recognized and thanked for the service which they have rendered to the schools and to the community.

When a board member is retiring from service, the president of the Board of Education will direct that preparation be made for any presentation or award which will be made at the final meeting attended by the retiring board member.

Cross Reference:                    201.02 Board Membership - Elections/Appointment  
    202      School Board Member Conduct

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## BENNINGTON BOARD POLICY MANUAL

### Section 300 Administration

300.01	Role of Administration
<b>301</b>	<b>Administrative Structure</b>
301.01	Structure of Management
301.03	Succession of Authority to the Superintendent
301.04	Communication Channels
<b>302</b>	<b>Superintendent</b>
302.01	Superintendent Qualifications, Recruitment, Appointment
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<b>303</b>	<b>Administrative Employees</b>
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303.06	Administrator Evaluation
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<b>304</b>	<b>Policy Implementation</b>
304.01	Development and Enforcement of Administrative Regulations

## ROLE OF ADMINISTRATION

In this series of the board policy manual, the board defines the role and the employment of school district administrators. Policies in the 400 Series, "Employees," also apply to administrators unless a more specific policy exists in the 300 Series, "Administration."

School district administrators have been given a great opportunity and responsibility to manage the school district, to provide educational leadership, and to implement the educational philosophy of the school district. They are responsible for the day-to-day operations of the school district. In carrying out these operations, the administrators are guided by board policies, the law, the needs of the students, and the wishes of the citizens in the school district community.

It shall be the responsibility of the administrators to implement and enforce the policies of the board, to oversee employees, to monitor educational issues confronting the school district, and to inform the board about school district operations.

While the board holds the superintendent ultimately responsible for these duties, the principals are more directly responsible for educational results, for the administration of the school facilities and for the employees.

The board and the administration shall work together to share information and decisions under the management team concept.

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## STRUCTURE OF MANAGEMENT

The board and the administrators shall work together in making decisions and setting goals for the school district. This effort is designed to obtain, share, and use information to solve problems, make decisions, and formulate school district policies and regulations.

The implementation and the application of policy is an administrative task to be performed by the superintendent of schools and professional and non-professional staff elected to work with the superintendent of schools. The superintendent and principals shall be held responsible for the effective administration and supervision of the district.

Matters to be submitted to the Board of Education should in common practice first be brought to the superintendent of schools for study, analysis, review and recommendation. The superintendent will present to the Board of Education those matters which require formal action by the Board of Education.

It shall be the responsibility of each administrator to fully participate in the management of the school district by investigating, analyzing, and expressing their views on issues. Those board members or administrators with special expertise or knowledge of an issue may be called upon to provide information. Each board member and administrator shall support the decisions reached on the issues confronting the school district.

The board shall be responsible for making the final decision in matters pertaining to the school district.

It shall be the responsibility of the superintendent to develop guidelines for cooperative decision-making.

## SUCCESSION OF AUTHORITY TO THE SUPERINTENDENT

In the absence of the superintendent, it shall be the responsibility of the other administrators to assume the superintendent's duties. The succession of authority to the superintendent shall be in this order:

1. Secondary Principal
2. Elementary Principal
3. Program Coordinator for Special Services

If the absence of the superintendent is temporary, the successor shall assume only those duties and responsibilities of the superintendent that require immediate action. If the board determines the absence of the superintendent will be a lengthy one, the board shall appoint an acting superintendent to assume the responsibilities of the superintendent. The successor shall assume the duties when the successor learns of the superintendent's absence or when assigned by the superintendent or the board.

All references to "superintendent" in this policy manual shall mean the "superintendent or the superintendent's designee" unless otherwise stated in the board policy.

Cross Reference:      302      Superintendent

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## COMMUNICATION CHANNELS

Questions and problems shall be resolved at the lowest organizational level nearest to the complaint. School employees shall be responsible for conferring with their immediate supervisor on questions and concerns. Students and other members of the school district community shall confer with a certificated employee and then with the principal on questions and concerns.

If resolution is not possible by any of the above, individuals may bring it to the attention of the superintendent within 15 school days of their discussion with the principal. If there is no resolution or plan for resolution by the superintendent within 15 school days of the individual's discussion with the superintendent, the individual may ask to have the question or problem placed on the board agenda. The action of the board will be final.

It shall first be the responsibility of the administrators to resolve questions and problems raised by the employees and the students they supervise and by other members of the school district community. The requirements stated in the Negotiated Contract between employees and the board regarding communications and resolution of disputes for such employees shall be followed.

Legal Reference: Nebraska Statute 79-254 et seq.

Cross Reference:

- 204.12 Public Participation in Board Meetings
- 402.05 Employee Grievances
- 504.01 Student Due Process Rights
- 506.06 Student Publications
- 1005.01 Public Complaints

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## SUPERINTENDENT QUALIFICATIONS, RECRUITMENT, APPOINTMENT

The board shall employ a superintendent to serve as the chief executive officer of the district, 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 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 superintendent, the board shall also consider the school district's educational philosophy, financial situation, organizational structure, education programs, and other factors deemed relevant by the board.

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

Legal Reference:      29 U.S.C. §§ 621-634 (1994).  
                          42 U.S.C. §§ 2000e et seq. (1994).

Cross Reference:      201.01 Board Powers and Responsibilities  
                          301     Administrative Structure

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## **SUPERINTENDENT CONTRACT AND CONTRACT NONRENEWAL**

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 service. 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 on or before February 15. Unless continued by mutual written agreement according to statutory procedures, the board shall take final action on the contract on or before March 15.

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: Neb. Statute 79-822 et seq.

## SUPERINTENDENT DUTIES

The board employs a superintendent of schools to serve as the chief executive officer of the district. The board delegates to the superintendent the authority to implement board policy and to execute decisions made by the board concerning the internal operations of the school district, unless specifically stated otherwise.

The superintendent shall be responsible for the implementation and execution of board policy and the observance of board policy by employees and students. The superintendent shall be responsible for overall supervision and discipline of employees and the education program.

In executing the above-stated duties, the superintendent shall consider the financial situation of the school district as well as the needs of the students. The superintendent shall serve as the education leader of the school system by:

1. support of the School Mission and its objectives
2. administering the development and maintenance of an educational program designed to meet the needs of students and to carry out policies of the Board of Education
3. overseeing the setting of educational goals of the district
4. ensuring compliance with state and federal statutes and regulations
5. assuming responsibility for the district's accreditation by the State of Nebraska
6. evaluating principals and other administrative and/or clerical staff under the supervision of the superintendent, in writing, twice per school year if a probationary employee, and at least once annually if a permanent employee
7. attending state, regional or national conferences pertaining to the superintendent's duties
8. initiating policy considerations to cover situations requiring discretionary action when the superintendent feels the circumstances necessitate a policy
9. supervising the process of selection of textbooks, instructional supplies and apparatus to be used in the school district
10. being alert to advances and improvements in educational progress
11. dealing with personnel matters on an impartial basis
12. recommending the hiring, retention, assignment, termination, cancellation or non-renewal of staff members
13. coordinating a public relations program for the school system
14. serving as the educational spokesperson for the district in all matters
15. keeping the board informed
16. serving as an ex-officio member of all committees of the board and/or as required by state statute
17. attending and participating in all meetings of the board except when the superintendent's own position or salary may be under consideration

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18. preparing for each member of the board before each meeting, an agenda listing items to be considered
19. supervising the preparation of the annual budget and fiscal affairs of the district
20. assembling data for recommendation of building improvements
21. directing the school lunch program
  
22. being solely responsible for the administration of the school
23. having the board of education deal with all school personnel through the superintendent
24. perform such other duties, tasks and assignments as may be assigned to the superintendent from time to time by the Board of Education
25. on going support of the Strategic Planning Process
26. member of the Board of Directors of the Bennington Education Foundation

Cross Reference:      205     School Board Policy Process  
                          301     Administrative Structure

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## SUPERINTENDENT EVALUATION

The board will conduct an ongoing evaluation of the superintendent's skills, abilities, and competence. At a minimum, the board will formally evaluate the superintendent twice in the first year and annually thereafter prior to January 1. The goal of the superintendent's formal evaluation is to ensure the education program for the students is carried out, promote growth in effective administrative leadership, clarify the superintendent's role, clarify the immediate priorities of the board, and develop a working relationship between the board and the superintendent.

The formal evaluation will be based upon the following principles:

1. The evaluation criteria shall be in writing, clearly stated and mutually agreed upon by the board and the superintendent. The criteria will be related to the job description and the school district's goals;
2. At a minimum, the evaluation process will be conducted annually at a time agreed upon;
3. Each board member shall have an opportunity to individually evaluate the superintendent, and these individual evaluations will be compiled into an overall evaluation by the entire board;
4. The board as a whole shall discuss its evaluation with the superintendent in closed session; and
5. The board will complete the evaluation process by reaching consensus on goals or priorities for the superintendent for the next period of evaluation. This will occur in a timely fashion following the actual evaluation.

The board president will develop a written summary of the individual evaluations, including both the strengths and the weaknesses of the superintendent, and place it in the superintendent's personnel file to be incorporated into the next cycle of evaluations.

This policy supports and does not preclude the ongoing, informal evaluation of the superintendent's skills, abilities and competence.

Legal Reference: Neb. Statute 79-828

Cross Reference: 202.03 Board Self-Evaluation  
204.06 Closed Sessions  
302.01 Superintendent Qualifications, Recruitment, Appointment

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUPERINTENDENT CIVIC ACTIVITIES

The board encourages the superintendent to be involved in the school district community by belonging to school district community organizations and attending and participating in school district community activities.

It shall be the responsibility of the superintendent to become involved in school district community activities and events.

Cross Reference: 303.08 Administrator Civic Activities

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUPERINTENDENT CONSULTING/OUTSIDE EMPLOYMENT

The superintendent's position is considered full-time employment. The board expects the superintendent to give the responsibilities of the position precedence over other employment. The superintendent may accept consulting or outside employment for pay as long as, in the judgment of the board, the work is conducted on the superintendent's personal time and it does not interfere with the performance of the superintendent's duties.

The board reserves the right, however, to request that the superintendent cease the outside employment as a condition of continued employment. The board shall give the superintendent thirty days notice to cease outside employment.

Nothing in this policy shall contradict the language of the superintendent contract in force.

Cross Reference:      302.02 Superintendent Contract and Contract Nonrenewal  
                          302.04 Superintendent Duties

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## ADMINISTRATOR CONTRACT AND CONTRACT NONRENEWAL

The length of the contract for employment between an administrator and the board shall be determined by the board and stated in the contract, but shall not exceed three years. The contract shall also state the terms of the employment.

The first three years of a contract issued to a newly employed administrator shall be considered a probationary period. In the event of termination of a probationary or nonprobationary contract, the board shall afford the administrator appropriate due process.

Administrators whose contracts will be recommended for termination, amendment or nonrenewal by the board will receive notice prior to April 15. The superintendent shall make a recommendation to the board for the termination of the administrator's contract.

It shall be the responsibility of the superintendent to create a contract for each administrative position.

Administrators who wish to resign, to be released from a contract, or to retire, must comply with board personnel policies regarding the areas of resignation, release or retirement.

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## ADMINISTRATOR DUTIES

Administrators shall be hired by the board to assist the superintendent in the day-to-day operations of the school district.

Each attendance center shall have a building principal responsible for the administration and operation of the attendance center. Each building principal, as chief administrator of the assigned attendance center, shall be responsible for the building and grounds, for the students and employees assigned to the attendance center, for school activities at the attendance center, for the education program offered in the attendance center, and the budget for the attendance center. The principal shall be considered the professional advisor to the superintendent in matters pertaining to the attendance center supervised by the principal. Although the principals serve under the direction of the superintendent, duties of the principal may include, but not be limited to the following:

1. Support of the School Mission and its objectives.
2. Have line responsibility to the superintendent in the matter of staff development.
3. Have line responsibility to the superintendent in the matter of program development.
4. Work with the superintendent to develop necessary budget information and provide for proper building facilities.
5. Work cooperatively with the other building principals and the superintendent.
6. Be responsible for the supervision of students assigned to their buildings.
7. Be responsible for the public relations program of their building.
8. Provide the leadership necessary to motivate, inspire and work with district staff members in the development and implementation of the curriculum.
9. Provide the coordination which will help ensure effective instructional programs.
10. Provide leadership to teachers in the evaluation and improvement of instructional programs.
11. To foster a positive attitude and a commitment to excellence among staff members.
12. Assume responsibility for developing and maintaining a program of studies.
13. Meet regularly during the school year with the superintendent.
14. Assist the superintendent in the process of recruiting, screening, interviewing and selecting candidates for professional positions.
15. Works cooperatively with the guidance counselors to develop and maintain a standardized testing program.
16. Evaluate according to law and board policy all teachers, coaches/sponsors, counselors, and non certificated employees in their building and/or are part of the educational program under the supervision of the principal.
17. The program coordinator for special services.
18. Perform such other duties, tasks and assignments as may be assigned to the principal from time to time by the Board of Education and/or the Superintendent.

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19. Each principal is responsible, in cooperation with teachers, coaches and other instructional personnel for planning and requesting budgetary provision for all materials and activities recognized as part of the total school program.

Cross Reference:      301      Administrative Structure

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## ADMINISTRATOR EVALUATION

The superintendent shall conduct an ongoing process of evaluating the administrators on their skills, abilities, and competence. At a minimum, the superintendent will evaluate the administrators twice in the first year and annually thereafter. The goal of the formal evaluation process is to ensure that the educational program for the students is carried out, promote growth in effective administrative leadership for the school district, clarify the administrator's role as defined by the board and the superintendent, determine areas in need of improvement, clarify the immediate priorities of the responsibilities listed in the job description, and develop a working relationship between the superintendent and the administrator.

The superintendent is responsible for designing an administrator evaluation instrument. The formal evaluation shall include written criteria related to the job description. The superintendent, after receiving input from the administrators, shall present the formal evaluation instrument to the board for approval.

The formal evaluation shall also include an opportunity for the administrator and the superintendent to discuss the written criteria, the past year's performance and the future areas of growth. The evaluation shall be completed by the superintendent, signed by the administrator and filed in the administrator's personnel file.

It shall be the responsibility of the superintendent to conduct a formal evaluation of all administrators prior to March 15.

This policy supports and does not preclude the ongoing informal evaluation of the administrator's skills, abilities and competence.

Cross Reference:  
301      Administrative Structure  
302.04    Superintendent Duties

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## ADMINISTRATOR CIVIC ACTIVITIES

The board encourages the administrators to be involved in the school district community by belonging to community organizations, and by attending and participating in school district community activities.

Cross Reference: 303.07 Superintendent Civic Activities

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## ADMINISTRATOR CONSULTING/OUTSIDE EMPLOYMENT

An administrative position is considered full-time employment. The board expects administrators to give the responsibilities of their positions in the school district precedence over other employment. An administrator may accept consulting or outside employment for pay as long as, in the judgment of the board and the superintendent, the work is conducted on the administrator's personal time and it does not interfere with the performance of the administrative duties contracted by the board.

The board reserves the right, however, to request the administrator cease the outside employment as a condition of continued employment. The board shall give the administrator thirty days notice to cease outside employment.

Nothing in this policy shall contradict the language of the contract in force.

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## DEVELOPMENT AND ENFORCEMENT OF ADMINISTRATIVE REGULATIONS

Administrative regulations may be necessary to implement board policy. It shall be the responsibility of the superintendent to develop administrative regulations.

In developing the administrative regulations, the superintendent may consult with administrators or others likely to be affected by the regulations. Once the regulations are developed, employees, students and other members of the school district community shall be informed in a manner determined by the superintendent.

The board shall be kept informed of the administrative regulations utilized and their revisions. The board may review and recommend change of administrative regulations prior to their use in the school district if they are contrary to the intent of board policy.

It shall be the responsibility of the superintendent to enforce administrative regulations.

Cross Reference:      205      School Board Policy Process

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**BENNINGTON BOARD POLICY MANUAL****Section 400  
Personnel**

- 401            Guiding Principles for Employees
- 402            Employees and Internal Relations**
- 402.01        Equal Opportunity Employment  
402.01R1      Equal Opportunity Employment Regulation  
402.01E/501E   Complaint Form Discrimination, Harassment or Retaliation  
402.02        Employee Orientation  
402.03        Employee Conflict of Interest  
402.04        Nepotism  
402.05        Employee Grievances  
402.06        Employee Records  
402.08        Employee Travel Compensation  
402.09        Recognition for Service of Employees  
402.10        Employee Political Activity  
402.11        Credit Cards  
402.13        Communications with Employees  
402.15        Staff Conduct with Students  
402.16        Use of School Facilities and Equipment by Employees  
402.16R1      Use of School Facilities and Equipment by Employees Regulations  
402.50        Fraternization
- 403            Employees and Outside Relations**
- 403.01        Release of Employee Information  
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403.02        Child Abuse Reporting  
403.03        Abuse of Students by School District Employees  
403.05        Public Complaints about Employees
- 404            Employee Health and Well-Being**
- 404.02        Employee Injury on the Job  
404.03        Employees' Personal Security and Safety  
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404.06        Harassment and Discrimination  
404.07        Substance-Free Workplace  
404.07R1      Substance-Free Workplace Regulations  
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404.10        Disclosure and Protection of Employee Health Information
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<b>406</b>	<b>Certificated Employees - General</b>
406.01	Certificated Employee Defined
406.03	Certificated Employee Individual Contracts
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406.05	Certificated Employee Work Days
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407.01	Certificated Employee Salary Schedule
407.074	Negotiations
<b>408</b>	<b>Certificated Employee Termination of Employment</b>
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408.02	Certificated Employee Contract Release
408.05	Certificated Employee Reduction in Force
<b>409</b>	<b>Certificated Employee Professional Growth</b>
409.01	Certificated Employee Professional Development
409.02	Certificated Employee Training, Workshops, or Conferences
409.05	Certificated Employee Tutoring
<b>410</b>	<b>Certificated Employee Vacations and Leaves of Absence</b>
410.03	Certificated Employee Family and Medical Leave
410.03R1	Certificated Employee Family and Medical Leave Regulations
410.03E1	Application for Leave – Family and Medical Leave Act
410.08	Certificated Employee Unpaid/Sabbatical Leave
410.50	Certificated Employee Adoption Leave
<b>411</b>	<b>Other Certified Employees</b>
411.01	Substitute Teachers
411.03	Attendance Officer
411.04	Education Aide
411.05	Student Teachers
<b>412</b>	<b>Support Staff - General</b>
412.05	Support Staff Assignment
412.07	Support Staff Evaluation
<b>414</b>	<b>Support Staff Termination of Employment</b>
414.01	Support Staff Resignation
414.04	Support Staff Dismissal

**415            Support Staff Vacations and Leaves of Absence**

- 415.03        Support Staff Family and Medical Leave
- 415.03R1      Support Staff Family and Medical Leave Regulations
- 415.04        Support Staff Bereavement Leave
- 415.50        Support Staff Adoption Leave

Unchecked/Unverified

## 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 provide a variety of important services for the students 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 certificated employee, support staff, substitute or administrator. Board policies relating to certificated 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 certificated employee.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

**Anti-discrimination, Anti-harassment, and Anti-retaliation****A. Elimination of Discrimination.**

The Bennington 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 Bennington School District does not discriminate on the basis of race, color, national origin, sex, disability, religion, age 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: Ms. Sarah Ihrig – Director of Student Services, 11620 North 156<sup>th</sup> Street, Bennington, NE – (402) 238-3044 (sihrig@esu3.org)

Employees and Others: Dr. Terry L. Haack – Human Resources Director, 11620 North 156<sup>th</sup> Street, Bennington, NE – (402) 238-3044 (thaack@esu3.org).

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate personnel. 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 the OCR at 8930 Ward Parkway, Suite 2037, Kansas City, Missouri 64114, (816) 268-0550 (voice), or (877) 521-2172 (telecommunications device for the deaf), or ocr.kansascity@ed.gov.

**B. Prohibited Harassment, Discrimination, and Retaliation of Employees, Students and Others.****1. Purpose:**

The Bennington 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 race, color, national origin, religion, disability, age, sex, or other protected category, 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 race, color, national origin, religion, disability, age, sex, or other protected category, 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 (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.

District employees, supervisors and administrators must immediately report any complaints, reports, observations, or other information of alleged discrimination to the designated coordinator, even if that District employee is investigating the alleged discrimination as part of the District's student or employee disciplinary process, and provide the complainant with information for filing a complaint of discrimination, including a complaint form if requested, and contact information for the District's designated coordinator. If the District uses its disciplinary procedures to investigate and resolve an alleged discrimination complaint, those disciplinary procedures will comply

with the District's standards for a prompt and equitable grievance procedure outlined in section B.2., below.

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 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 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. Extenuating circumstances do not include summer vacation, and if a designated compliance coordinator or investigator is unavailable, another coordinator or trained employee will be designated to conduct the investigation. 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**. Periodic status updates will be given to the parties, if necessary.

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. An analysis of the appropriate legal standards applied to the specific facts,
- c. Findings regarding whether discrimination occurred, and
- d. If a finding is made that discrimination occurred, the recommended remedy or remedies necessary to eliminate discrimination, including harassment and retaliation, prevent its recurrence, and remedy its effects, if applicable.

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 (see the Remedies section, below, for additional information about remedies). 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 **ten (10) working days** 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 to a student who was discriminated against or harassed (victim), information about the sanction imposed upon a student who was found to have engaged in discrimination or harassment (student who discriminated) when the sanction directly relates to the victim. This includes an order that the student who discriminated stay away from the victim, or that the student who discriminated is prohibited from attending school for a period of time, or transferred to other classes.

*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 **ten (10) 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 ten (10) 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 the next scheduled Board meeting to present his or her appeal. The Board will issue a written determination about the appeal **within thirty (30) working days** after receiving the appeal. 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. Remedies:**

If the District knows or reasonably should know about possible discrimination, including harassment or violence, the District will take immediate, interim action or measures to protect the alleged victim, ensure the safety of the school community, and prevent further potential discrimination, harassment, or retaliation during the District's pending investigation. These interim measures will be prompt, age-appropriate, effective, and tailored to the specific situation, and may include a change in the student's seating assignment or class, a change in an employee's work area, prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the District's investigation, and other remedies, such as those listed below.

The District will minimize any burden on the alleged victim when taking interim measures. For instance, the District generally will not remove the alleged victim from his or her class or work area and allow the alleged harasser to remain. In addition the District will ensure that the complainant is aware of his or her Title IX rights, including a strong prohibition against retaliation for reporting discrimination or harassment or cooperating with any investigation or proceeding, and any available resources, such as counseling, health, and mental health services, and the right to file a complaint with local law enforcement, if applicable.

If the District determines that unlawful discrimination or harassment occurred, the District will take prompt and effective action to eliminate the discrimination or harassment, prevent its recurrence, and remedy its effects on the complainant and others, if appropriate. The remedies will be tailored to the specific allegations and facts of each situation, including, but not limited to, the following remedies:

- a. Providing an escort to ensure the complainant can move safely between classes and activities.
- b. Ensuring the complainant and alleged harasser do not attend the same classes.

- c. Moving the alleged harasser to another school or work area within the District.
- d. Providing counseling services or reimbursement, if appropriate.
- e. Providing medical services or reimbursement, if appropriate.
- f. Providing academic support services, such as tutoring.
- g. Arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record.

The District may provide remedies for the broader student population as well, including but not limited to:

- a. Offering counseling, health, mental health, or other holistic and comprehensive victim services to all students or employees affected by sexual harassment or sexual violence, and notifying students and employees of campus and community counseling, health, mental health, and other student services.
- b. Designating an individual from the District's counseling center to be "on call" to assist victims of sexual harassment or violence whenever needed.
- c. Providing additional training to the District's designated compliance coordinators and other employees who are involved in addressing, investigating, or resolving complaints of discrimination, harassment, and retaliation, to better respond to specific types of harassment and violence.
- d. Informing students and employees of their options to notify proper law enforcement authorities, including school and local police, and the option to be assisted by District employees in notifying those authorities.
- e. Creating a committee of students or employees and District officials to identify strategies for ensuring that students and employees:
  - i. Know the school's prohibition against discrimination, harassment, and retaliation.
  - ii. Recognize acts of discrimination, harassment (including acts of violence), and retaliation when they occur.
  - iii. Understand how and to whom to report any incidents of discrimination.
  - iv. Know the connection between alcohol and drug abuse and harassment or violence based on sex or other protected characteristics.
  - v. Feel comfortable that District officials will respond promptly and equitably to reports of discrimination, harassment (including violence) and retaliation.
- f. Conducting periodic assessments of student or employee activities to ensure that the practices and behavior of students or employees do not violate the District's policies against anti-discrimination, anti-harassment, and anti-retaliation.
- g. Conducting in conjunction with students or employees, a "climate check" to assess the effectiveness of efforts to ensure that the District is free from discrimination, harassment (including violence), and retaliation, and using the resulting information to inform future proactive steps that will be taken by the District.

In addition to these remedies, the District may impose disciplinary sanctions against the student or employee who discriminated, harassed, or retaliated against the complainant, up to and including possible expulsion or termination or cancellation of employment.

#### **5. 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.

At the same time, the District will evaluate a confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. Thus, the District may weigh the confidentiality request against factors such as: the seriousness of the alleged harassment, the complainant's age; whether there have been other harassment complaints about the same individual and the alleged harasser's rights to receive information about the allegations if the information is maintained by the District as an "education record" under FERPA. In some cases, the District may be required to report alleged misconduct or discrimination, such as sexual harassment involving sexual violence, to local law enforcement or other officials, and the District may not be able to maintain the complainant's confidentiality. The District will inform the complainant that it cannot ensure confidentiality, if applicable.

#### **6. Training:**

The District will ensure that 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. This training will include, at a minimum, the following areas:

- a. The current legal standards and compliance requirements of anti-discrimination, anti-harassment, and anti-retaliation federal, state, and any local laws and regulations, including several specific examples of discrimination, harassment (including acts of violence because of a person's sex or other protected characteristics), and retaliation.

- b. The District's current anti-discrimination, anti-harassment, and anti-retaliation notice, policies, grievance procedure, and discrimination complaint form, including the specific steps and timeframes of the investigative procedures, and the District's disciplinary procedures.
- c. Identification of the District's designated compliance coordinators and their job responsibilities.
- d. Specific examples and information regarding how to report complaints or observations of discrimination, harassment, or retaliation to appropriate District officials or employees. In addition, the District will emphasize that employees, students, third parties, and others should not be deterred from filing a complaint or reporting discrimination. For instance, if a student is the victim of sexual violence, a form of sexual harassment, but the student is concerned that alcohol or drugs were involved, school staff should inform the student that the District's primary concern is student safety, that any other rules violations will be addressed separately from the sexual violence allegation, and that the use of alcohol or drugs never makes the victim at fault for sexual violence.
- e. Potential consequences for violating the District's anti-discrimination, anti-harassment, and anti-retaliation policies, including discipline.
- f. Potential remedies, including immediate, interim remedies, to eliminate the discrimination, harassment, and retaliation, prevent its recurrence, and remedy its effects.
- g. A description of victim resources, including comprehensive victim services, to address acts of discrimination and harassment, including acts of violence because of a person's sex or other protected characteristics, and a list of those resources for distribution to trainees.

In addition, the District shall ensure that employees designated to address or investigate discrimination, harassment, and retaliation, including designated compliance coordinators, receive additional specific 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.

## **7. 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.

The designated compliance coordinators will not have other job responsibilities that may create a conflict of interest with their coordinator responsibilities.

#### **8. 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: August, 2011

**Complaint Form  
Discrimination, Harassment or Retaliation**

The Bennington School District does not discriminate on the basis of race, color, national origin, sex, disability, religion, age 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 402.01 and/or 501 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: Ms. Sarah Ihrig – Director of Student Services, 11620 North 156<sup>th</sup> Street, Bennington, NE – (402) 238-3044 (sihrig@esu3.org)

Employees and Others: Dr. Terry L. Haack – Human Resources Director, 11620 North 156<sup>th</sup> Street, Bennington, NE – (402) 238-3044 (thaack@esu3.org).

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 not 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: \_\_\_\_\_

## EMPLOYEE ORIENTATION

Employees must know their role and duties. The employee's immediate supervisor will provide the new employee with a review of the employee's responsibilities and duties. Employees involved in child care, custody or control responsibilities shall be given instruction in the handling of emergency situations which might arise in the course of the employee's work. Payroll procedures and employee benefit programs and accompanying forms will be explained to the employee by the business manager. The supervisor will direct the new employee to review the staff handbook.

Legal Reference:                    Nebraska Statute 79-802

Cross Reference:                    401     Guiding Principles for Employees  
    405     Employee Conduct and Appearance  
    407     Certificated Employee Compensation and Benefits

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## EMPLOYEE CONFLICT OF INTEREST

Employees' use of their position with the school district for financial gain shall be considered a conflict of interest with their position as employees and may subject employees to disciplinary action.

Employees have access to information and a captive audience that could award the employee personal or financial gain. No employee may solicit other employees or students for personal or financial gain to the employee without the approval of the superintendent. If the approval of the superintendent is given, the employee must conduct the solicitations within the conditions set by the superintendent. Further, the superintendent may, upon five days notice, require the employee to cease such solicitations as a condition of continued employment.

Employees shall not act as an agent or dealer for the sale of textbooks or other school supplies. Employees shall not participate for personal financial remuneration in outside activities wherein their position on the staff is used to sell goods or services to students or to parents. Employees shall not engage in outside work or activities where the source of information concerning the customer, client or employer originates from information obtained because of the employee's position in the school district.

This policy is not intended to prohibit or restrict summer sports camps or other skill development events related to extracurricular activities and typically conducted during the summer break.

It shall also be a conflict of interest for an employee to engage in any outside employment or activity which is in conflict with the employee's official duties and responsibilities. In determining whether outside employment or activity of an employee creates a conflict of interest, situations in which an unacceptable conflict of interest shall be deemed to exist shall include, but not be limited to, any of the following:

1. The outside employment or activity involves the use of the school district's time, facilities, equipment and supplies or the use of the school district's badge, uniform, business card or other evidences of office to give the employee or the employee's immediate family an advantage or monetary benefit that is not available to other similarly situated members or classes of members of the general public. For purposes of this section, a person is not "similarly situated" merely by being related to an employee who is employed by the school district.
2. The outside employment or activity involves the receipt of, promise of, or acceptance of more or other consideration by the employee or a member of the employee's immediate family from anyone other than the school district for the performance of

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

any act that the employee would be required or expected to perform as part of the employee's regular duties or during the hours during which the employee performs service or work for the school district.

3. The outside employment or activity is subject to the official control, inspection, review, audit or enforcement authority of the employee during the performance of the employee's duties.

If the outside employment or activity is employment or activity in (1) or (2) above, the employee must cease the employment of or activity. If the activity or employment falls under (3), then the employee must:

- Cease the outside employment or activity; or
- Publicly disclose the existence of the conflict and refrain from taking any official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity. Official action or official duty includes, but is not limited to, participating in any vote, taking affirmative action to influence any vote, or providing any other official service or thing that is not available generally to members of the public in order to further the interests of the outside employment or activity.

It shall be the responsibility of each employee to be aware of and take the necessary action to eliminate a potential conflict of interest should it arise.

Legal Reference: NDE Rule 27.004.03F

Cross Reference: 202.02 Board Member Conflict of Interest  
409.05 Certificated Employee Tutoring

## NEPOTISM

More than one family member may be an employee of the school district. Employment of relatives shall be approved by the board before employment begins. "Relatives" include: Mother, Mother-in-law, Father, Father-in-law, Sisters, Sister-in-law, Brother, Brother-in-law, Spouse, Child and Stepchild. "Employment" includes full-time, part-time, temporary or any other status.

Relatives as defined above and employees who marry or have a romantic relationship may continue working in the same department, learning center, or work areas provided one does not supervise the other and there is no interdependence or relationship between their jobs or other circumstances which could be potentially detrimental to the interest of the school district, as determined by the Superintendent (or the Director of Human Resources). If such circumstances exist the employees involved will be given the opportunity to resolve the reporting conflict in a manner satisfactory to the school district. If they do not, the school district will take whatever action is deemed appropriate.

The board is to be informed of the hire of a relative as defined in the policy bathe Superintendent.

The employment of more than one individual in a family shall be on the basis of their qualifications, credentials and records.

Cross Reference: 402.50 Fraternization

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## EMPLOYEE GRIEVANCES

Complaints of employees against fellow employees should be discussed directly between employees. If necessary, complaints shall be brought directly to the immediate supervisor, principal or superintendent and shall be made in a constructive and professional manner. Complaints shall never be made in the presence of other employees, students or outside persons.

A formal grievance procedure is contained in the negotiated contract between the employee's certified bargaining unit and the board. This policy shall not apply to a complaint that has been or could be filed at the employee's discretion under that formal grievance procedure.

Cross Reference: 301.04 Communication Channels

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## 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 records shall include, but not be limited to, records necessary for the daily administration of the school district, salary records, evaluations, application 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.

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

1. Public posting or display to the general public or an employee's coworkers.
2. Transmission over the internet except on a secure or encrypted connection.
3. Accessing an Internet web site unless a password, personal identification number or other unique authentication is required.
4. Use as an employee number for any type of employment-related activity.

The district may use more than the last four digits of an employee's social security number only for:

1. Compliance with state or federal laws, rules or regulations.
2. Voluntary commercial transactions entered into by the employee with the district for the purchase of goods or services.
3. Internal administrative purposes including providing the number to third parties for such purposes as administration of personnel benefits and employment screening and staffing. However, the following internal administrative purposes do 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 accessible by any temporary employee unless the temporary employee is bonded or insured under a blanket corporate surety bond or equivalent commercial insurance.
  - E. For posting any type of district information.

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 employees' personnel files current. The copy of the employee's records kept at the superintendent's office is the official copy of their records.

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

Legal Reference: Neb. Statute 79-539  
84-1201 et seq.  
Nebraska Laws 2007, LB 674

Cross Reference: 403.01 Release of Credit Information  
404 Employees' Health and Well-Being

## EMPLOYEE RECORDS

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Employees shall have the right to attach a written response to items in their file but such access and right to attach a written response shall not be granted with respect to any letters of recommendation solicited by the employer which appear in the personnel file. He or she may, in writing, authorize any other person to have access to such file, which authorization shall be honored by the district.

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Legal Reference:      Neb. Statute 79-539  
                          84-1201 et seq.

Cross Reference:      403.01 Release of Credit Information  
                          404 Employees' Health and Well-Being

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## EMPLOYEE TRAVEL COMPENSATION

Employees traveling on behalf of the school district and performing approved school district business may be reimbursed for their actual and necessary expenses. Actual and necessary travel expenses shall include, but not be limited to, transportation and/or mileage costs, lodging expenses, meal expenses and registration costs. The employee must obtain the superintendent's approval prior to incurring the expense.

It is the policy of the board to pay the actual and necessary expenses incurred by employees at educational workshops, conferences, training programs, official functions, hearings, or meetings, whether incurred within or outside the boundaries of the local government, to include:

1. Registration costs, tuition costs, fees, or charges;
2. Mileage at the current district reimbursement rate or actual travel expense if travel is authorized by commercial or charter means; and
3. Meals and lodging as approved in advance by the superintendent.

Prior to reimbursement of actual and necessary expenses, the employee must submit an original detailed receipt indicating the date, purpose and nature of the expense for each claim item. A credit card receipt is generally not considered a detailed receipt. Failure to provide an original detailed receipt shall make the expense non-reimbursable.

Legal Reference: Neb. Statute 13-2201 et seq.

Cross Reference: 206.04 Board Member Compensation and Expenses  
402.11 Credit Cards  
707.03 Expense Authorization and Reimbursement

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## RECOGNITION FOR SERVICE OF EMPLOYEES AND OTHERS

The board recognizes and appreciates service given to the district. Employees, board members, volunteers or others associated with the operations of the district may be honored by the board, administration and staff in an appropriate manner by the awarding of plaques, certificates of achievement, flowers or memorials in times of bereavement, or items of value.

If the form of recognition thought appropriate by the administration and employees involves unusual expense to the school district, the superintendent shall seek prior approval from the board. Any expenditure for recognition of service shall be limited to \$150.00 dollars per individual per occasion.

In addition to the other matters covered and allowed by this policy, one recognition dinner each fiscal year may be held for board members, employees or volunteers provided the maximum cost per person, which is hereby established for such dinner shall not exceed \$25.00 and further provided that such annual dinner may be held separately for employees of each department or separately for volunteers or any of them in combination.

Legal Reference: Neb. Statute 13-2203

Cross Reference: 408 Certificated Employee Termination of Employment  
414 Support Staff Termination of Employment

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## EMPLOYEE POLITICAL ACTIVITY

The Board of Education recognizes political activity in our democratic society as legitimate and necessary. The board will, at its discretion, take positions on political issues which are likely to affect educational process, but not on non educational political issues.

The Board requires that staff members who desire to seek public office or to engage in other political activity likely to interfere with their normal work requirements seek prior board approval so that necessary work adjustments can be made.

In order to guard against placing students or staff members under undue pressure to adopt particular positions on political issues, the board directs that employees avoid using their positions or their access to school materials or facilities for solicitation, promotion, recruiting or to otherwise work for the election or defeat of any candidate for public office or to influence the outcome of an election or a decision by a governing body on a political issue. Specifically, employees are restricted from the use of the following for such purposes:

1. Their position, whether as an instructor or as a leader or supervisor of other employees
2. Classrooms, buildings or facilities
3. Students
4. School equipment, materials or mailing systems

These restrictions do not apply to employees who are engaged in authorized lobbying activities on behalf of the district. The restrictions also do not apply to the distribution of employee association correspondence or newsletters in the normal course of association business, even though those communication media may contain information concerning adopted positions of the association on political issues.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CREDIT CARDS

Employees may use school district credit cards for the actual and necessary expenses incurred in the performance of work-related duties. Actual and necessary expenses incurred in the performance of work-related duties include, but are not limited to, fuel for school district transportation vehicles used for transporting students to and from school and for school-sponsored events, payment of claims related to professional development of the board and employees, and other expenses required by employees and the board in the performance of their duties.

Employees and officers using a school district credit card must submit an original detailed receipt in addition to a credit card receipt indicating the date, purpose and nature of the expense for each claim item. Failure to provide a proper receipt shall make the employee responsible for expenses incurred. Those expenses shall be reimbursed to the school district no later than ten working days following use of the school district's credit card. In exceptional circumstances, the superintendent or board may allow a claim without proper receipt. Written documentation explaining the exceptional circumstances shall be maintained as part of the school district's record of the claim.

The school district may maintain a school district credit card for actual and necessary expenses incurred by employees and officers in the performance of their duties. The superintendent may maintain a school district credit card for actual and necessary expenses incurred in the performance of the superintendent's duties. The transportation director may maintain a school district credit card for fueling school district transportation vehicles in accordance with board policy.

It shall be the responsibility of the superintendent to determine whether the school district credit card use is for appropriate school business. It shall be the responsibility of the board to determine through the audit and approval process of the board whether the school district credit card use by the superintendent and the board is for appropriate school business.

The superintendent shall be responsible for developing administrative regulations regarding actual and necessary expenses and use of a school district credit card. The administrative regulations shall include the appropriate forms to be filed for obtaining a credit card.

Cross Reference:      206.04 Board Member Compensation and Expenses  
                          402.08 Employee Travel Compensation

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## COMMUNICATIONS WITH EMPLOYEES

The Board desires to maintain open communication channels between itself and the staff. The basic line of communication will be through the superintendent. The superintendent will develop and recommend to the Board processes for communications between the Board and district employees.

Communications or reports to the Board or Board committee from any staff member or members should be submitted through the superintendent. This procedure will not be construed as denying the right of any employee to address the Board about issues which are neither part of an active administrative procedure, nor disruptive to the operation of the district.

All official communications, policies and directives of staff interest and concern will be communicated to staff members through the superintendent. The superintendent will communicate as appropriate to keep staff fully informed of the Board's concerns and actions.

Cross Reference: 301.04 Communication Channels

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## STAFF CONDUCT WITH STUDENTS

The Board expects all staff members, including teachers, coaches, counselors, administrators, and others to maintain the highest professional, moral, and ethical standards in their conduct with students. For the purposes of this policy, staff members also include school volunteers.

The interactions and relationships between staff members and students should be based upon mutual respect and trust; an understanding of the appropriate boundaries between adults and students in and outside of the educational setting; and consistency with the educational mission of the schools.

Staff members are expected to be sensitive to the appearance of impropriety in their conduct with students. Staff members are encouraged to discuss issues with their building administrator or supervisor whenever they are unsure whether particular conduct may constitute a violation of this policy.

### **Unacceptable Conduct**

Examples of unacceptable conduct by staff members include but are not limited to the following:

- Any type of sexual or inappropriate physical contact with students or any other conduct that might be considered harassment under the Board's policy on Harassment By Employees;
- Singling out a particular student or students for personal attention and friendship beyond the normal teacher-student relationship;
- Associating with students in any situation or activity that includes the presence of alcohol, drugs, or tobacco or that could be considered sexually suggestive;
- For non-guidance/counseling staff, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members are expected to be supportive but to refer the student to appropriate guidance/counseling staff. In either case, staff involvement should be limited to a direct connection to the student's school performance;
- Sending students on personal errands;
- Sexual banter, allusions, jokes, or innuendos with students;
- Asking a student to keep a secret;

- Disclosing personal, sexual, family, employment concerns, or other private matters to one or more students;
- Addressing students with terms of endearment, pet names, or otherwise in an overly familiar manner; and
- Permitting students to address you by your first name, nickname or otherwise in an overly familiar manner.
- Being alone with individual students by closing a room door except when dealing with issues of health by appropriate personnel;
- Inviting or allowing students to visit the staff member's home;
- Visiting a student's home, unless on official school business;
- Maintaining personal contact with a student outside of school by phone, email, Instant Messenger or Internet chat rooms, social networking websites, or letters (beyond homework or other legitimate school business);
- Exchanging personal gifts (beyond the customary student teacher gifts); and/or
- Socializing or spending time with students (including but not limited to activities such as going out for meals or movies, shopping, traveling, and recreational activities) outside of school sponsored events or except as participants in organized community activities.

Students and/or their parents/guardians are strongly encouraged to notify the principal if they believe a teacher or other staff member may be engaging in conduct that violates this policy.

Staff members are required to notify promptly the principal or superintendent if they become aware of a situation that may constitute a violation of this policy.

Staff violations of this policy may result in disciplinary action up to and including dismissal. Violations involving sexual or other abuse will also result in referral to the Department of Health and Human Services and/or law enforcement in accordance with the Board's policy on Child Abuse Reporting.

This policy shall be included in future employee, student and volunteer handbooks.

## USE OF SCHOOL FACILITIES AND EQUIPMENT BY EMPLOYEES

The superintendent may approve the use of school facilities, equipment and other resources by school employees except for those activities which result in personal or corporate gain. School vehicles shall not be available for personal use except as provided in individual employee contracts.

Employees are allowed to use public resources within the statutory definition of incidental or de minimis use for purposes such as research or communication that would otherwise be prohibited by state or federal statutes.

In some cases, employee use of district resources may result in the need to report such use as additional compensation in accordance with IRS codes. The superintendent will inform business personnel when he/she is aware of employee use of district resources requiring such reporting.

It shall be the responsibility of the superintendent to develop administrative regulations for the use of school facilities and equipment to be used by school personnel and recommendations to the board.

Legal Reference: Neb. Rev. Stat. §§49-14,101.01 and 49-14,101.02

Cross Reference: 1006.01 Community Use of School Bldgs., Sites and Equipment

## USE OF SCHOOL FACILITIES AND EQUIPMENT BY EMPLOYEES REGULATIONS

This regulation sets forth the requirements, restrictions and procedures related to the use of school facilities and equipment at Bennington Public Schools.

### Restrictions on Use

No Board member or employee of Bennington Public Schools shall use or authorize the use of his or her public office or any confidential information received through the holding of the public office to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which the individual is associated.

No Board member or employee shall use or authorize the use of school district personnel, resources, property, or funds under his or her official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than compensation provided by law, for personal financial gain.

No Board member or employee shall use or authorize the use of school resources 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. For purposes of this restriction, "school resources" means personnel, property, resources, or funds under the official care and control of the Board member or employee.

### Authorized Uses

The uses described below are not authorized by employees, and violate this policy, where an employee's use: (1) interferes with the conduct of school business; (2) interferes with the performance of the employee's duties and responsibilities; (3) is contrary to another Board policy or a rule or directive set forth in an employee handbook or other employee communication device; (4) is contrary to a supervisor's directive; or (5) the use is for the employee's personal financial gain or potential for personal financial gain.

*Incidental or De Minimis Use:* Use of school resources by a Board member or employee which is incidental or de minimis does not constitute a violation of this policy.

*Personal Use as Part of Compensation:* Use of school resources for personal purposes is authorized by this policy if:

1. the use of the resource for personal purposes is part of the employee's compensation provided in an employment contract or is consistent with this policy; and
2. the personal use of the resource as compensation is reported in accordance with the Internal Revenue Code of 1986, as amended, and taxes, if any, are paid by the affected employee.

Employees who engage in such personal use shall, upon request of the Board of Education or the administration, provide evidence to establish that the compensation has been reported and taxes paid as required by the Tax Code.

*School Vehicles:* Use of a school vehicle by a Board member or employee to travel to a designated location or the home of the Board member or employee is permissible when the primary purpose of the travel serves a school district purpose. Such use is authorized by this policy. No travel other than directly to the school-related trip destination shall occur, however, when students are in the vehicle or if the vehicle is a school bus.

*Communication Devices:* A Board member or employee may use a telecommunication system, a cellular telephone, an electronic handheld device, or a computer under the control of the school district for email, text messaging, a local call, or a long-distance call, to a child at home, a teacher, a doctor, a day care center, a baby-sitter, a family member, or any other person to inform any such person of an unexpected schedule change or for other essential personal business. Any such communication shall be kept to a minimum and shall not interfere with the conduct of school business or the performance of an employee's duties.

A Board member or employee shall be responsible for payment or reimbursement of charges (e.g. long distance charges), if any, that directly results from any such communication. The Board member or employee shall promptly report any such communication that results in an expense to the School District to the Superintendent or the Superintendent's designee. The Superintendent or the Superintendent's designee shall establish procedures for reimbursement of charges incurred as a result of such communications.

Use of the District's internet system for such communications shall not be permitted to the extent such use violates the terms of the E-Rate program, which restricts use of the internet system to "educational purposes."

*Election Issues:* A Board member or the Superintendent, in the normal course of his or her duties, may use school resources to research and prepare materials to assist the School Board in determining the effect of a ballot question on the School District.

Mass mailings, mass duplication, or other mass communications at school expense for the purpose of qualifying, supporting, or opposing a ballot question is not permitted. Mass communications does not include placing public records demonstrating the consequences of the passage or defeat of a ballot question affecting the School District on its existing websites.

A Board member or employee may campaign for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate when no school resources are used. An employee shall not engage in campaign activity for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate while on duty time.

A Board member or authorized employee may make school facilities available for campaign purposes if the identity of the candidate or the support for or opposition to the ballot question is not a factor in making the facilities available or a factor in determining the cost or conditions of use.

The School Board may discuss and vote upon a resolution supporting or opposing a ballot question.

A Board member may respond to specific inquiries by the press or the public as to his or her opinion regarding a ballot question or provide information in response to a request for information.

A Board member or employee may identify himself or herself by his or her official title when communicating about a ballot question. Employees who do so shall clearly communicate that their communication is their personal opinion and does not reflect the position or views of the Board of Education or the School District unless express authorization is given by the Board of Education or the Superintendent.

## FRATERNIZATION

Close personal relationships between supervisors and subordinates create the potential for real or perceived favoritism, disruption of work, and complaints of sexual harassment. Although the school district recognizes that romantic and other personal relationships develop in the workplace, it is necessary that the school district take steps to avoid problems from occurring.

Supervisors at all levels should refrain from developing romantic relationships with employees who report to them, whether directly or indirectly. In the event such a relationship does develop, it must be immediately reported by the supervisor to the superintendent.

Regardless of the reporting responsibility, based on the circumstances, the positions of the people, and any damage to the trust or credibility of the individuals, the school district will take whatever action it, feels is appropriate, up to and including termination of employment.

Cross Reference: 402.04 Nepotism

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## RELEASE OF EMPLOYEE INFORMATION

The following information will be released to an entity with whom an employee has applied for credit or has obtained credit: title of position, income, and number of years employed. This information may be released without prior written notice to the employee.

If a current or former employee wishes the district to release information to a prospective employer, written consent must be provided on the district's Employee Information Release Form. Even with the receipt of the Employee Information Release Form, the district may, at the superintendent's discretion, refuse to release such information. The Employee Information Release Form will be invalid six months after the signing date.

Cross Reference: 402.06 Employee Records

## EMPLOYEE INFORMATION RELEASE FORM

Under Nebraska state statutes, a current or former employer may disclose the following information about a current or former employee's employment history to a prospective employer of the current or former employee upon receipt of written consent from the current or former employee:

- Date and duration of employment;
- Pay rate and wage history on the date of receipt of written consent;
- Job description and duties;
- The most recent written performance evaluation prepared prior to the date of the request and provided to the employee during the course of his or her employment;
- Attendance information;
- Results of drug or alcohol tests administered within one year prior to the request;
- Threats of violence, harassing acts, or threatening behavior related to the workplace or directed at another employee;
- Whether the employee was voluntarily or involuntarily separated from employment and the reasons for the separation; and
- Whether the employee is eligible for rehire.

I, \_\_\_\_\_, hereby give consent to any and all prior employers of mine to provide information in accordance with state statutes with regard to my employment with prior employers to the following prospective employer:

I realize that by disclosing such information the employer shall be presumed to be acting in good faith and shall be immune from civil liability for the disclosure or any consequences of such disclosure to the extent provided by state statutes. I understand that even with receipt of this form the district may, at the superintendent's discretion, refuse to release such information.

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(Signature of Current or Former Employee)

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(Date)

**THIS FORM BECOMES INVALID SIX MONTHS FROM THE ABOVE DATE**

## CHILD ABUSE REPORTING

School employees shall report to the principal when they have reasonable cause to believe that a child has been subjected to abuse or neglect, or circumstances which reasonably would result in abuse or neglect. The employee will report the matter or cause the matter to be reported to the proper law enforcement agency.

Legal Reference:      Neb. Statute 28-711

Cross Reference:      403.03 Abuse of Students by School District Employees  
                          504.17 Questioning of Students by Outside Agencies  
                          508     Student Health and Well Being

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pproved A Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## 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 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.

Cross Reference:                    403.02 Child Abuse Reporting  
    404.06 Harassment by Employees  
    505.06 Corporal Punishment

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## PUBLIC COMPLAINTS ABOUT EMPLOYEES

1. Complaints against any employee which arise from within the membership of the Board of Education or which come to the attention of the Board of Education except through the Superintendent, shall be referred to the Superintendent for decision. In case either the employee or the complainant is not satisfied with the decision of the Superintendent, appeal may be taken by either party to a committee appointed by the President of the Board of Education, and final appeal may ultimately be taken to the Board of Education itself. No complaint shall be considered by the Board of Education in any other manner.
2. Grievances or complaints from the public shall be initiated in the following manner:
  - A. All grievances concerning a particular school situation shall be submitted in writing to the principal of the building. They should be as detailed as is practical. If the party involved is other than an individual then the organization or persons represented shall be identified. If the problem involves other than an individual building then the matter shall be directed to the administrator immediately in charge.
  - B. The school administrator, after he receives the grievance in writing, shall arrange a meeting date which is mutually convenient to all parties involved. At this time suggestions for improvement will be discussed.
  - C. Should the matter concerned not be resolved to the satisfaction of the parties involved, they may appeal to the Superintendent of Schools in writing.
  - D. If the initiating party is not satisfied with the response of the Superintendent, said party may address a written appeal to the Board of Education through the Secretary of the Board.
3. All complaints shall be in writing and no anonymous correspondence may be considered officially by the Board of Education.

It shall be understood by all parties involved in the grievance procedure that no reprisals of any kind, implied or intended, shall be brought against the person or persons involved in the resolving of the grievance.

Cross Reference:      204.10 Agenda  
                          204.12 Public Participation at Board Meetings

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## EMPLOYEE USE OF SOCIAL NETWORKS

The Superintendent and Administrative Team will annually remind staff members and orient new staff members concerning the importance of maintaining proper decorum in the on-line, digital world as well as in person. Employees must conduct themselves in ways that do not distract from or disrupt the educational process. The orientation and reminders will give special emphasis to:

1. Improper fraternization with students using Facebook and similar internet sites or social networks, or via cell phone, texting or telephone.
  - A. Teachers may not list current students as "friends" on networking sites.
  - B. All e-contacts with students should be through the district's computer and telephone system, except emergency situations.
  - C. All contact and messages by coaches with team members shall be sent to all team members, except for messages concerning medical or academic privacy matters, in which case the messages will be copied to the athletic director and the principal.
  - D. Teachers will not give out their private cell phone or home phone numbers without prior approval of the district.
  - E. Inappropriate contact via e-mail or phone is prohibited.
2. Inappropriateness of posting items with sexual content
3. Inappropriateness of posting items exhibiting or advocating use of drugs and alcohol
4. Examples of inappropriate behavior from other districts, as behavior to avoid
5. Monitoring and penalties for improper use of district computers and technology
6. The possibility of penalties, including dismissal from employment, for failure to exercise good judgment in on-line conduct.

All online communication by District employees during the school day, using District resources, or on behalf of the District is subject to District policies. Employees shall maintain a standard of professional responsibility and conduct, realizing their online actions at work and at home represent the District.

The network systems administrator may periodically conduct internet searches to see if teachers have posted inappropriate materials on-line. When inappropriate use of computers and websites is discovered, the Principals and Superintendent will promptly bring that inappropriate use to the attention of the staff member and may consider and apply disciplinary action up to and including termination.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## GUIDELINES FOR EMPLOYEE USE OF SOCIAL NETWORKS

1. Know and follow District policies and regulations relating to online communications.
2. District employees are personally responsible for the content they publish on blogs, wikis or any other form of user-generated media. Remember that what you publish will be public for a long time—protect your privacy.
3. Anonymity or false screen names should only be used in personal, non-work related online communications. Identify yourself, and when relevant, your District, when you discuss professional matters. Write in the first person. You must make it clear that you are speaking for yourself and not on behalf of the District.
4. If you publish content to a website and it has something to do with work you do or subjects associated with your District, use a disclaimer such as this: "The postings on this site are my own and don't necessarily represent my District's positions, policies or practices."
5. Respect copyright, fair use and financial disclosure laws. When you do use material from others, where possible link back to the source.
6. Never provide confidential or other proprietary information about your District, your students, or your co-workers. Ask permission prior to publishing or reporting on conversations that are meant to be, or might be assumed to be, private or internal to the District and your work.
7. Be particularly aware of student privacy laws including FERPA.
8. Don't cite or reference fellow staff members, administrators, parents, volunteers, suppliers, or others associated with the District without their approval.
9. Always maintain professional standards. Absolutely never use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in the workplace. You should also show proper consideration for others' privacy and for topics that may be considered objectionable or inflammatory—such as politics and religion.
10. Find out who else is blogging or publishing on the topic, and cite them.
11. Be aware of your professional responsibilities with online social networks. When you identify yourself as an educator, ensure your profile and related content is consistent with how you wish to present yourself with colleagues and clients.
12. Don't pick fights, be the first to correct your own mistakes, and don't alter previous posts without indicating that you have done so.
13. Be thoughtful about everything published online. If you are angry or frustrated, it is best to avoid using online communications.
14. Be very judicious in disclosing any personal details, as they will be available online for a long time.
15. Try to add value. Provide worthwhile information and perspective. The District is best represented by its people and what you publish will reflect on your District and your community.
16. Maintaining the trust of others with whom you communicate is critical. If you have a vested interest in something you are discussing, be the first to point it out. Nothing gains you more notice in the online social media environment than honesty—or dishonesty.

17. Blogs, wikis, virtual worlds, social networks, or other tools hosted outside of the District's protected Intranet environment should not be used for internal communications among fellow employees. It is fine for fellow employees to disagree, but don't use your external blog or other online social media to air your differences in an inappropriate manner.
18. When speaking about other districts or teachers at other districts, be careful about identifying them if the remark may be interpreted as being critical of them. You must make sure that what you say is factual and that it does not disparage others.
19. Avoid arguments. Don't try to settle scores or goad others into inflammatory debates.
20. There are always consequences to what you publish. If you're about to publish something that makes you even the slightest bit uncomfortable, review the suggestions above and think about why that is. If you're still unsure, and it is related to your work or the District, feel free to discuss it with your administrator. Ultimately, however, you have sole responsibility for what you post to your blog or publish in any form of online social media.

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## EMPLOYEE INJURY ON THE JOB

When an employee becomes seriously injured on the job, the building principal shall notify a member of the family, or an individual of close relationship, as soon as the building principal becomes aware of the injury.

If possible, an employee may administer emergency or minor first aid. An injured employee shall be turned over to the care of the employee's family or qualified medical employees as quickly as possible. The school district is not responsible for medical treatment of an injured employee.

It shall be the responsibility of the employee injured on the job to inform the superintendent within twenty-four hours of the occurrence. It shall be the responsibility of the employee's immediate supervisor to file an accident report within twenty-four hours after the employee reported the injury.

It shall be the responsibility of the employee to file claims, such as workers' compensation, through the central administration office.

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## EMPLOYEES' PERSONAL SECURITY AND SAFETY

It is the mission of the district to provide a safe, secure, substance free and welcoming environment for all the students, staff and community members. The administration is authorized and directed to adopt such regulations and take such actions as determined appropriate by the board of education to advance the mission of providing safe schools. Such regulations and actions may include, but not be limited to, school security measures, such as use of metal detectors, surveillance, searches and seizures, and security officers, as well as staff training and student education programs.

All employees shall conduct their work in compliance with the safety rules of the district.

Cross Reference:                    905      Safety Program

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## COMMUNICABLE DISEASES - EMPLOYEES

Employees with a communicable disease will be allowed to perform their customary employment duties provided they are able to perform the essential functions of their position and their presence does not create a substantial risk of illness or transmission to students or other employees. The term "communicable disease" shall mean an infectious or contagious disease spread from person to person, or animal to person, or as defined by law.

Prevention and control of communicable diseases shall be included in the school district's bloodborne pathogens exposure control plan. The procedures shall include scope and application, definitions, exposure control, methods of compliance, universal precautions, vaccination, post-exposure evaluation, follow-up, communication of hazards to employees and record keeping. This plan shall be reviewed annually by the superintendent and school nurse.

The health risk to immunodepressed employees shall be determined by their personal physician. The health risk to others in the school district environment from the presence of an employee with a communicable disease shall be determined on a case-by-case basis by the employee's personal physician, a physician chosen by the school district or public health officials.

An employee who is at work and who has a communicable disease which creates a substantial risk of harm to a student, coworkers, or others at the workplace shall report the condition to the Superintendent any time the employee is aware that the disease actively creates such risk.

Health data of an employee is confidential and it shall not be disclosed to third parties. Employee medical records shall be kept in a file separate from their personal file.

The public schools shall cooperate with the state health department in developing procedures for the control of communicable diseases in the schools. All procedures shall conform to the regulations for communicable disease control set up by the state health department.

It shall be the responsibility of the superintendent, in conjunction with the school nurse, to develop administrative regulations stating the procedures for dealing with employees with a communicable disease.

Legal Reference:      29 U.S.C. §§ 794, 1910 (1994).  
                          42 U.S.C. §§ 12101 et seq. (1994).  
                          45 C.F.R. Pt. 84.3 (1996).

Cross Reference:      402.06 Employee Records  
                          508.03 Communicable or Infectious Diseases - Students

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## HAZARDOUS CHEMICAL DISCLOSURE

The board authorizes the development of a comprehensive hazardous chemical communication program for the school district to disseminate information about hazardous chemicals in the workplace.

Each employee shall annually review information about hazardous substances in the workplace. When a new employee is hired or transferred to a new position or work site, the information and training, if necessary, shall be included in the employee's orientation. When an additional hazardous substance enters the workplace, information about it shall be distributed to all employees, and training shall be conducted for the appropriate employees. The central administration office shall maintain a file indicating which hazardous substances are present in the workplace and when training and information sessions take place.

Employees who will be instructing or otherwise working with students shall disseminate information about the hazardous chemicals with which they will be working as part of the instructional program.

It shall be the responsibility of the superintendent to develop administrative regulations regarding this program.

Legal Reference: 29 C.F.R. Pt. 1910; 1200 et seq. (1996).  
Laws 1993, L.B. 757

Cross Reference: 404 Employee Health and Well-Being  
905 Safety Program

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## HARASSMENT AND DISCRIMINATION

The Bennington Board of Education is committed to providing a comfortable work environment, free from intimidation for all employees, students, volunteers or visitors and as such will not tolerate any form of harassment or discrimination. 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 and discrimination includes, but is not limited to, racial, religious, national origin, marital status, disability, sexual harassment, retaliation against individuals bringing forward or participating in an investigation of discrimination or harassment, or discrimination or harassment of individuals placed through affirmative action.

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 purpose 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;
- unwelcome touching;

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- 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 decisions 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 investigator for harassment complaints. However, claims regarding harassment may also be reported to the alternate investigator for harassment complaints. The investigator shall be as designated by the superintendent.

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).

Cross Reference:      103    Equal Educational Opportunity  
                          402.01 Equal Opportunity Employment  
                          402.05 Employee Grievances  
                          403.03 Abuse of Students by School District Employees  
                          405    Employee Conduct and Appearance  
                          504.18 Harassment By Students  
                          505    Student Discipline

## SUBSTANCE-FREE WORKPLACE

The Bennington Board of Education is committed to providing a safe workplace and promoting high standards of employee health. The board expects the school district and its employees to remain substance free. Consistent with this philosophy, no employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of, or unfit to work because of any controlled substance as defined by federal or state law. The possession, selling, dispensing, use or being under the influence of any glue or aerosol paint or any other chemical substance for inhalation, including but not limited to lighter fluid, whiteout, and reproduction fluid, when such activity constitutes a substantial interference with school purposes on school grounds or during an educational function, or even off school grounds, is prohibited.

In addition, no employee may be under the influence of alcohol or any unlawfully used controlled substance while at the workplace. "Workplace" 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.

If an employee is convicted of a violation of any criminal drug offense committed in the workplace, the employee shall notify the employee's supervisor of the conviction within five days of the conviction.

Violation of this policy may result in disciplinary sanctions, including but not limited to, suspension, non-renewal, termination or cancellation of a certificated employee's contract pursuant to Neb. Rev. Stat. § 79-829 R.R.S., the suspension or termination of employment of a non-certificated employee, completion of an appropriate rehabilitation program, referral to law enforcement authorities for prosecution, and filing of a complaint with the Professional Practices Commission.

The superintendent will make the determination whether to require the employee to undergo substance abuse treatment or to discipline the employee. If the employee fails to successfully participate in a program, the employee may be subject to discipline up to and including termination.

The superintendent shall be responsible for publication and dissemination of this policy to each employee. All employees shall be given a copy of the standards of conduct and disciplinary sanctions required, and notified that compliance with the standards of conduct is mandatory. In addition, the superintendent shall oversee the establishment of a substance-free awareness program to educate employees about the dangers of substance abuse and notify them of available substance abuse treatment programs.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy. This policy and related administrative regulations shall have a

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biennial review to determine its effectiveness, implement needed changes and ensure that the sanctions are consistently enforced.

Legal Reference: P.L. 101-226, Drug-Free Schools and Communities Act  
Amendments of 1989,  
41 U.S.C. §§ 701-707 (1994).  
42 U.S.C. §§ 12101 et seq. (1994).  
34 C.F.R. Pt. 86 (1996).

Cross Reference: 405 Employee Conduct and Appearance

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## SUBSTANCE-FREE WORKPLACE REGULATION

A superintendent who suspects an employee has a substance abuse problem shall follow these procedures:

1. Identification - the superintendent shall document the evidence the superintendent has which leads the superintendent to conclude the employee has violated the Substance-Free Workplace policy. After the superintendent has determined there has been a violation of the Substance-Free Workplace policy, the superintendent shall discuss the problem with the employee.
2. Discipline - if, after the discussion with the employee, the superintendent determines there has been a violation of the Substance-Free Workplace policy, the superintendent may recommend discipline up to and including termination [or may recommend the employee seek substance abuse treatment]. Participation in a substance abuse treatment program is voluntary.
3. *[Failure to participate in referral – if the employee refuses to participate in a substance abuse treatment program or if the employee does not successfully complete a substance abuse treatment program, the employee may be subject to discipline up to and including termination.]*
4. Conviction - if an employee is convicted of a criminal drug offense committed in the workplace, the employee must notify the employer of the conviction within five days of the conviction.

## SUBSTANCE-FREE WORKPLACE NOTICE TO EMPLOYEES

EMPLOYEES ARE HEREBY NOTIFIED it is a violation of the Substance-Free Workplace policy for an employee to unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbituate, marijuana or any other controlled substance or alcohol, as defined in Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15.

"Workplace" is defined as the site for the performance of work done in the capacity as a employee. This includes school district facilities, other school premises or school district vehicles. Workplace also includes nonschool property if the employee is at any school-sponsored, school-approved or school-related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

*[Employees who violate the terms of the Substance-Free Workplace policy may be required to successfully participate in a substance abuse treatment program approved by the board.]* The superintendent retains the discretion to discipline an employee for violation of the Substance-Free Workplace policy. If the employee fails to successfully participate in such a program the employee shall be subject to discipline up to and including termination.

EMPLOYEES ARE FURTHER NOTIFIED it is a condition of their continued employment that they comply with the above policy of the school district and will notify their supervisor of their conviction of any criminal drug statute for a violation committed in the workplace, no later than five days after the conviction.

## SUBSTANCE-FREE WORKPLACE ACKNOWLEDGMENT FORM

I, \_\_\_\_\_, have read and understand the Substance-Free Workplace policy. I understand that if I violate the Substance-Free Workplace policy, I may be subject to discipline up to and including termination *[or I may be required to participate in a substance abuse treatment program]*. If I fail to successfully participate in a substance abuse treatment program, I understand I may be subject to discipline up to and including termination. I understand that if I am required to participate in a substance abuse treatment program and I refuse to participate, I may be subject to discipline up to and including termination. I also understand that if I am convicted of a criminal drug offense committed in the workplace, I must report that conviction to my supervisor within five days of the conviction.

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(Signature of Employee)

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(Date)

## DRUG AND ALCOHOL TESTING PROGRAM

Employees in "safety sensitive" positions, as defined by the Omnibus Transportation Employee Testing Act of 1991 and regulations promulgated thereunder, including employees whose position requires a commercial driver's license (CDL), shall be tested for alcohol and controlled substances as required by law. Refusal to submit to such pre-employment testing, or testing positive, shall disqualify an applicant from employment. Reasonable suspicion, random, post accident, return to duty, and follow up testing shall also be conducted. Employees who test positive shall be immediately removed from safety sensitive positions and shall be removed from employment.

For purposes of the drug and alcohol testing program, the term "employees" includes applicants who have been offered a position to operate a school vehicle.

Employees operating school vehicles shall not perform a safety-sensitive function within four hours of using alcohol. Employees governed by this policy shall be subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations.

Employees who violate the terms of this policy are subject to discipline up to and including termination.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy in compliance with the law. The superintendent shall inform applicants of the requirement for drug and alcohol testing in notices or advertisements for employment.

The superintendent shall also be responsible for publication and dissemination of this policy and its supporting administrative regulations and forms to employees operating school vehicles. The superintendent shall also oversee a substance-free awareness program to educate employees about the dangers of substance abuse and notify them of available substance abuse treatment resources and programs.

Legal Reference:      49 U.S.C. §§ 5331 et seq. (1994).  
                          42 U.S.C. §§ 12101 (1994).  
                          41 U.S.C. §§ 701-707 (1996).  
                          49 C.F.R. Pt. 40; 382; 391.81-123 (1994).  
                          34 C.F.R. Pt. 85 (1996).

Cross Reference:      404.07 Substance-Free Workplace

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## 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 may affect the availability of some employee benefits.

Legal Reference:    1996 Health Insurance Portability and Accountability Act (HIPAA)  
                            Family Educational Rights and Privacy Act (FERPA)

Cross Reference:    402.06 Employee Records  
                            404.02 Employee Injury on the Job  
                            804.01 Computer Security  
                            804.02 Data or Records Retention

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## CERTIFIED EMPLOYEE DEFINED

Certificated employees, including administrators, are those employees required to hold an appropriate certificate from the Nebraska Department of Education for their position as required by the Professional Practices Commission or others with professional licenses. Certificates required for a position will be considered met if the employee meets the requirements established by the Nebraska Department of Education.

It shall be the responsibility of the superintendent to establish job specifications and job descriptions for certificated employees' positions, other than the position of the superintendent. Job descriptions may be approved by the board.

Certificated employees must present evidence of current certificate to the superintendent prior to September 15 and before any payment of salary each year.

Legal Reference:      Neb. Statute 79-801 et seq.

Cross Reference:      411.01 Substitute Teachers

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## CERTIFICATED 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 300, "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 certificated 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 certificate 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 applications 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.

The board shall take action regarding employment of certificated applicants 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 requirements 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).

Cross Reference:      402.01 Equal Employment Opportunity  
                          411.01 Substitute Teachers  
                          412.02 Support Staff Qualifications, Recruitment, Selection

## CERTIFICATED EMPLOYEE INDIVIDUAL CONTRACTS

The board will enter into a written contract with certificated employees, other than administrators, employed on a regular basis. Each contract will be for a period of one year, beginning on September 1 and ending on August 31.

It shall be the responsibility of the superintendent to complete the contracts for certificated employees and present them to the board for approval. Upon receipt of the contract, the certificated employee will have until the date specified on the contract or the date specified by the board to sign and return the contract to the Superintendent. If contracts are not returned within this period, the position will be considered open and candidates will be secured to fill the vacancy.

A certificated employee may not be required to accept employment for the next school year prior to March 15. The contracts shall be kept on file in the administration offices.

Legal Reference:      Neb. Statute 79-817 to 822

Cross Reference:      406.04 Certificated Employee Continuing Contracts  
                          408    Certificated Employee Termination of Employment

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## CERTIFICATED EMPLOYEE CONTINUING CONTRACTS

Contracts entered into with certificated employees, other than an administrator, will continue from year to year unless the contract states otherwise, is modified by mutual agreement between the board and the employee, or the contract is terminated by the board.

The first three years of a continuing contract issued to a newly employed certificated employee shall be considered a probationary period. In the event of termination of the employee's contract during this period, the board shall afford the certificated employee appropriate due process. The action of the board will be final.

Certificated employees whose contracts will be recommended for termination, amendment or nonrenewal by the board will receive notice prior to April 15. The superintendent shall make a recommendation to the board for the termination of the certificated employee's contract.

Certificated employees who wish to resign, to be released from a contract, or to retire must comply with board policies and contract language in those areas.

Legal Reference: Neb. Statute 79-824 to 842

Cross Reference: 406.03 Certificated Employee Individual Contracts  
406.09 Certificated Employee Probationary Status/Tenure  
408 Certificated Employee Termination of Employment

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## CERTIFICATED EMPLOYEE WORK DAY

The building principal is authorized to make changes in the work day in order to facilitate the education program. These changes shall be reported to the superintendent.

Certificated employees are to be in their assigned school building during the work day. Advance approval to be absent from the school building must be obtained from the principal whenever the certificated employees must leave the school building during the work day.

The work day outlined in this policy is a minimum work day. Nothing in this policy prohibits certificated employees from working additional hours outside the work day.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding work day of such employees shall be followed.

Cross Reference: 201.01 Board Powers and Responsibilities

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## CERTIFIED EMPLOYEE ASSIGNMENT, REASSIGNMENT AND TRANSFER

The superintendent shall assign and reassign teachers and non-certificated employees to their responsibilities and duties subject to board approval.

*The teaching staff shall be assigned to particular school buildings by the superintendent. Reassignment or transfer to another position or class shall be based on consideration of: 1) a change in the nature of the job, 2) qualifications of the applicants, 3) quality of work performed, 4) length of service, 5) utilizing staff members to maximum efficiency, 6) creating a school staffing balance, 7) benefit to the district. Teachers may apply for transfer or reassignment through their principals, but the judgment of the superintendent is final. The superintendent will make every effort to establish quality in assignments.*

The principals shall have the authority to assign specific activities, supervision of pupils in halls, study halls, playgrounds, work on faculty committees and staff activities, and other duties necessary for the operation of the school. Job descriptions are available for all personnel and assignments.

Any requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding assignment of such employees shall be followed.

When positions become available, promotion of qualified personnel within the District will be considered. This policy shall serve as a guide in those cases where the qualifications of internal candidates are equal to or better than those of external candidates.

Legal Reference:      Neb. Statute 79-839

Cross Reference:      201.01 Board Powers and Responsibilities

## CERTIFIED EMPLOYEE ASSIGNMENT, REASSIGNMENT AND TRANSFER REGULATIONS

### TRANSFER PROCEDURES

A request for transfer does not guarantee that such a transfer will be made because each request is considered in terms of (a) qualifications of applicant, (b) available vacancies, (c) number of transfer requests, (d) number of transfers which have to be made for administrative reasons, (e) balancing school staffs, (f) utilizing staff members to maximum efficiency, and (g) retaining strength and skills on each staff.

These four steps should be taken by those wishing to request a transfer:

1. The desire to transfer will be discussed with the principal or immediate supervisor. All requests will be reviewed by the principal, immediate supervisor and the office of the superintendent.
2. A written request for transfer must be submitted to the principal's office and the central office. Requests are applicable for only one year.
3. All requests should reach the board of education office on or before March 1 in order for action to be taken for the ensuing school year. However, in the event a position opens up after March 1, requests for transfer will be accepted or rejected on an individual basis as determined by the office of the superintendent.
4. Requests for transfer must be renewed each year.

Notification of action taken on the request will be made by the close of the current school year.

Legal Reference:      Neb. Statute 79-839

Cross Reference:      201.01 Board Powers and Responsibilities

## CERTIFICATED EMPLOYEE EVALUATION

### Statement of Purpose

The Board of Education of Douglas County School District #59, the Bennington Public School, believes that effective teaching is necessary to achieve the instructional goals of the district. Effective teaching is assessed by teacher evaluation. The purposes of teacher evaluation in this district are to (1) improve instruction; (2) guide staff development activities; and (3) substantiate employment decisions. Teachers shall be appraised using the written evaluation plan and procedure approved by this Board.

### Procedure for Teacher Evaluation

Teachers shall be evaluated upon specific criteria, which are tied to the instructional goals of the district. These goals are essentially the State Standards that are in place and/or are continuing to be developed for the use of educators to better educate our youth.

Evaluation instruments shall be approved by the board of Education, be designed primarily for the improvement of instruction, and include district defined standards for the measurement of:

1. Instructional performance
2. Classroom organization and management
3. Professional and personal conduct

Probationary teachers shall be formally observed and evaluated at least once each semester. Each formal observation shall be for an entire instructional period.

Permanent teachers can be formally observed and evaluated at least once during a three year period. They can be evaluated yearly should the building principal determine that it is necessary. The continuing contract personnel will be split into three groups alphabetically. Each formal observation shall be for an entire instructional period.

Formal evaluations for probationary and permanent teachers shall be documented in the following manner.

1. Based upon the observation(s) and other relevant information, the evaluator shall prepare a written evaluation report.
2. The evaluation report shall provide:
  - A. Noted deficiencies
  - B. Specific means for the correction of the noted deficiencies
  - C. An adequate timeline for implementing the concrete suggestions for improvement
3. The process shall provide for the teacher to offer a written response to the evaluation.

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All evaluators used in the district shall possess a valid Nebraska Administrative Certificate and shall be trained to use the evaluation system employed in the district. The Superintendent or his or her designee shall conduct the training. Training sessions shall include, but not be limited to:

1. A review of the district's teacher evaluation policies and procedures
2. A review of the expectations for evaluation
3. A review of the evaluation instruments
4. A discussion of evaluation skills

The evaluation procedure shall be annually communicated, in writing, to those being evaluated.

Legal Reference:      Neb. Statute 79-828  
                          NDE Rule 10-007.06

Cross Reference:     406.09 Certificated Employee Probationary Status/Tenure  
                          408.05 Certificated Employee Reduction-In-Force

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## CERTIFIED EMPLOYEE PROBATIONARY STATUS

The first three years of a new full-time certificated employee's contract shall be a probationary period. The probationary period for part-time certificated employees shall be based upon formulas provided by state statute.

During this probationary period the board may terminate or amend the certificated employee's contract at year-end or discharge the employee in concert with corresponding board policies.

Certificated employees may also serve a probationary period based upon their performance. Such probationary period shall be determined on a case-by-case basis in light of the circumstances surrounding the employee's performance as documented in the employee's evaluations and personnel file. Prior to such a determination the employee will be allowed due process as provided by state statutes and the Negotiated Contract.

Legal Reference: Neb. Statute 79-828

Cross Reference: 406.04 Certificated Employee Continuing Contracts  
406.08 Certificated Employee Evaluation

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE DUE PROCESS PROCEDURE

When a formal due process hearing is required by Neb. Rev. Stat, § 79-824 through 842, the following procedures shall be utilized by the Board of Education of this District.

1. Notification to the certificated employee in writing at least five (5) days prior to hearing of the grounds alleged for action, cancellation, termination or nonrenewal of the teacher's contract;
2. Upon request of the certificated employee a notification, at least five (5) days prior to the hearing, the names of any witnesses who will be called to testify against the certificated employee and an opportunity to examine any documents that will be presented at the hearing;
3. The right to be represented;
4. An opportunity to cross examine all witnesses and to examine all documents and to present evidence material to the issues.

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE SALARY SCHEDULE

Salary schedules for all certified staff will be reviewed annually by the Board of Education. Employees will be placed on the appropriate salary schedule according to their qualifications and experience.

Each certified staff member will receive annually a copy of the salary schedule which pertains to his/her position.

Faculty members shall receive their salary on a twelve month basis.

All salaries will be paid on the fifteenth (15th) day of each month. If the 15th falls on a non school date, payment will be made the last day school is in session prior to the 15th.

Salaries will be set for the preceding year by the Board of Education. However, a negotiations process will be used to arrive at a mutually agreeable salary schedule. The negotiations process will be governed by law, but should include the following:

1. A letter by the BEA requesting a desire for good faith negotiation.
2. The Board will accept or reject the letter.

It shall be the responsibility of the superintendent to make a recommendation to the board annually regarding the salary schedule.

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

Cross Reference:      406    Certificated Employees - General  
                              707.01 Payroll Procedures

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## NEGOTIATIONS

Certificated employees of the district shall have the right to form, join and participate in the activities of organizations of their choosing for the purpose of representation of all matters of employment relations, but no certificated employee shall be compelled to join such an organization.

The following timelines shall be in effect for the annual negotiations process preceding the contract year in question:

1. On or before September 1 the certificated and instructional employees 'collective bargaining agent shall request recognition as bargaining agent.
2. The governing board shall respond to such request not later than October 1.
3. On or before November 1 negotiations shall begin.
4. On or before February 8 if an agreement is not reached, the parties shall submit to mandatory mediation or factfinding as ordered by the commission unless the parties mutually agree in writing to forgo mandatory mediation or factfinding.
5. On or before March 25 or within twenty-five days after the certification of the amounts to be distributed to each local system and each school district, whichever occurs last in time, negotiations, mediation, and factfinding shall end.
6. If an agreement has not been achieved on or before the date in item 5 above, either party may, within fourteen days after such date, file a petition with the commission to resolve the dispute.
7. The commission shall render a decision on or before September 15.

There shall be no fewer than four negotiations meetings between the certificated and instructional employees' collective bargaining agent and the governing board's bargaining agent prior to mediation, unless the parties agree to a new negotiated agreement. Either party may seek a bargaining order as provided in statute at any stage in the negotiations. In seeking a bargaining order, the commission shall provide the parties with the names of five individuals qualified to serve as the resolution officer. If the parties cannot agree on an individual, each party shall alternately strike names, with the remaining individual serving as the resolution officer.

The resolution officer may:

1. determine whether the issues are ready for hearing and settlement;
2. identify for resolution terms and conditions of employment that are in dispute and which were negotiated in good faith but upon which no agreement was reached;
3. accept terms and conditions;
4. schedule hearings;
5. prescribe rules of conduct for conferences;
6. order additional mediation if necessary;
7. take any other action which may aid in resolution of the dispute; and
8. consult with an interested outside party only with the concurrence of all parties.

Approved: October 1, 2012   Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

The resolution officer shall choose the most reasonable final offer on each issue in dispute. If either party is dissatisfied with the resolution officer's decision, it shall have the right to file an action with the commission seeking a determination of terms and conditions of employment. The commission shall resolve, as provided by statute, all of the issues identified by either party and which were recognized by the resolution officer as a dispute. If parties have not filed with the commission by the latter of March 25 or within twenty-five days after the certification of school funds, the decision of the resolution officer shall be deemed final and binding.

Legal Reference:      Neb. Statute 48-811, 816, and 818

Cross Reference:      201.01 Board Powers and Responsibilities

Unchecked/Unverified

## CERTIFICATED EMPLOYEES - RESIGNATION

Any certificated employee who wishes to be released from contract should consider the difficulty of securing an adequate replacement for the district and disruption to the educational program. A late resignation greatly increases this difficulty and disruption.

A certificated employee who wishes to be released from his/her contract shall immediately deliver a written and signed notice of resignation to the office of the Superintendent. The Superintendent, upon reviewing the request and its impact on the district, shall forward the request to the School Board with an appropriate recommendation.

The School Board shall make the final determination regarding the request but shall have no obligation to approve the employee's early release from contract.

The Board may request the employee to continue as a member of the staff and to fulfill the terms of his/her contract. The early release, if allowed, will become effective at the end of the school year in which it is submitted. If the employee has requested the release to become effective at an earlier date than the end of the school year, the Board may consider it on an individual basis.

An employee's refusal to fulfill his/her contract shall be cause for the district to request a suspension or revocation of certification by the Nebraska Department of Education.

Legal Reference:      Nebraska Statutes 79-817 to 79-845  
                          NDE Rule 27, part 007

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE CONTRACT RELEASE

A request for release from a contract shall be contingent upon finding a suitable replacement with the following exception: A request for release from contract submitted before May 1 of the current school year requesting release for the upcoming school year shall be accepted by the Board without any conditions.

The Superintendent or his designee shall have the sole responsibility for determining the criteria used to define a suitable replacement for each position.

If in the opinion of the certificated employee unusual circumstances exist, the certificated employee may appeal to the Board to waive any of the above stated requirements.

The superintendent is authorized to file a complaint with the Nebraska Professional Practices Commission against a certificated employee who leaves without proper release from the board.

The Board of Education reserves the right to seek damages against any certificated employee as a result of breach of contract.

Legal Reference:      NDE Rule 27  
                          Neb. Statute 79-817 et seq.

Cross Reference:     406.03 Certificated Employee Individual Contracts  
                          406.04 Certificated Employee Continuing Contracts

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFIED EMPLOYEE REDUCTION-IN-FORCE

1. Reductions in force of certificated staff members may be necessitated by decreasing enrollments, changes in financial support or expenditures, budget restrictions, changing programs, school district contracting, school district reorganization, or other changes in circumstances. If such changes occur and a reduction ref certificated staff is necessary, the Superintendent (or his designee) shall recommend to the Board of Education those certificated employees to be reduced under the reduction in force provisions of the continuing contract laws; provided, however, that no permanent employee may be terminated through a reduction in force while a probationary employee is retained in a position to perform a service that 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. Notice to the certificated employee and other procedures employed in regard to reductions in force shall comply with applicable law.
2. This policy specifically permits and allows reductions in force to occur which deal with total elimination or termination of contracts or positions, amendment of contracts or positions, reductions in force from full time to part time, reductions in force from parttime to a lesser part time, and any other reductions in force which result in the termination or amendment of a certificated employee's contract or employment position. This policy shall not be deemed to limit the Board of Education or the administration in regard to the removal, or change in assignments, of certificated staff from positions or contracts not subject to the continuing contract statutes.
3. The selection of personnel to be reduced shall be made with consideration given to the following (not listed in order of importance): (1) programs to be offered, (2) areas of certification and endorsement, (3) state and federal regulations which may mandate certain employment practices, (4) special qualifications which may require specific training and/or experience, (5) contributions to activity programs, (6) qualifications based on past performance and competence as determined by the Principal and/or Superintendent through employee evaluation and review of any prior disciplinary action or incidents, (7) the organizational and educational impact created by part time certificated employees, such part time employees to be given lowest priority for retention under this policy, and (8) length of uninterrupted service.

Uninterrupted service time for purposes of this policy shall accrue the same for all certificated employees regardless of their full time equivalency. Uninterrupted service time for employees employed less than a full school year shall accrue according to the number of contract days worked. Uninterrupted service time shall not accrue for certificated employees on leave of absence for more than forty (40) days. In considering the length of uninterrupted service factor, a certificated employee's total service time in the employee's area of endorsement may be considered.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Employee evaluations (including frequency of evaluations, evaluation forms, and number and length of classroom observations, if applicable) used for purposes of this policy shall materially conform to the board policies and administrative rules, regulations, and practices (in effect at the time) related to the periodic evaluation of certificated staff members.

Due to the often intimate, confidential, and unique personal working relationship necessary between the administration and the Board of Education, a certificated employee who is not currently serving in a predominantly administrative capacity shall have no rights under this policy to any administrative position within the school system.

4. Any certificated employee whose contract is reduced because of reduction in force shall be considered to have been dismissed with honor and shall, upon request, be provided a letter to that effect. Such employee shall have preferred rights to re employment for a period of twenty four months commencing at the end of the contract year and the employee shall be recalled on the basis of length of uninterrupted service to the school to any position for which he or she is qualified by endorsement or college preparation to teach. The employee shall, upon reappointment, retain any benefits which had accrued to said employee prior to the reduction, but such leave of absence shall not be considered as a year of employment by the district. An employee under contract to another educational institution may waive recall but such waiver shall not deprive the employee of his or her right to subsequent recall.

It shall be the responsibility of such certificated employee to file (with the Superintendent of Schools) a copy of said 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) evidence of any changes in said employee's certification or endorsements which have occurred (since March 15th of the previous year) or are pending shall be filed with the Superintendent of Schools.

Any certificated employee whose employment contract is reduced as a result of a reduction in force shall (during his/her period of recall) report his/her current address to the Superintendent of Schools and shall inform said Superintendent of any changes of address thereafter. If a vacancy in the system occurs for which said employee has rights of recall, the offer of such employment may be sent by said Superintendent to said employee's last known address. If no acceptance of such offer is received from said employee within fourteen days of mailing and the Superintendent has no personal knowledge of the whereabouts of said employee (other than said last known address), the employee shall be deemed to have waived his/her rights to recall to said employment position.

Legal Reference:

Neb. Statute 79-846 to 849  
79-824 to 844

Cross Reference:

402 Employees and Internal Relations  
406.08 Certificated Employee Evaluation

Unchecked/Unverified

## CERTIFICATED EMPLOYEE PROFESSIONAL DEVELOPMENT

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 school board, which may include, but are not limited to, educational travel, professional publications, or work on education committees.

Staff attending professional meetings are expected to bring back information and ideas to be shared with the rest of the staff for the improvement of the individual or the school. Administrators will report summaries of meetings to the Board of Education.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding professional development of such employees shall be followed.

Legal Reference:      NDE Rule 10  
                            Neb. Statute 79-830

Cross Reference:      409.02 Certificated Employee Training, Workshops or Conferences

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE TRAINING, WORKSHOPS OR CONFERENCES

Requests for attendance or participation in a development program, other than those development programs sponsored by the school district, shall be made to the superintendent. Approval of the superintendent must be obtained prior to attendance by a certificated employee in a professional development program when the attendance would result in the certificated employee being excused from their duties or when the school district pays the expenses for the program.

Employees authorized by the superintendent to represent the school system at training, workshops and conferences will be allowed salary and expenses in conformance with regulations on expense reimbursement.

The superintendent shall have sole discretion to allow or disallow certificated employees to attend or participate in the requested event. When making this determination, the superintendent will consider the value of the program for the certificated employee and the school district, the effect of the certificated employee's absence on the education program and school district operations and the school district's financial situation as well as other factors deemed relevant in the judgment of the superintendent.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding professional development of such employees shall be followed.

Cross Reference:      402.08 Employee Travel Compensation  
                          402.11 Credit Cards

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE TUTORING

During the school year, teachers should not tutor for pay any student they teach during the school year. Any instruction for which the teacher receives pay as a private tutor should not occur on school property or during the assigned time of the teacher. Exceptions shall be reviewed by the Board of Education.

Every effort will be made by the certificated employees to help students with learning problems before recommending that the parents engage a tutor. Since there are exceptional cases when tutoring will help students overcome learning deficiencies, tutoring by certificated employees may be approved by the superintendent.

Tutoring for a fee may not take place within school facilities or during regular school hours unless approved by the superintendent.

Legal Reference:      NDE Rule 27  
                            Neb. Statute 49-14,101.01

Cross Reference:      402.03 Employee Conflict of Interest

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE FAMILY AND MEDICAL LEAVE

The district will comply with all provisions of the Family and Medical Leave Act of 1993 and amendments.

Unpaid family and medical leave will be granted up to twelve (12) weeks in any twelve (12) month period to eligible certificated staff members for the following reasons:

1. the birth or care of a newborn child within one (1) year of the child's birth;
2. the placement or care by way of adoption or foster care with the staff member within one (1) year of the child's arrival;
3. to care for the staff member's spouse, parent or dependent child with a serious health condition;
4. if the staff member's own serious health condition prevents that employee from performing the functions of the employee's job;
5. in qualifying urgent situations arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

Unpaid leave will be granted up to twenty-six (26) weeks during a single twelve (12) month period to eligible certificated staff members to care for a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness.

For purposes of this policy, the twelve month period is defined as (*a "rolling period based on the date the leave is requested to begin and looking backward at the last twelve-months of use; a twelve-month period beginning August 1 and ending July 31; other*). Requests for family and medical leave shall be made to the superintendent.

To be eligible for FMLA benefits, a district employee must:

1. have worked for the district for a total of 12 months; and
2. have worked at least 1,250 hours over the previous 12 months.

When meeting the requirements set out in the family and medical leave administrative rules, employees may be allowed or required to substitute paid leave for unpaid family and medical leave according to the terms and conditions of the district's normal leave policies. Employees eligible for family and medical leave must comply with the family and medical leave administrative rules prior to starting family and medical leave.

Requests for FMLA leave shall be submitted in writing. This policy shall not be construed to expand eligibility for an FMLA leave beyond what is required by the Act. It shall be the responsibility of the superintendent to implement this policy.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding family and medical leave of such employees shall be followed.

Legal Reference: 29 U.S.C. §§ 2601 et seq. (1994)  
29 C.F.R. Pt. 825 (1996).

Cross Reference: 410.02 Certificated Employee Personal Illness Leave  
410.08 Certificated Employee Unpaid Leave  
415.03 Support Staff Family and Medical Leave

Unchecked/Unverified

## CERTIFICATED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATIONS

### Determining the 12-month previous employment eligibility:

While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more need not be counted unless the break is occasioned by the employee's fulfillment of his or her National Guard or Reserve military obligation (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA)), or a written agreement, including a collective bargaining agreement, exists concerning the district's intention to rehire the employee after the break in service.

### Spouses employed by the same employer:

Spouses employed by the same employer are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 weeks (or 26 weeks if leave to care for a covered service member with a serious injury or illness is also used). Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.

### Serious Health Condition defined:

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves either:

1. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
2. Continuing treatment by a health care provider, which includes:
  - A. A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:
    - 1) treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or
    - 2) one treatment by a health care provider (i.e., an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or
  - B. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
  - C. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or

- D. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
- E. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

**Intermittent Leave for "Instructional Employees":**

Special rules apply if an employee employed "mainly in an instructional capacity" requests intermittent leave or leave on a reduced schedule because of his/her own serious health condition or the serious health condition of a parent, child, or spouse that is foreseeable based on a planned medical treatment and the employee would be gone for more than twenty percent (20%) of the working days during the period of leave. In such cases, the district may require the employee to do the following things:

- 1. Take leave for periods of a particular duration not to exceed the duration of the planned medical treatment.
- 2. Transfer temporarily to another position offered by the district for which the employee is qualified, as long as the new position has equivalent pay and benefits and better accommodates the recurring periods of leave.

An instructional employee who takes leave constituting less than twenty percent (20%) of the working days during the leave period would not be subject to transfer to an alternative position, or a requirement to be on leave for the duration of the treatment period.

An employee will be denied intermittent leave or leave on a reduced leave schedule to care for an immediate family member (spouse, child, parent) with a serious health condition or if the employee has a serious health condition, if:

- 1. The employee, whether requesting leave because of his/her own serious health condition or because of the serious health condition of a parent, child, or spouse fails to establish, through medical certification, that there is a medical need for such a leave (as distinguished from voluntary treatments and procedures or a continuous treatment schedule).
- 2. The employee, whether requesting leave for his/her own serious health condition or because of the serious health condition of a family member, fails to establish, through medical certification, that it is medically necessary for the leave to be taken intermittently on a reduced leave schedule.

Intermittent leave or a reduced leave schedule may not be taken for the birth of a child or for the placement of a child for adoption or foster care.

When intermittent leave or leave on a reduced leave schedule is requested based on planned medical treatment, the district also may alter an existing job to better accommodate the employee's need for intermittent or reduced leave. The alternative or altered position must have equivalent pay and benefits.

**End-Of-Semester Circumstances**

In some circumstances, the district may require instructional employees to continue their leave to the end of the academic semester within the FMLA guidelines.

### Maintenance Of Health Benefits

The district is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave. In some instances, the district may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

### Job Restoration

Upon return from FMLA leave, an employee will be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave, nor be counted against the employee under a "no fault" attendance policy. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked or perfect attendance, and the employee has not met the goal due to FMLA leave, payment may be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave. An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

### Notice And Certification

**Employee Notice:** Employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable – generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to the district as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the district's usual and customary notice and procedural requirements for requesting leave.

Employees must provide sufficient information for the district reasonably to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, and/or that the employee or employee's qualifying family member is under the continuing care of a health care provider.

When an employee seeks leave due to a FMLA-qualifying reason for which the district has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

**Employer Notice:** The district will post a notice approved by the Secretary of Labor explaining rights and responsibilities under FMLA. Additionally, the district will either include this general notice in employee handbooks or other written guidance to employees concerning benefits, or must distribute a copy of the notice to each new employee upon hiring.

When an employee requests FMLA leave or the district acquires knowledge that leave may be for a FMLA purpose, the district shall notify the employee of his or her eligibility to take leave,

and inform the employee of his/her rights and responsibilities under FMLA. When the district has enough information to determine that leave is being taken for a FMLA-qualifying reason, the district must notify the employee that the leave is designated and will be counted as FMLA leave.

Certification: The district may require that an employee's request for leave due to a serious health condition affecting the employee or a covered family member be supported by a certification from a health care provider. The district may require second or third medical opinions (at the district's expense) and periodic recertification of a serious health condition. The district may use a health care provider, a human resource professional, a leave administrator, or a management official – but not the employee's direct supervisor – to authenticate or clarify a medical certification of a serious health condition. The district may have a uniformly-applied policy requiring employees returning from leave for their own serious health condition to submit a certification that they are able to resume work. If reasonable safety concerns exist, the district may, under certain circumstances, require such a certification for employees returning from intermittent FMLA leave.

Unchecked/Unverified

**Application for Leave  
Family and Medical Leave Act**

Employee Name: \_\_\_\_\_ Position: \_\_\_\_\_

Send notices to me at: \_\_\_\_\_

**FMLA Leave Requested** From \_\_\_\_\_  
To \_\_\_\_\_

If leave is requested on an intermittent or reduced leave schedule, describe the requested leave schedule: \_\_\_\_\_

**Reason for Leave Request** (check and complete as appropriate):

- For birth of a son or daughter, and to care for the newborn child.
- For placement with the employee of a son or daughter for adoption or foster care.
- To care for the employee's spouse, son or daughter, or parent with a serious health condition.

Name of family member: \_\_\_\_\_

Describe reason employee needs to provide the care and the nature of the care: \_\_\_\_\_

- Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.

Briefly describe condition and job functions that employee is unable to perform: \_\_\_\_\_

- Because of a qualifying exigency arising out of the fact that the employee's spouse, son or daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

Name and relationship of family member: \_\_\_\_\_

Describe the qualifying exigency: \_\_\_\_\_

- To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

Name and relationship of family member: \_\_\_\_\_

Describe reason employee needs to provide the care and the nature of the care: \_\_\_\_\_

I certify that the above information given by me is correct and that I have read the foregoing and understand my rights under the FMLA.

Employee's Signature

Date

## CERTIFICATED EMPLOYEE UNPAID/SABBATICAL LEAVE

The Board of Education recognizes that the personal welfare and professional growth of its employees may require extended absences.

After a minimum of five years of employment in the Bennington Public Schools, an employee may apply to the Board of Education for Board approval for a one year leave of absence for professional study, child care, family responsibilities, travel, and approved special requests.

One employee may be on leave each year. If more than one request is received, approval will be based on the combination of seniority, date of application, reason for requesting leave, and subsequent value to the school district.

Requests for leaves must be submitted in writing to the Superintendent prior to April 1 for the next school year. Emergency requests for leaves requested after April 1 may be reviewed by the Board for consideration.

No salary or benefits will be paid by the district during the year of absence. If the employee wishes to continue with insurance this may be done at the employee's expense. Salary advancement will not include the one year leave of absence.

An employee who wishes to return from the leave shall notify the superintendent in writing by April 1. If no such notice is received by April 1, the employee is to have considered to have resigned.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding the unpaid leave of such employees shall be followed.

Cross Reference: 410.03 Certificated Employee Family and Medical Leave

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE ADOPTION LEAVE

Adoption leave will be permitted to be taken by an adoptive parent for the same time and on the same terms as an employee is permitted to take a leave of absence upon the birth of the employee's child. Since the District does not allow a leave of absence upon birth except as sick leave, the adoption leave will be permitted only if it is determined by the employee's physician that leave is needed for health related reasons and the employee has sick leave available for such leave.

The adoptive parent leave of absence begins following the commencement of the parent-child relationship. The parent-child relationship commences, for purposes of adoption leave, when the child is placed with the employee for purposes of adoption. The employee shall be deemed to have waived any adoptive leave days not taken following the commencement of the parent-child relationship, except as the Superintendent and the employee may otherwise agree. Advance notice of an anticipated adoption shall be provided by the employee to the Superintendent as soon as possible.

Adoption leave will not be available where the child being adopted is: (1) a special needs child over eighteen years of age, (2) over eight years of age and not a special needs child, (3) a stepchild being adopted by the child's stepparent, (3) a foster child being adopted by the child's foster parent, or (4) a child who was originally under a voluntary placement for purposes other than adoption, without assistance from an attorney, physician, or other individual or agency, which later results in a petition for the adoption of the child by the person with whom the voluntary placement was made.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUBSTITUTE TEACHERS

A substitute teacher shall be properly certified to teach in the State of Nebraska, and may be employed for periods of time in the absence of the regular teacher.

Rates of compensation for substitute teachers will be set by the board.

Substitute teachers will not participate in the health plan or other fringe benefits of the school district.

Substitute teachers are appointed on a temporary basis and continue as needs require. They do not come under the provisions of the Nebraska Teacher Tenure law.

It shall be the responsibility of the building principal to maintain a list of substitute teachers who may be called upon to replace regular contract certificated employees. Individuals whose names do not appear on this list will not be employed as a substitute without specific approval of the superintendent. It shall be the responsibility of the building principal to fill absences with substitute teachers immediately.

Cross Reference: 406.01 Certificated Employee Defined

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## ATTENDANCE OFFICER

The board shall appoint a certificated employee from each school building to serve as the building's attendance officer.

The principal shall notify the attendance officer when a student is truant. The attendance officer shall investigate the cause of a student's truancy and attempt to ensure the student's attendance. The attendance officer may take the student into custody. A student taken into custody shall be placed in the custody of the principal. The attendance officer shall attempt to contact the student's parents when the student is taken into custody.

Legal Reference: Neb. Statute 79-208 and 209

Cross Reference: 503.04 Truancy - Unexcused Absences

## EDUCATION AIDE

The board may employ education aides or other instructional support personnel to assist certificated personnel in nonteaching duties, including, but not limited to:

- managing and maintaining records, materials and equipment;
- attending to the physical needs of children; and
- performing other limited services to support teaching duties when such duties are determined and directed by the teacher.

The Board of Education recognizes that individual class size and its respective characteristics of those students along with age will create a variance of needs. The needs of a class, as a whole, will be carefully considered by the administration in determining when to recommend the assistance of a paraprofessional.

Education aides who hold a teaching certificate shall be compensated at the rate of pay established for their position as an education aide. It shall be the responsibility of the principal to supervise education aides.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

STUDENT TEACHERS

The district will cooperate with colleges and universities by allowing students who are preparing to teach to devote a reasonable amount of time to training in our schools, provided that this training will in no way impede the satisfactory progress of pupils.

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## SUPPORT 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 support 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.

All vacancies shall be made known to the present staff. Anyone qualified for a position may submit an application.

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 central administration office. A standard application form shall be developed for these positions to ensure the enforcement of non-discrimination employment procedures. A signed release shall be obtained from the prospective candidates authorizing reference and background checks.

Whenever possible, the preliminary screening of applicants shall be conducted by the administrator who directly supervises and oversees the position. The interviewer shall work from a written list of interview questions, using the same set of questions for each applicant. Gaps in the applicant's employment record will be questioned and checked.

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.

Multiple reference checks may be made by telephone and a standard list of questions should be used in the screening process

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

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## SUPPORT STAFF ASSIGNMENT

The superintendent shall assign and reassign non-certificated employees to their responsibilities and duties subject to Board approval.

The principals shall have the authority to assign specific activities, supervision of pupils in halls, study halls, playgrounds, work on faculty committees and staff activities, and other duties necessary for the operation of the school. Job descriptions are available for all personnel and assignments.

Cross Reference: 201.01 Board Powers and Responsibilities

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

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## SUPPORT STAFF EVALUATION

Evaluation of support staff on their skills, abilities, and competence shall be an ongoing process supervised by the superintendent. The goal of the formal evaluation of support staff shall be to maintain support staff who meet or exceed the board's standards of performance, to clarify each support staff member's role, to ascertain the areas in need of improvement, to clarify the immediate priorities of the board, and to develop a working relationship between the administrators and other employees.

It shall be the responsibility of the superintendent to ensure support staff are formally evaluated annually. New and probationary support staff shall be formally evaluated at least once a year but may be evaluated more frequently at the supervisor's discretion.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

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## SUPPORT STAFF RESIGNATION

Support staff who wish to resign during the school year shall give the board notice of their intent to resign 14 days prior to their last working day.

Notice of the intent to resign and intended final date of employment shall be in writing to the superintendent.

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Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUPPORT STAFF DISMISSAL

The board believes classified employees should perform their jobs, respect board policy and obey the law. A support staff member may be dismissed upon thirty days notice or immediately for cause. Due process procedures shall be followed.

All non-certificated employees and non-certificated assignments shall be employed on an "at-will" basis. Non-certificated employees shall have no property right in continued employment.

It shall be the responsibility of the superintendent to make a recommendation for dismissal of an at-will employee to the board. A support staff member may be dismissed for any reason, including, but not limited to, incompetence, willful neglect of duty, reduction-in-force, willful violation of board policy or administrative regulations, or a violation of the law.

In the event the Administration determines to recommend termination of an at-will employee to the board, the non-certificated employee shall be notified of such recommendation in writing by the Administration.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUPPORT STAFF FAMILY AND MEDICAL LEAVE

The district will comply with all provisions of the Family and Medical Leave Act of 1993 and amendments.

Unpaid family and medical leave will be granted up to twelve (12) weeks in any twelve (12) month period to eligible support staff members for the following reasons:

1. the birth or care of a newborn child within one (1) year of the child's birth;
2. the placement or care by way of adoption or foster care with the staff member within one (1) year of the child's arrival;
3. to care for the staff member's spouse, parent or dependent child with a serious health condition;
4. if the staff member's own serious health condition prevents that employee from performing the functions of the employee's job;
5. in qualifying urgent situations arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

Unpaid leave will be granted up to twenty-six (26) weeks during a single twelve (12) month period to eligible support staff members to care for a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness.

For purposes of this policy, the twelve month period is defined as (*a "rolling period based on the date the leave is requested to begin and looking backward at the last twelve-months of use; a twelve-month period beginning August 1 and ending July 31; other*). Requests for family and medical leave shall be made to the superintendent.

To be eligible for FMLA benefits, a district employee must:

1. have worked for the district for a total of 12 months; and
2. have worked at least 1,250 hours over the previous 12 months.

When meeting the requirements set out in the family and medical leave administrative rules, employees may be allowed or required to substitute paid leave for unpaid family and medical leave according to the terms and conditions of the district's normal leave policies. Employees eligible for family and medical leave must comply with the family and medical leave administrative rules prior to starting family and medical leave. Requests for FMLA leave shall be submitted in writing. This policy shall not be construed to expand eligibility for an FMLA leave beyond what is required by the Act. It shall be the responsibility of the superintendent to implement this policy.

Legal Reference: 29 U.S.C. §§ 2601 et seq. (1994)  
29 C.F.R. Pt. 825 (1996).

Cross Reference: 410.03 Certificated Employee Family and Medical Leave  
415.02 Support Staff Personal Illness Leave  
415.08 Support Staff Unpaid Leave

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## SUPPORT STAFF FAMILY AND MEDICAL LEAVE REGULATIONS

### Determining the 12-month previous employment eligibility:

While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more need not be counted unless the break is occasioned by the employee's fulfillment of his or her National Guard or Reserve military obligation (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA)), or a written agreement, including a collective bargaining agreement, exists concerning the district's intention to rehire the employee after the break in service.

### Spouses employed by the same employer:

Spouses employed by the same employer are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 weeks (or 26 weeks if leave to care for a covered service member with a serious injury or illness is also used). Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.

### Serious Health Condition defined:

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

1. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
2. Continuing treatment by a health care provider, which includes:
  - A. A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:
    - 1) treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or
    - 2) one treatment by a health care provider (i.e., an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or
  - B. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
  - C. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or

- D. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
- E. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

**Intermittent Leave for "Instructional Employees":**

Special rules apply if an employee employed "mainly in an instructional capacity" requests intermittent leave or leave on a reduced schedule because of his/her own serious health condition or the serious health condition of a parent, child, or spouse that is foreseeable based on a planned medical treatment and the employee would be gone for more than twenty percent (20%) of the working days during the period of leave. In such cases, the district may require the employee to do the following things:

1. Take leave for periods of a particular duration not to exceed the duration of the planned medical treatment.
2. Transfer temporarily to another position offered by the district for which the employee is qualified, as long as the new position has equivalent pay and benefits and better accommodates the recurring periods of leave.

An instructional employee who takes leave constituting less than twenty percent (20%) of the working days during the leave period would not be subject to transfer to an alternative position, or a requirement to be on leave for the duration of the treatment period.

An employee will be denied intermittent leave or leave on a reduced leave schedule to care for an immediate family member (spouse, child, parent) with a serious health condition or if the employee has a serious health condition, if:

1. The employee, whether requesting leave because of his/her own serious health condition or because of the serious health condition of a parent, child, or spouse fails to establish, through medical certification, that there is a medical need for such a leave (as distinguished from voluntary treatments and procedures or a continuous treatment schedule).
2. The employee, whether requesting leave for his/her own serious health condition or because of the serious health condition of a family member, fails to establish, through medical certification, that it is medically necessary for the leave to be taken intermittently on a reduced leave schedule.

Intermittent leave or a reduced leave schedule may not be taken for the birth of a child or for the placement of a child for adoption or foster care.

When intermittent leave or leave on a reduced leave schedule is requested based on planned medical treatment, the district also may alter an existing job to better accommodate the employee's need for intermittent or reduced leave. The alternative or altered position must have equivalent pay and benefits.

**End-Of-Semester Circumstances**

In some circumstances, the district may require instructional employees to continue their leave to the end of the academic semester within the FMLA guidelines.

### Maintenance Of Health Benefits

The district is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave. In some instances, the district may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

### Job Restoration

Upon return from FMLA leave, an employee will be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave, nor be counted against the employee under a "no fault" attendance policy. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked or perfect attendance, and the employee has not met the goal due to FMLA leave, payment may be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave. An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

### Notice And Certification

**Employee Notice:** Employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable – generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to the district as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the district's usual and customary notice and procedural requirements for requesting leave.

Employees must provide sufficient information for the district reasonably to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, and/or that the employee or employee's qualifying family member is under the continuing care of a health care provider.

When an employee seeks leave due to a FMLA-qualifying reason for which the district has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

**Employer Notice:** The district will post a notice approved by the Secretary of Labor explaining rights and responsibilities under FMLA. Additionally, the district will either include this general notice in employee handbooks or other written guidance to employees concerning benefits, or must distribute a copy of the notice to each new employee upon hiring.

When an employee requests FMLA leave or the district acquires knowledge that leave may be for a FMLA purpose, the district shall notify the employee of his or her eligibility to take leave, and inform the employee of his/her rights and responsibilities under FMLA. When the district has enough information to determine that leave is being taken for a FMLA-qualifying reason, the district must notify the employee that the leave is designated and will be counted as FMLA leave.

Certification: The district may require that an employee's request for leave due to a serious health condition affecting the employee or a covered family member be supported by a certification from a health care provider. The district may require second or third medical opinions (at the district's expense) and periodic recertification of a serious health condition. The district may use a health care provider, a human resource professional, a leave administrator, or a management official – but not the employee's direct supervisor – to authenticate or clarify a medical certification of a serious health condition. The district may have a uniformly-applied policy requiring employees returning from leave for their own serious health condition to submit a certification that they are able to resume work. If reasonable safety concerns exist, the district may, under certain circumstances, require such a certification for employees returning from intermittent FMLA leave.

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## SUPPORT STAFF ADOPTION LEAVE

Adoption leave will be permitted to be taken by an adoptive parent for the same time and on the same terms as an employee is permitted to take a leave of absence upon the birth of the employee's child. Since the District does not allow a leave of absence upon birth except as sick leave, the adoption leave will be permitted only if it is determined by the employee's physician that leave is needed for health related reasons and the employee has sick leave available for such leave.

The adoptive parent leave of absence begins following the commencement of the parent-child relationship. The parent-child relationship commences, for purposes of adoption leave, when the child is placed with the employee for purposes of adoption. The employee shall be deemed to have waived any adoptive leave days not taken following the commencement of the parent-child relationship, except as the Superintendent and the employee may otherwise agree. Advance notice of an anticipated adoption shall be provided by the employee to the Superintendent as soon as possible.

Adoption leave will not be available where the child being adopted is: (1) a special needs child over eighteen years of age, (2) over eight years of age and not a special needs child, (3) a stepchild being adopted by the child's stepparent, (3) a foster child being adopted by the child's foster parent, or (4) a child who was originally under a voluntary placement for purposes other than adoption, without assistance from an attorney, physician, or other individual or agency, which later results in a petition for the adoption of the child by the person with whom the voluntary placement was made.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## BENNINGTON BOARD POLICY MANUAL

### Section 500 Students

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## 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, marital 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.

Inquiries 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.

Inquiries 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., 8th 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.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

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).

Cross Reference: 100 District Organization and Basic Commitments

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## RESIDENT STUDENTS

The residence of a student means the place, abode, or dwelling of the student. Generally, the legal dwelling of minors is the same as their parents. However, a student may establish a dwelling with someone other than the parents and attend public school in the school district without paying tuition if the primary purpose for residing in the school district is not for the purpose of obtaining a free public education.

### Admission and Contracting for Educational Services

1. This school district will admit resident students without charge, provided other admission requirements are met, under the following circumstances:
2. Upon request a student who resides within the boundaries of the school district.
3. Upon request, a student residing in the school district who is a ward of the state or a ward of any court.
4. Upon request a homeless student. The following definition shall be used as a guide 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.

Each case involving the determination of residence of a student will be decided upon its individual merits by the superintendent. Payment of tuition will not be required in cases where the student would otherwise be denied free common school privileges. The burden of proof as to legal residence shall rest with the person claiming legal residence in the district.

Legal Reference: *UNCLASSIFIED* Neb. Statute 79-215

Cross Reference:      101    District Organization and Basic Commitments  
                              503    Student Attendance  
                              801    Transportation

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## NONRESIDENT STUDENTS

### Option Enrollment

1. Application Process and Time Lines. For a student to attend Bennington Public Schools as an option enrollment student, the student's parent or legal guardian shall submit an application to the Board of Education of the Bennington Public School District during the application period (that is, between September 1 and March 15<sup>th</sup> for enrollment during the following and subsequent school years). The Bennington Public School District shall notify, in writing, the parent or legal guardian of the student, the resident school district, and the State Department of Education whether the application is accepted or rejected on or before April 1.

The March 15 application deadline shall not be waived by the Board of Education of the Bennington Public School District for applications to option into the Bennington Public School District.

The Bennington Public School District will upon request provide a written release for applications to option out of Bennington Public Schools. The Superintendent is hereby authorized to execute written releases for option out applications on behalf of the School Board and the School District subject to subsequent ratification by the School Board.

2. Rejection of Applications; Reasons.
  - A. Capacity. An option enrollment application shall be rejected in the event the capacity of a program, class, grade level, or school building or the availability of appropriate special education programs operated by the school district, would be exceeded by acceptance of the application, and an option enrollment application shall be rejected in the event the application is for enrollment in a program, class, grade level, or school building which has been declared unavailable to option students due to lack of capacity.
  - B. Timeliness. An option enrollment application shall be rejected in the event the application is not filed on a timely basis and the filing deadline has not been waived.
  - C. Previous Option Enrollment. An option enrollment application shall be rejected in the event the student has previously filed an option enrollment application for enrollment in any school district and had such application accepted, unless a statutory exception to the "one-time" rule is applicable to the student's circumstance.

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- D. Other Reasons. An option enrollment application shall be rejected in the event the Superintendent, the superintendent's designee, or the school board determines: The application is not submitted on a form prescribed by the State Department of Education, is not completely and accurately filled in, is not received within the time required by law, or any additional information requested to be supplied is not supplied to the school district within the time lines indicated; or in the event the acceptance of the application is not required by law. Matters which are legally prohibited from being considered as standards for acceptance or rejection of applications (including "previous academic achievement athletic or extracurricular ability, disabilities, proficiency in the English language or previous disciplinary proceedings" and further including without limitation race, national origin, and gender) shall not be considered as reasons for acceptance or rejection.
3. Priority of Acceptance. Priority shall be accorded in the following order: (1) first, to those applications required to be given priority by law, (2) second, to those with a sibling in attendance at Bennington Public Schools, with priority within this group being given to those who had earliest filed applications, and (3) third to those without an option student sibling in attendance at Bennington Public Schools, with priority to those within this group to those who had earliest filed applications. Filing date determinations are made by the Superintendent, or the Superintendent's designee. In the event applications within a group are received at the same or substantially the same time, priority as between such same-date applications shall be determined on the basis of random drawing.
4. Determination of Capacity. The School Board will determine and set the maximum number of option enrollment applications the school district will accept for any program, class, grade level, or school building, or in any special education programs operated by this school district, based upon available staff, facilities, projected enrollment of resident students, projected number of students with which this school district will contract based on existing contractual arrangements, and availability of appropriate special education programs, and may declare a program, class or school unavailable to option students due to lack of capacity. Such determinations may be made in the form of an Appendix "1" to this Policy. The determination and declaration made for any school year shall continue in effect for the next and subsequent school years unless otherwise determined and/or declared.
5. Status of Option Student. A student who is admitted under the enrollment option program shall be treated as a resident student, and in such regard shall be required to provide such enrollment information and documentation as is required for enrollment of other students (e.g., evidence of birth date, physical examination, and immunization), shall be required to be enrolled on a full time basis and shall be required to adhere to conduct rules and regulations. The building assignment for an option student as well as classroom and grade level assignments shall be determined by the administration.

An option student shall not be entitled to transportation except as required by law. The District may enter into an agreement with the parent or guardian of an option student to provide transportation. Any such agreement shall require that the parent or guardian of the option student reimburse Bennington Public Schools for such transportation at an agreed fee which shall be sufficient to recover the additional costs incurred by Bennington Public Schools for such transportation. An option student maybe transported for no fee provided the student meets the assigned bus at a pick up location within a regular assigned route and the bus is not at capacity as determined by the administration. Any transportation services provided to an option student may be discontinued in the sole discretion of the administration or School Board as the School Board does not authorize the granting of a continuing right to transportation to any option student. Two weeks notice of discontinuance of transportation services will be provided when determined by the administration to be practicable.

6. Information Regarding Schools Programs Policies and Procedures As Dart of the option enrollment program administration shall make information about Bennington Public Schools and its schools, programs, policies and procedures available to all interested persons and have a copy of the option enrollment policy and regulations available at each school building.

#### Non-Option Enrollment Students

1. Upon request, a student who is residing in a residential setting not located in this school district, provided that the student is residing in the residential setting for reasons other than to receive an education, such residential placement is located in a school district other than this school district, and the student resided in this school district immediately prior to the time of the student was placed in a residential setting; in such circumstances, this school district will contract with the school district in which such residential setting is located, to the extent required by law, for the provision of educational services to the student. Student tuition shall not be less than the average cost per pupil as determined by the previous year's financial report.
2. The school district may admit certain other non-resident students, provided other admission requirements are met, under the following circumstances:
  - A. Upon request of an enrolled student whose residency in the district ceases during the school; such continued enrollment may, in the discretion of the Superintendent or designee, be for the remainder of that school year. Upon request of a student who is a resident of Nebraska, pursuant to a contract between the Boards of Education of this school district and the resident school district and upon collection of tuition pursuant to such contract.
  - B. Upon request of a student from another state and approval of the Superintendent or designee, upon collection of tuition in advance at a rate determined by the Board of Education.

- C. Students who do not reside within the boundaries of the school district but are in the process of moving into the district may be accepted as temporary non resident students based on the following criteria.

  - 1) Non residency of students must be of a temporary nature.
  - 2) Prior to enrollment, a letter must be written to the Board requesting admission, specifying name and grade of children, and providing proof that they are in the process of establishing residence in the district. (Proof establishing residence in the district will be determined by the board of education through such measures as a fully executed purchase agreement without contingencies.)
  - 3) Residency of students must be completed within one school semester or 90 school days from the time of enrollment.
  - 4) The district will not provide transportation to and from school.
  - 5) Payment of non-resident tuition must be paid by semester in advance.
  - 6) A total refund of tuition payment will be made when residency has been established in the district within the 90 school day limit.

## Legal Reference:

Neb. Statute 79-215

79-232

NDE Rule 19

## Cross Reference:

## 503 Student Attendance

801 Transportation

## NONRESIDENT STUDENTS—OPTION ENROLLMENT

### 1. Process and Time Lines to Option In

For a student to attend Bennington Public Schools as an option enrollment student, the student's parent or legal guardian must submit an application to the Board of Education of the Bennington Public School District between September 1 and March 15 for enrollment during the following and subsequent school years (the "application period"). In the event a student relocates from the Bennington Public School District to a different school district and wishes to attend Bennington Public Schools as an option student, the application period is within thirty (30) days after the relocation. In the event the Bennington Public School District merges with another school district and a student wishes to attend Bennington Public Schools as an option student, the application period is within thirty (30) days after the effective date of the merger.

Upon receipt of an application, the Superintendent or the Superintendent's designee shall provide the resident school district with the name of the applicant on or before April 1 or, in the case of an application submitted after March 15, within sixty days after submission.

The application deadline will be waived by the School Board for applications to option into the Bennington Public School District, provided that the application contains a release approval from the resident district and satisfies any other requirements of law. The application deadline shall not be waived if the application is for enrollment in any program, class, grade level or school building or in any special education programs operated by this School District which have been determined by the School Board to be at capacity in accordance with the capacity standards (Appendix "1"), and no waiver of the deadline shall be made for such an application regardless of whether such capacity determinations are declared invalid for any reason.

### 2. Rejection of Applications; Reasons

Acceptance or rejection of applications shall be governed by Board Policy and applicable law.

### 3. Priority of Acceptance

Priority shall be governed by Board Policy and applicable law.

### 3. Determination of Capacity

The School Board will determine capacity for option enrollment.

## NONRESIDENT STUDENTS—OPEN ENROLLMENT

### 1. Maximum Capacity

On or before March 1 each year, the maximum capacity for each school building and the total projected enrollment, including intra-district transfers, if any, shall be established pursuant to procedures and criteria established by the learning community coordinating council. The Superintendent or the Superintendent's designee is authorized to sign, date and submit the enrollment capacity data sheets to the learning community coordinating council on behalf of the Board and take all other actions required to comply with the open enrollment law.

To assist in making such determinations, the parents or guardians of a student who is currently attending a school building or program (except a magnet school, focus school, or focus program) outside of the attendance area where the student resides and who will complete the grades offered at such school building prior to the following school year shall provide notice to the school board, on a form provided by the District, on or before February 15. The notice shall indicate if the student will attend another school building within the District as a continuing student and which school building the student would prefer to attend.

On or before March 1, the school board shall provide a notice to such parent or guardian stating which school building or buildings the student shall be allowed to attend as a continuing student for the following school year. If the student resides within the District, the notice shall include the school building offering the grade the student will be entering for the following school year in the attendance area where the student resides.

### 2. Open Enrollment Process

A non-resident of Bennington Public Schools who resides in the Learning Community of Douglas and Sarpy Counties may attend Bennington Public Schools under the open enrollment process.

Applications for open enrollment shall be made available by the District to the general public on or before January 15 of each year.

Applications for open enrollment that are filed within the deadline established by law (on or before March 15 for enrollment during the following school year) will be accepted or rejected based on the capacity of the school building for which enrollment is sought, the number of such applicants that will be accepted for a given school building, and whether or not the applicant contributes to the socioeconomic diversity of the school or program to which the applicant has applied and for which the applicant is eligible.

Applications shall be accepted or rejected on or before April 1. Applicants shall be notified of acceptance or rejection on or before April 5. In the event an application is accepted and the applicant fails to notify the District of acceptance of the open enrollment

applicant's qualification for free or reduced-price lunches for purposes of the open enrollment application shall be based on any verified information provided on the application. If no such information is provided the student shall be presumed not to qualify for free or reduced-price lunches for the purposes of the open enrollment application.

Each year, the Superintendent or the Superintendent's designee shall randomly select 3% of open enrollment applications received and selected for open enrollment for verification of free and reduced lunch or non-free and reduced lunch status.

Notwithstanding the capacity determination for an individual school building or program of the Bennington Public School District, the District intends to apply reciprocity for students who contribute to the socioeconomic diversity of the District's buildings or programs. If: (a) a student who is a resident of another Learning Community school district submits an application for open enrollment in a Bennington Public School District building or program that would otherwise be rejected due to lack of capacity and (b) a Learning Community school district has received and accepted an open enrollment application from a resident student of the Bennington Public School District that contributes to the socioeconomic diversity of the school building or program for which the application has been granted, then (c) the Superintendent or designee may accept the open enrollment of the student into the Bennington Public School District if such would contribute to the socioeconomic diversity of the building or program to which the student has applied.

**Random Drawing.** In the event capacity remains in a school building after consideration of the foregoing preferences, students who have applied to attend such school building shall be selected to attend such school building on a random basis up to the remaining capacity of such school building.

**Acceptance within Same Priority.** If the number of students of the same preference who have applied to attend a school building exceeds the remaining capacity of such school building, the selection amongst applicants of the same preference shall be made by random selection up to the remaining capacity of such building.

### C. Ineligible Students

A student who has otherwise been disqualified from the school building pursuant to the school district's code of conduct or related school discipline rules shall not be eligible for open enrollment.

A student may not apply to attend a school building for any grades that are offered by another school building for which the student had previously applied and been accepted pursuant to the open enrollment process, absent a hardship

- (3) If, after selection of students for a focus school or focus program in accordance with the foregoing is completed, capacity remains in the focus school or focus program, the Superintendent or Superintendent's designee shall randomly select applicants up to the remaining capacity of the focus school building or focus program or until all applications have been processed.

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**NONRESIDENT STUDENTS—OTHER NON-RESIDENT STUDENTS**

1. The District will enter into contracts for students residing in a residential setting not located in this school district, provided that the student is residing in the residential setting for reasons other than to receive an education, the student resided in this school district immediately prior to the time of the student was placed in a residential setting, and other legal requirements are established. In such circumstances, this school district will contract with the school district in which such residential setting is located, to the extent required by law, for the provision of educational services to the student. Such contract may be with the residential facility if it operates a Rule 18 interim school and the parent has not requested the contract be with the public school in which the residential facility is located, or the parent has waived such a contract.
2. The school district may admit certain other non-resident students as and to the extent required or permitted by law, provided other admission requirements are met. Such circumstances include:
  - A. Upon request of an enrolled student whose residency in the district ceases during the school. Such continued enrollment may, in the discretion of the Superintendent or designee, be for the remainder of that school year.
  - B. Upon request of a student who is a resident of Nebraska, pursuant to a contract between the Boards of Education of this school district and the resident school district and upon collection of tuition pursuant to such contract.
  - C. Upon request of a student from another state and approval of the Superintendent or designee, upon collection of tuition in advance at a rate determined by the Board of Education.
  - D. Students who do not reside within the boundaries of the school district but are in the process of moving into the district may be accepted as temporary non-resident students based on the criteria established in Board Policy.

## ENTRANCE - ADMISSIONS

Children in the school district community will be allowed to enroll in the school district's regular education program beginning at age five. The child must be age five on or prior to October 15 to participate in the school district's kindergarten program or beginner grade, or be admitted under exceptions provided by state statute.

The board may admit a child who will reach the age of five between October 16 and February of the current school year if the parent or guardian requests such entrance and provides an affidavit stating that (a) the child attended kindergarten in another jurisdiction in the current school year or (b) the family anticipates a relocation to another jurisdiction that would allow admission within the current year. Early admission based on ability assessment reports is not permitted.

A child shall be eligible to enter first grade at the beginning of the school year if the child has not attended kindergarten but 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 such grade level is the appropriate placement for the child.

The Elementary Principal shall rule on all cases of early entrance. Upon admission to the district the parents/legal guardian of any child preschool to grade 12, shall furnish (a) a certified copy of the student's birth certificate issued by the state in which the child was born, or (b) other reliable proof of the child's identity and age, (i.e. naturalization or immigration documents showing date of birth or official hospital birth records) accompanied by an affidavit explaining the inability to produce a copy of the 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.

If the parents/legal guardian fails to provide this information, they will receive in writing a statement explaining the need for them to provide this information within thirty days.

If the parents/legal guardian fails to comply with this request within 30 days the school shall notify them in writing that they need to comply within 10 days. If compliance is not obtained within that 10 day period, the school shall immediately report the matter to the Douglas County Sheriff's Department for investigation.

If the affidavit requested appears inaccurate or suspicious in form or content, this shall be reported immediately to the Douglas County Sheriff's Department.

### **Graduates**

The student who has received a high school diploma or received a General Equivalency Diploma shall not be enrolled in Bennington Public Schools.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## Age 21

A student shall not be enrolled in the Bennington Public Schools 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.

## 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, and may require that the enrollment be on agreed to probation terms until the term or time period of the original underlying expulsion is 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.

Prior to enrollment, the child must provide the administration with proof of a physical examination and immunizations as required by law and the respective policies of this district. Failure to provide this information shall be reason for denying admission to the student.

Legal Reference: *Unclocked* Neb. Statute 79-214 et seq.

Cross Reference: 503.01 Compulsory Attendance  
508.01 Student Health and Immunization Checkups

## **Administrative Rules and Procedures to Implement Policy 502.03**

Students will be placed by the principal, in consultation with staff members, the school counselor, the school psychologist, and parents or guardians, at the grade level and course of study to which the student is best suited academically, socially and emotionally.

### **Admission requirements:**

#### **1. Age 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 October 15 of the current school year.

The District may admit a child who will reach the age of five between October 15 and February 1 of the current school year under the Early Entrance Administrative Procedures (below).

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.

2. Birth Certificate [All Grades] The parent or legal guardian of any child in preschool 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 admission of a 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 proof of identity and age must be given to the school within thirty days of enrollment. If this requirement is not met, the matter shall be referred to the local law enforcement agency for investigation.  
(Leg. Ref. 79-214, 43-2007)
3. Proof of Residence (See Policies 502.01, 502.2, 502.04 and 503.09) [All grades]
4. Immunization Record Evidence of protection against measles, mumps, rubella, poliomyelitis, diphtheria, pertussis, tetanus, hepatitis B, chicken pox, and other diseases as required by applicable law will be required before admission will be allowed. Requirements for immunization may be waived by 1) a written statement by parents or legal guardian for "sincerely held religious beliefs", or 2) a statement signed by a licensed physician stating that immunizations are underway or that the immunizations would be injurious to the health of the student or any member of the student's household.  
(Leg. Ref. 79-214, 79-217-223)
5. Physical Examination by a licensed physician, physician's assistant or nurse practitioner in previous six months [Required for all kindergartners and seventh graders; also mandatory for students in all grades who enroll from out of the state.] The physical

examination requirement may be waived if the parent or guardian objects in writing and the objection is on file at the school prior to enrollment.

6. Visual Examination by a physician, a physician assistant, an advanced practice registered nurse, or an optometrist in previous six months. [Required for all kindergarteners and seventh graders; also mandatory for students in all grades who enroll from out of state.] The visual examination requirement may be waived if the parent objects in writing and the objection is on file at the school prior to enrollment. The school shall make available contact information regarding free or reduced-cost visual evaluations for low-income families that qualify.

(Leg. Ref. 79-214, 79-220)

7. For Foster Children or Wards of the State or Court, court documents and pertinent school records must be provided prior to admission.
8. Rule 19 Admission - The attached Application for Student Admission form shall be used to track the compliance with the above requirements for enrollment in the Bennington Public Schools, under Rule 19 (Appendix A – Persons in legal or actual charge or control of a child).
9. Non Accredited or Home School Entrants - New students entering the District from non-accredited schools or home schools, or who have not attended accredited schools in the past semester, will be placed in grades and classes on the following basis:

Elementary (Grades 1-6) - The appropriate level of placement for elementary students may be determined by, but not limited to, consideration of the following information:

- Chronological age
- Previous public or private accredited school performance
- Diagnostic test date
- Standardized achievement test data
- Other data that would allow for a demonstration of the student's current level of performance

Secondary (Grades 7-12) - The appropriate level of placement for secondary students may be determined by, but not limited to, consideration of the following information:

- Chronological age
- Previous public or private accredited school performance
- Diagnostic test data
- Standardized achievement test date
- Criterion referenced test data
- Final examination test data
- Other data that would allow for a demonstration of the student's current level of performance

Graduation Credits - A student who enrolls in the District after attending a non-accredited or home school will be granted credits in core subject matter (English, mathematics, science, social science, and physical education) to the extent that the student can show evidence of mastery of the subject matter. Elective credit will not be granted. Mastery may be determined by the following assessment methods:

- Completion of chapter tests and/or final exams
- Appropriate criterion referenced examination performance
- Diagnostic test data

A plan leading to graduation will be developed that is approved by the building principal and the Superintendent. The student must be enrolled in and complete at least two semesters at Bennington High School and all requirements of the graduation plan to receive an Bennington High School diploma.

Pass/fail grades will be assigned to those courses in which students are granted credit when they begin attending Bennington High School.

#### 10. Early Entrance Administration Procedures

Kindergarten - To be eligible for enrollment in kindergarten, a child must have reached his or her fifth birthday on or before October 15 of the current year.

Any child who reaches the age of five after October 15, and before February 1 of the current school year, may be admitted to kindergarten provided that child's parent or legal guardian requests admission under one of the following:

1. The parent/guardian provides a written statement that the child attended kindergarten in another school district in the current school year or that the family anticipates relocation to another school district where kindergarten admission will be allowed within the current school year.
2. The child demonstrates that he or she is capable of carrying out the work of the kindergarten curriculum through appropriate assessment procedures and entrance guidelines established by the superintendent (see Appendix B).

Nebraska Statute 79-214, provides for districts to admit children as early entry kindergartners through confirmation by documentation of previous attendance in another school district kindergarten program, anticipated attendance through relocation to another school district where kindergarten admission will be allowed within the current school year, or a locally designed testing program. Students admitted for early kindergarten entrance should demonstrate advanced levels of comprehension, have an extensive speaking vocabulary and advanced listening/memory skills or numerical ability. Students should also demonstrate a social competence commensurate with the expectations of the kindergarten curriculum

The evaluation for early entrance to kindergarten will consist of a thorough assessment of the child's developmental levels to include cognitive, social, emotional, physical and perceptual-motor areas. Whenever possible, social, emotional, and perceptual-motor development shall be assessed by the use of formal instruments in addition to the examiner's professional judgment.

#### Requirements -- District/Parent/Guardian Responsibility

1. It is the responsibility of the District to formulate and make known the policy and implementing procedures to the community within the options permitted by law.

2. Initiate, Authorize Screening and Evaluation--It is the responsibility of the parent/guardian to initiate with the director of student services a request to have his/her child evaluated for early entrance to kindergarten under these procedures and provide all of the necessary support materials to the evaluators.

#### Administrative Procedures

--Children must be five years of age prior to February 1 of the early entrance year for admittance into the Bennington Public School kindergarten program. No exceptions will be made to the February 1 date.

--Parents must apply for early entrance prior to June 1 of the early entrance school year.

--Upon application, a screening conference will be conducted with the parent(s), building principal, and director of student services to review the request for early entrance and discuss the District kindergarten curriculum and early entrance procedures. It is the responsibility of school personnel to explain the nature and objectives of the assessments to the parents/guardians. Parents must furnish the child's birth certificate, a \$100 application fee for the early entrance evaluation and a signed consent for evaluation form at the time of the conference.

--After the screening conference, the principal will indicate the outcome of the conference to the director of student services. If a decision to individually evaluate the child is recommended by the building staff, the director of student services will determine the evaluation schedule.

--After receiving parental/guardian written permission, the intellectual/achievement evaluation will be conducted by Bennington Public Schools' psychologist and other evaluators to insure consistency. The evaluation must be completed within a 60 day period prior to the beginning of the school year.

#### Evaluation of Early Entrance Applicants

The evaluation shall draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social and cultural background, and adaptive behavior; and insure that information obtained from all of these sources is documented and carefully considered in the eligibility decision.

The evaluation shall include the administration of the Wechsler Preschool and Primary Scale of Intelligence-III (WPPSI-III) individual intelligence test and/or other selected assessment instruments. The child's full scale percentile score must be at the 91st percentile ( $IQ=120$ ) on the WPPSI-III to qualify for early entrance. In addition to general cognitive development, the evaluator must consider the overall profile of development with special attention to variability or scatter which might indicate potential difficulties in school learning. Substantial differences in WPPSI-III verbal/visual-perceptual aptitudes and statistical interpretations of test score stability (standard error of measurement) will be considered in calculating the full scale intellectual score.

--The child shall demonstrate a social competence, emotional maturity and physical and perceptual-motor ability that can be documented as part of the evaluation. The evaluation shall include the administration of the Adaptive Behavior Assessment System II (ABAS II). The child's full scale percentile score must be at the 61<sup>st</sup> percentile to qualify for early entrance. The evaluation shall also include the administration of the Visual Motor Integration Test (VMI). The child's full scale percentile score must be at the 50<sup>th</sup> percentile to qualify for early entrance.

--The child's overall development should be comparable with cognitive development and consistent with characteristics believed to predict successful school placement. The developmental inventory (checklist) is not designed to fully assess school readiness but should serve to provide documentation of the child's general development in key areas.

--After the evaluation school personnel shall participate in a conference with the child's parents/guardians to discuss the evaluation methods and results. During the conference a decision will be made to accept or decline the early entrance application based upon the professional judgment of the evaluations. The conference should not be viewed as a "pass" nor "fail" experience. Care will be taken to respond to parental concerns and the unique developmental patterns in young children.

--A child may be recommended for early entrance if the assessment results indicate superior development evidenced by the child's ability to read, demonstrate an extensive vocabulary and/or number sense, physical skills, social competence, emotional maturity and adaptive behavior.

--After the placement decision, an evaluation report documenting eligibility shall be written by the school psychologist, reporting the child's strengths, weaknesses and potential educational needs in the areas of cognitive, social, emotional, physical and perceptual motor development. A report of the findings will be provided to the parents and a copy placed in the child's permanent school record. If the child will be accepted into kindergarten, a report of the findings will be shared with the receiving school personnel.

--There is no provision in this policy and administrative procedures for a reevaluation, retest or appeal of the decision of the evaluators.

## 11. Placement

New students entering the District from schools recognized and accredited by a state Department of Education will be placed in the grade level and/or courses indicated on the basis of their prior performance, grade placement, recommendations, and credits earned in their former school district.

The grade point average will not consider pass/fail credits. A minimum of four semesters of attendance at Bennington High School will be required for a student to be considered for academic honors.

## 12. Enrollment of Expelled Students

It shall be the policy of the district to not enroll any student who has been expelled from any public school in any school district in any state, or from a private, denominational, or

parochial school in any state until the Board of Education, by a majority vote, votes to approve the enrollment of such student. Nothing in this policy shall require the Board to take such a vote on any application for enrollment by any such student.

Nothing in this policy, however, shall be construed to prohibit the Board from receiving the student conditioned upon the student being required to attend the District's alternative school, class or educational program pursuant to Section 79-266 until the terms of the expulsion are completed. No student who may have been expelled from a private, denominational, or parochial school, or from a school in another state, shall be prohibited from enrolling in the district if such student resides in this district or has been received under an option enrollment to this district, once the time limits placed on the expulsion has run, 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 the Act.

(Leg. Ref. LB 195 79-266.01)

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## APPENDIX A

**STATEMENT OF PERSON IN LEGAL OR ACTUAL CHARGE OR CONTROL OF A CHILD  
SUBMITTED TO BENNINGTON PUBLIC SCHOOLS FOR PURPOSES OF SCHOOL ENROLLMENT**

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)

- I state that I am the child's parent, or
- I state that I have been entrusted with, or assumed, day-to-day care and fulltime 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 any contract or judicial or administrative proceeding placing the child in such a living arrangement (attach copy of such documents), and/or
  - e)  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 address of his or her parents are:

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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

Home Phone: \_\_\_\_\_

Home Address of Adult in Legal or Actual Charge or Control

Daytime Work Phone: \_\_\_\_\_

Daytime Work Address

**NOTE: SECTION 79215 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 THE 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 they may generally be reached during the school day.

**Further Note:** It is contrary to state law for persons to intentionally submit false information to a school district in an attempt to fraudulently obtain services of the district for themselves or another or to impede the district in its enrollment determination.

APPENDIX B

**Bennington Public Schools**  
**Procedure and Application for Early Kindergarten Entrance**

**SECTION I – Parent/Examiner**

Child's Name: \_\_\_\_\_ Birth Date: \_\_\_\_\_, 20\_\_\_\_\_

Parent/Guardian's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Resident of: \_\_\_\_\_ School District: \_\_\_\_\_ County: \_\_\_\_\_

To Parent: Bennington Public Schools will admit to kindergarten any child who will reach the age of five on or before October 15 of the current school year. The District will admit to kindergarten a child who will reach the age of five between October 16 and February 1 of the current school year if the parent/guardian requests such an entrance and **the child has demonstrated that he or she is capable of carrying out the work of kindergarten through appropriate assessment procedures and guidelines.**

If a parent requests early kindergarten entrance the following procedures will be followed:

- A parent wishing to have their child considered for early entrance must be a resident of the Bennington Public School District.
- Parents shall call 402.238.3044 to schedule an early entrance parent meeting.
- Parents must attend a parent meeting about early entrance testing.
- If parents decide to move forward with testing, parents must provide the following items:
  - A \$100 check to Bennington Public Schools for the testing fee,
  - A certified copy of the child's birth certificate,
  - The signed consent for evaluation form.
- Early entrance into kindergarten will be based on meeting or exceeding all assessment cut scores.
- A report of the findings will be provided to parents and a copy placed in the child's school record.
- If child will be accepted into kindergarten, information will be shared with the receiving school personnel.
- There is no provision in this procedure for a reevaluation, retest or appeal of the decision of the evaluators.

To Examiner: The evaluation for early entrance to kindergarten is to consist of a careful assessment of the child's developmental level; to include the cognitive, social, emotional, and perceptual-motor areas. A child must meet or exceed identified scores on all assessments listed below:

1. Adaptive Behavior Assessment System II (ABAS II) (61%ile or > on social composite)
2. Visual Motor Integration Test (VMI) (50%ile or >)
3. Wechsler Preschool and Primary Scale of Intelligence-Revised (WPPSI-III) (91% or >)
4. Other assessments deemed necessary

ABAS II: \_\_\_\_\_ %ile

VMI: \_\_\_\_\_ %ile

WPPSI-R Results: \_\_\_\_\_ Full Scale: \_\_\_\_\_ %ile

Examiner's Comment: (Required for the child's social, emotional and perceptual-motor development).

**SECTION II - SCHOOL**

The team's conclusion from the total evaluation is that this child does \_\_\_\_\_ does not \_\_\_\_\_ meet the criteria for early entrance to kindergarten.

Signed \_\_\_\_\_  
School Psychologist

School Principal

Student Services Director

## ATTENDANCE CENTER ASSIGNMENT

The board shall have complete discretion to determine the boundaries for each attendance center, to assign students to the attendance centers, and to assign students to the classrooms within the attendance center.

It shall be the responsibility of the superintendent to make recommendations to the board regarding the division of students among attendance centers. In making the recommendations, the superintendent shall consider the geographical layout of the school district, housing growth patterns, the condition and location of the school district facilities, the location of student population, possible transportation difficulties, financial condition of the school district and other factors deemed relevant by the superintendent or the board.

The board reserves the right to deviate from attendance center assignments on an individual student basis, when it is determined to be in the best educational interest of the student.

Legal Reference: Neb. Statute 79-526

Cross Reference: 503.01 Compulsory Attendance

## Transfer of Students within the District

I. **Determination of Unavailability.** The Superintendent or designee will determine which classes, grades, programs, or schools are to be considered unavailable for student transfers within the District after considering the following:

- A. Available capacity (i.e., space for efficient and effective instruction based on total student enrollment).
- B. The relative positive or negative impact that transfers would have on a class, grade, program, or student's assigned school, or the requested school, or on the classes, grades, or programs of either school..
- C. Prior and anticipated future enrollment levels at the student's assigned school.
- D. Anticipated future growth of the class, grade, program, or school requested.

The Board will be informed annually of any classes, grades, programs, or schools that are closed to transfers.

II. **Procedural Steps to Request Transfer within the District.** The following are the steps to be followed when students desire a transfer within the District:

- A. A Transfer Request form should be obtained, completed, and returned to the building principal (the forms are available in the building principal's office).
- B. Parents should discuss the reasons for the transfer request with the principal of their assigned school; the discussion may be in person or on the phone depending on the desire of the principal. After the discussion, the principal will forward the Transfer Request to the office of the Superintendent. The Superintendent or designee will determine whether the transfer request will be granted or denied.
- C. When deciding upon transfer requests, the Superintendent will consider the following factors:
  1. The reasons for the request and the principal's recommendations resulting from the conference held with the parents.
  2. The number of students enrolled in the building to which the student wishes to transfer and the number of students enrolled in the student's assigned school, and whether the transfer adversely affects pre-established class size, grade size, and/or total building enrollment.

3. The time of year the transfer request is made.
  4. If the student is in a special education program, the recommendation of the Program Coordinator of Special Services may be based upon the student's individualized education program and educational needs; class size; related service needs; transportation arrangements as may be required by law; the allocation of specially trained staff and personnel; facility issues; and the allocation of equipment or materials necessary to provide an appropriate education program.
  5. Personnel and staffing requirements, curriculum, and facility issues affecting the building to which the student wishes to transfer.
  6. The student's educational program including but not limited to course credits and graduation requirements.
  7. The interests of the individual student based on the preceding factors.
  8. The number of transfers that a student has been granted during a school year. Unless special safety, health, or program issues are involved, no student will be granted more than one transfer per school year.
  9. Students will not be allowed to transfer to another school during suspension or expulsion. A student's disciplinary record will be considered and students with extensive disciplinary records will not be considered for transfer unless it is determined to be in the safety interests of the student or the school. The transfer policy will not apply to or alter a student's mandatory reassignment.
  10. As a general rule, student transfers within the District shall be considered before applications for option enrollments when determining placements in programs, classes, grade levels, or school buildings.
- D. After considering the above-mentioned factors, the Superintendent will make a decision and will notify the parents and the principals of the buildings involved. Parents will be notified in writing.
- E. A decision regarding a transfer request made during a school year for the following school year may be made at any time, but the District will not be obligated to make the decision until after the District's new student registration.

**III. Conditions for Transfer.** The following conditions apply to all transfers within the District:

- A. Students of parents who move from one school's attendance area to that of another within the District during the school year may continue attending the original school if the parents apply for a transfer even though the original school is closed to transfers for students who have not been attending that school.
- B. Once a student is transferred to a particular school, the parents need not re-apply unless they want the student to transfer back to the student's home school or to another school at the same level (elementary school, middle school, or high school) in the District.
- C. Once a transfer is approved, every effort will be made to make the transfer permanent; however, the District reserves the right to reassign transferred students back to their home school in order to maintain enrollment limits on an annual basis; and/or based on any of the factors set forth in Section II (C) above.
- D. Transfer requests for siblings of student already transferred will not be automatically approved. Siblings of students who have transferred must follow the steps for requesting a transfer set forth in Section II (C) above.
- E. Transportation for students who transfer within the District must be provided by the student's parents or legal guardian unless as otherwise required by law.

**IV. Extenuating Circumstances.** The Superintendent may in his/her discretion allow students to transfer to closed schools when extenuating circumstances warrant.

**V. Definitions.** "Assigned school" shall mean the District school in which the student is enrolled/assigned prior to making the transfer request.

**BENNINGTON PUBLIC SCHOOLS**  
**REQUEST FOR STUDENT WITHIN DISTRICT TRANSFER**

Date of Request \_\_\_\_\_

School year for which the transfer is requested:    2009/2010    2010/2011    2011/2012    2012/2013

(Circle One)

Expected grade at time of transfer:    K    1    2    3    4    5    6    7    8    9    10    11    12

(Circle One)

Student's Name \_\_\_\_\_ Date of Birth \_\_\_\_\_

Parent's Name \_\_\_\_\_

Current Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Housing Area \_\_\_\_\_ Phone Number \_\_\_\_\_

Current School \_\_\_\_\_

Assigned School \_\_\_\_\_

Requested School \_\_\_\_\_

Is this transfer request due to a move within the district?    Yes \_\_\_\_\_ No \_\_\_\_\_

New Address \_\_\_\_\_ Zip Code \_\_\_\_\_

(if different from above)

Housing Area \_\_\_\_\_ Effective Date \_\_\_\_\_

If not due to a move within the district, please state the reason for the transfer request:

\_\_\_\_\_

\_\_\_\_\_

Are you requesting a transfer to access a program?    Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please list program needs:

\_\_\_\_\_

*I understand that transportation is to be provided by parents or legal guardians.*

Does student receive services through:

- |  |           |          |
|--|-----------|----------|
| 1. Special Education (SPED)                      | Yes _____ | No _____ |
| 2. Section 504 of the Rehabilitation Act of 1973 | Yes _____ | No _____ |
| 3. English as a Second Language (ESL)            | Yes _____ | No _____ |

Parent's Signature \_\_\_\_\_

Principal's Signature from Assigned School \_\_\_\_\_

SPED Signature \_\_\_\_\_ Recommended \_\_\_\_\_ Not Recommended \_\_\_\_\_

Superintendent Signature \_\_\_\_\_ Approved \_\_\_\_\_ Denied \_\_\_\_\_

Please either mail to Bennington Public Schools at 11620 N 156<sup>th</sup> St., Bennington, NE 68007  
or fax to 402-238-2185 or scan document and email to [cmeyer@esu3.org](mailto:cmeyer@esu3.org).

## Revise Elementary Attendance Center Boundaries

Passed: April 5, 2010

### Board Notes:

The Board of Education approved an administrative recommendation on setting elementary attendance center boundaries at the February, 2009, regular meeting. A boundary line for the two elementary facilities was set using State Street as the divider line. The Board of Education reviewed this boundary with the administration at the March, 2010, regular meeting for a possible recommendation to revise the boundaries at the April regular meeting (see attachment VI-F).

As discussed in previous meetings, several points of information led the administration to recommend that the attendance boundaries for Bennington Elementary should be all district residents north of State Street. However, rapid development of the Ridgemoor subdivision has the administration concerned about disproportionate enrollment for the two elementary facilities. The 2009 housing report noted the Ridgemoor subdivision gained 99 new residents in the last year. Currently we have only 9 elementary students attending the Pine Creek facility that will be grandfathered into Pine Creek Elementary for the remainder of their K-6 education or a new K-6 facility affecting their subdivision. This is an action item on the agenda to finalize the boundary change moving Ridgemoor to Bennington Elementary.

The administration hosted an informational meeting to present data and recommendations to the public on Tuesday, March 23. All current residents of the Ridgemoor subdivision were sent letters noting the topic of discussion approximately two weeks in advance of the meeting. During the meeting, administration shared data in a PowerPoint presentation to approximately 6 adults in the community. There were several questions on various topics including the primary question of a grandfather clause to allow current attendees to stay at Pine Creek until grade level completion. Administration did not see any opposition to the recommendation.

Policy      502.04 – Attendance Center Assignment  
              502.04R1 – Attendance Center Assignment Regulations

### Motion:

It was moved by Darren Siekman, seconded by Bill Pulte, to approve setting Bennington Public Schools' attendance boundaries for Bennington Elementary to be all district residents north of State Street and east of 147<sup>th</sup> Street (Ridgemoor subdivision) and attendance boundaries for Pine Creek Elementary to be all district residents south of State Street and west of 147<sup>th</sup> Street (Shadowbrook subdivision) as presented.

Voting yes: Siekman, Renter, Christensen, Wickham, and Pulte

Absent: Laaker

## STUDENT TRANSFERS IN

Children shall be accepted for enrollment in all grades of the school system at any time upon presentation of acceptable certificates of record from their former school and upon presentation of acceptable proof of their legal residence in the district. It shall be at the superintendent's discretion to decide what constitutes acceptable proof of residence.

In addition, nonresident students meeting requirements of the open enrollment laws and the Nonresident Students policy may transfer to this district for a minimum of one year.

Students must present evidence of physical exams, immunizations and other requirements as stated by other policies of the district.

Students expelled or suspended from their previous school will only be enrolled at the recommendation of the superintendent.

Legal Reference:                   Neb. Statute 79-232  
  79-526

Cross Reference:                  508     Student Health and Well-Being

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## 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 superintendent 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 note 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 school books and property, and make sure all fees are paid.
4. Take completed forms to the guidance or principal's office for final clearance.

Cross Reference:      502    Student Attendance  
                              507    Student Records

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## EXCHANGE AND FOREIGN STUDENT ADMISSIONS

No foreign exchange student will be enrolled in the district until the foreign exchange student has provided the district with all records and information requested by the district. Foreign exchange students must also comply with any health requirements imposed by state or other governing laws and according to district policies.

Foreign exchange students must not have graduated from high school (or an equivalent educational institution) prior to enrollment in the district.

Foreign exchange students completing twelfth grade in the district will be provided with an honorary diploma. If a foreign exchange student wishes to receive a District High School Diploma, the student must make application to the school principal at the time of enrollment, and must successfully complete district graduation requirements.

Legal Reference:                   Neb. Statute 79-215

Cross Reference:                   508     Student Health and Well-Being

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## ASSIGNMENT OF NEW STUDENTS TO CLASSES AND GRADE LEVELS

New students entering from schools recognized and approved by the Nebraska Department of Education will initially be placed in grades and classes on the basis of their grade placement/credits in the school from which they are transferring. The district administration, through academic achievement tests and other evaluation measures as necessary, will determine the appropriate grade level/credit status of students transferring from schools that have not been approved by the state department of education.

Previous high school work will be validated for a high school student by successfully completing a higher level unit in this district's high school for every unit completed in a non-accredited high school; i.e., completion of a second unit mathematics would validate the mathematics credit transferred. If no successive course work is pursued to validate the credit, similar or equivalent work will be evaluated at the discretion of the principal.

Cross Reference:                    601      Goals and Objectives

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## COMPULSORY ATTENDANCE

Any child who will reach six years of age prior to January 1 of the current year and who has not reached eighteen years of age shall meet the requirements of mandatory school attendance. Any such child shall attend the academic program on a regular basis, unless a written request to drop the child from the school rolls is made by the parent, guardian or other person having charge, control or custody of the child.

Any child of mandatory attendance age must by law regularly attend a public, private, denominational, parochial school or a combination of such schools not less than the entire school term of the school(s) which the child attends. This does not apply to a child who has obtained a high school diploma or received a General Equivalency Diploma, completed the program of instruction offered by a non-accredited or non-approved school, has reached the age of 18, or who is at least 16 years old and whose parent or guardian has withdrawn the child from school in the manner prescribed by state statute.

Excusal from the "full-time" requirement of the compulsory education law can be granted by the superintendent for a child between 14 and 16 years of age having completed the work of the eighth grade when legal employment due to necessity has been obtained by the student and such a request has been made by a parent/guardian.

### **Withdrawal To Age 6**

The parent/guardian of any child who will not reach six years of age prior to January 1 of the current school year and who is enrolled, may discontinue that enrollment according to procedures provided by the district.

### **Minimum Age**

The district will not admit any child into kindergarten unless the child will reach the age of five years on or before July 31, except as follows:

1. the board shall admit a child who will reach the age of five years by October 15 if:
  - a. the parent provides an affidavit stating that the child attended kindergarten in another district, or
  - b. the family will be relocating to another district that allows admission within the current year, or
  - c. the child is capable of carrying the work of kindergarten which can be demonstrated through recognized assessment procedures approved by the board.

The district will use the Developmental Indicators for the Assessment of Learning (DIAL-4) to meet the requirement for a recognized assessment procedure to determine if a child not 5 years of age on or before October 15 of the current year is capable of carrying the work of kindergarten. The board shall update these procedures as the board deems appropriate.

### **Early Withdrawal at Age Sixteen**

A person who has legal or actual charge or control of a child who is at least sixteen years of age may withdraw the child from school if an exit interview is conducted as required below, or if a signed notarized release form is filed with the Commissioner of Education as required by law for a child enrolled in a school that elects not to meet accreditation or approval requirements.

The exit interview shall be conducted at the time and place selected by the superintendent or the superintendent's designee upon receiving the written request of any person who has legal or actual charge or control of a child who is at least sixteen years of age if the child is enrolled in a school operated by the school district or resides in the 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 the 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 other school district personnel or the child's principal or such principal's designee if the child is enrolled in a private, denominational, or parochial school.

At the exit interview, the person making the written request shall present evidence that the person has legal or actual charge or control of the child and that the child would be withdrawing due to either:

- a) financial hardships requiring the child to be employed to support the child's family or one or more dependents of the child, or
- b) 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 the withdrawal form provided by the school district agreeing to the withdrawal of the child or may rescind the written request for the withdrawal.

Any withdrawal form signed by the person making the written request shall be valid only if:

- a) the child 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
- b) 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 the 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:
  - 1) financial hardships requiring the child to be employed to support the child's family or dependents of the child, or
  - 2) an illness making attendance impossible or impracticable.

Legal Reference:                   Neb. Statute 79-201 et seq.

Cross Reference:                  502     Student Admissions



301 Centennial Mall South  
Lincoln, NE 68509-4987  
Contact: Brian Halstead  
Phone: 402-471-0732

NDE 10-005  
New: 7/19/2012  
Page 1 of 2

## NEBRASKA WITHDRAWAL FROM MANDATORY ATTENDANCE FORM

Requester's Name \_\_\_\_\_, Address \_\_\_\_\_, City \_\_\_\_\_ submitted a written request to \_\_\_\_\_, alleging that he/she was a \_\_\_\_\_, District Name \_\_\_\_\_, District Code \_\_\_\_\_, person with legal or actual charge or control of \_\_\_\_\_, with the child's Child's First Name \_\_\_\_\_, Child's Middle Name \_\_\_\_\_, Child's Last Name \_\_\_\_\_, date of birth being \_\_\_\_/\_\_\_\_/\_\_\_\_, Month/Day/Year and having a NDE Student ID \_\_\_\_\_, ID # \_\_\_\_\_, and that said child be withdrawn from school under the provisions of section 79-202 of the Nebraska Reissue Revised Statutes. Said child currently attends \_\_\_\_\_, School of Attendance Name \_\_\_\_\_, School of Attendance Code \_\_\_\_\_.

An exit interview was conducted on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, with the following being present:

First and Last Name of Person Making Written Request with Legal or Actual Control of Child \_\_\_\_\_

First and Last Name of Child (May be Left Blank if Reason is Illness) \_\_\_\_\_

First and Last Name of Principal or Designee if Child is Currently Enrolled in District \_\_\_\_\_

First and Last Name(s) of Other Persons Present and their Relationship to the Child \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

First and Last Name of Superintendent or Designee \_\_\_\_\_

Name of Person Making Request \_\_\_\_\_ presented evidence that (a) the person has legal or actual charge or control of the child and (b) the child would be withdrawing due to:

- (i) financial hardships requiring the child to be employed to support the child's family or one or more dependents of the child, or
- (ii) an illness of the child making attendance impossible or impracticable.

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 were presented and discussed.

I, being the person making the written request to withdraw the child, hereby affixes my signature representing that I attended said exit interview, all of the requirements having been presented and discussed, and I agree to the withdrawal of the child.

Signature of Requester \_\_\_\_\_

Signature of Child (May be left blank if Reason is Illness) \_\_\_\_\_

My signature below acknowledges that the exit interview was held, the required information was provided and discussed at the interview, and, that in my opinion, based upon the evidence presented at the exit interview, the person making the written request does in fact have legal or actual charge or control of the child, and the child is experiencing:

- (a) financial hardships requiring the child to be employed to support the child's family or one or more dependents of the child, or
- (b) an illness of the child making attendance impossible or impracticable.

79-202. (1) A person who has legal or actual charge or control of a child who is at least sixteen years of age but less than eighteen years of age may withdraw such child from school before graduation and be exempt from the mandatory attendance requirements of section 79-201 if an exit interview is conducted and the withdrawal form is signed as required by subsections (2) through (5) of this section for a child enrolled in a public, private, denominational, or parochial school or if a signed notarized release form is filed with the Commissioner of Education as required by subsection (6) of this section for a child enrolled in a school that elects pursuant to section 79-1601 not to meet accreditation or approval requirements.

(2) Upon the written request of any person who has legal or actual charge or control of a child who is at least sixteen years of age but less than eighteen years of age, the superintendent of a school district or the superintendent's designee shall conduct an exit interview if the child (a) is enrolled in a school operated by the school district or (b) resides in the school district and is enrolled in a private, denominational, or parochial school.

(3) The superintendent or the superintendent's designee shall set the time and place for the exit interview which shall be personally attended by: (a) The child, unless the withdrawal is being requested due to an illness of the child making attendance at the exit interview impossible or impracticable; (b) the person who has legal or actual charge or control of the child who requested the exit interview; (c) the superintendent or the superintendent's designee; (d) 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 (e) 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, but need not be limited to, other school district personnel or the child's principal or such principal's designee if the child is enrolled in a private, denominational, or parochial school.

(4) At the exit interview, the person making the written request pursuant to subsection (2) of this section shall 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 (i) financial hardships requiring the child to be employed to support the child's family or one or more dependents of the child or (ii) 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.

(5)(a) At the conclusion of the exit interview, the person making the written request pursuant to subsection (2) of this section may sign the withdrawal form provided by the school district agreeing to the withdrawal of the child or may rescind the written request for the withdrawal. (b) Any withdrawal form signed by the person making the written request pursuant to subsection (2) of this section shall be valid only if (i) the child 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 (ii) 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 the superintendent's designee, the person making the written request pursuant to subsection (2) of this section does in fact have legal or actual charge or control of the child and the child is experiencing either (A) financial hardships requiring the child to be employed to support the child's family or one or more dependents of the child or (B) an illness making attendance impossible or impracticable.

(6) A person who has legal or actual charge or control of the child who is at least sixteen years of age but less than eighteen years of age may withdraw such a child before graduation and be exempt from the mandatory attendance requirements of section 79-201 if such child has been enrolled in a school that elects pursuant to section 79-1601 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.

(7) A child who has been withdrawn from school pursuant to this section may enroll in a school district at a later date as provided in section 79-215 or may enroll in a private, denominational, or parochial school or a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements. Any such enrollment shall void the withdrawal form previously entered, and the provisions of sections 79-201 to 79-210 shall apply to the child.

(8) The Commissioner of Education shall prescribe the required form for withdrawals pursuant to this section and determine and direct either that (a) withdrawal forms of school districts for any child who is withdrawn from school pursuant to this section and subdivision (3)(c) of section 79-201 shall be provided annually to the State Department of Education or (b) data regarding such students shall be collected under subsection (2) of section 79-528.

## STUDENT ATTENDANCE RECORDS

Attendance reporting for the district shall be accordance with the following:

1. Each school principal shall be required to:
  - A. Keep an accurate record of student attendance.
  - B. Make attendance reports as directed by the Office of the Superintendent.
  - C. Keep parents informed of their student's absences.
2. Attendance procedures utilized in school buildings shall encourage good attendance from every student;
3. Attendance procedures shall provide maximum communications between home and school regarding student attendance even though the basic responsibility for attendance shall remain with the student and the parent or guardian;
4. Principals shall be responsible for classifying absences according to reasons and taking appropriate action for absences due to unacceptable reasons; and
5. Standard classifications, as required by state reports, shall be contained in instructions from the Office of the Superintendent.

Legal Reference:                   Neb. Statute 79-205 to 207

Cross Reference:                   503.01 Compulsory Attendance  
  507 Student Records

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## STUDENT ABSENCES - EXCUSED

Regular attendance by students is essential for students to obtain the maximum opportunities from the education program. Parents and students alike are encouraged to ensure an absence from school is a necessary absence. Students shall attend school unless excused by the principal of their attendance center.

Principals and staff are encouraged to establish ways of recognizing and rewarding good attendance (e.g., quarterly honor list, recognition in newspaper, cumulative two and three-year recognition).

Student absences approved by the principal shall be excused absences. Excused absences shall count as days in attendance for purposes of the truancy law. These absences include, but are not limited to, illness, family emergencies, court appointments as a witness, recognized religious observances, appointments that cannot be scheduled outside the school day and school-sponsored or approved activities.

Students whose absences are approved shall make up the work missed and receive full credit for the missed school work. It shall be the responsibility of the student to initiate a procedure with the student's teacher to complete the work missed.

Students who wish to participate in school-sponsored activities must attend school for at least 5 of the 8 periods the day of the activity unless permission has been given by the principal for the student to be absent.

It shall be the responsibility of the parent to notify the student's attendance center as soon as the parent knows the student will not be attending school on that day. The principal may request evidence or written verification of the student's reason for absence.

It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

Legal Reference: *Unchanged* Neb. Statute 79-209  
NDE Rule 10.012.01B

Cross Reference: 503 Student Attendance  
505 Student Discipline  
506 Student Activities  
507 Student Records

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## ADDRESSING BARRIERS TO ATTENDANCE

Regular attendance by the students at school is essential for students to obtain the maximum opportunities from the education program. Parents and students alike are encouraged to ensure an absence from school is a necessary absence. Students shall attend school unless excused by the principal of their attendance center. This policy, developed and annually reviewed in collaboration with the county attorney for the district's principal office location, is an attempt to address the barriers to student attendance. This policy shall include a provision indicating how the district and the county attorney will handle cases in which excessive absences are due to and shall state the circumstances and number of absences or hourly equivalent upon which the school shall render all services to address barriers to attendance.

Any superintendent, principal, teacher, or member of the school board who knows of any violation of the state school attendance laws (79-201) shall report that violation to the school attendance officer within 3 days.

The Superintendent shall designate the building principal as the ~~an~~ attendance officer at all schools. The attendance officer will immediately investigate the report of any child who may be in violation of the state's compulsory attendance statutes. The attendance officer may assemble an attendance team that will facilitate implementation of the attendance plan and will be responsible for oversight of the attendance strategies.

If any student has accumulated eight (8) absences in a school year or the hourly equivalent, the school shall render all services to address barriers to attendance. These services shall include the following:

1. Verbal or written communication by school officials with the person or persons who have legal or actual charge or control of any child; and
2. A meeting or meetings between the school attendance officer, school social worker, a school administrator or designee, the person who has legal or actual control of the child, and the student (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 or services offers as part of the attendance plan, the principal shall place documentation of such refusal in the child's attendance records.

Notification:

1. If a student has accumulated eight (8) absences in a school year or the hourly equivalent, the District will send written notice to the student's parents or guardians regarding the State mandatory attendance and excessive absenteeism laws.
2. If a student has accumulated fifteen (15) absences in a school year or the hourly equivalent, the District will send written notice to the student's parents or guardians regarding the State mandatory attendance and excessive absenteeism laws.
3. If a student is absent more than twenty (20) days in a school year or the hourly equivalent, the attendance officer may file a report with the county attorney of the county in which the student resides. The District shall notify the student's family in writing prior to referring the student to the county attorney. The report shall state that the District has made the efforts required by this policy and that the collaborative plan to reduce barriers identified to improve regular attendance has not been successful and the District recommends county attorney intervention. The report shall include all relevant information regarding the student's attendance and excessive absenteeism. Illness that makes attendance impossible or impracticable shall not be the basis for referral to the county attorney.
4. If a student has a history of being chronically absent from school, the District shall render any and all services in the District's power to compel the student to attend school at any time the attendance officer deems necessary. This may include filing a report with the county attorney of the county in which the student resides prior to twenty (20) days, or the hour equivalent, of absence in a school year.

Students are subject to disciplinary action for unexcused absenteeism including suspension and expulsion. It shall be within the discretion of the principal to determine, in light of the circumstances, whether a student may make up work missed because of excessive absenteeism. Disciplinary action for students receiving special education services will be assigned in accordance with the goals and objectives of the student's Individualized Education Program.

The superintendent shall report to the Commissioner of Education as directed by the commissioner regarding the number of and reason for any long-term suspension, expulsion, or excessive absenteeism of a student; referral of a student to the office of the county attorney for excessive absenteeism; or contacting of law enforcement officials other than school resource officers by the district relative to a student enrolled in the district. The superintendent shall report annually to the Commissioner the required data for the number of students who have dropped out of school.

It shall be the responsibility of the superintendent to implement this policy. The implementation may include regulations indicating the disciplinary action to be taken for excessive absenteeism.

Legal Reference:                   Neb. Statute 79-208 and 209  
  NDE Rule 10.012.01B

Cross Reference:                  411.03 Attendance Officer  
   505     Student Discipline  
   506     Student Activities  
   507     Student Records

Unchecked/Unverified

## ADDRESSING BARRIERS TO ATTENDANCE

Regular attendance by the students at school is essential for students to obtain the maximum opportunities from the education program. Parents and students alike are encouraged to ensure an absence from school is a necessary absence. Students shall attend school unless excused by the principal of their attendance center. This policy, developed and annually reviewed in collaboration with the county attorney for the district's principal office location, is an attempt to address the barriers to student attendance. This policy shall include a provision indicating how the district and the county attorney will handle cases in which excessive absences are due to and shall state the circumstances and number of absences or hourly equivalent upon which the school shall render all services to address barriers to attendance.

Any superintendent, principal, teacher, or member of the school board who knows of any violation of the state school attendance laws (79-201) shall report that violation to the school attendance officer within 3 days.

The Superintendent shall designate the building principal as the ~~an~~ attendance officer at all schools. The attendance officer will immediately investigate the report of any child who may be in violation of the state's compulsory attendance statutes. The attendance officer may assemble an attendance team that will facilitate implementation of the attendance plan and will be responsible for oversight of the attendance strategies.

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2. A meeting or meetings between the school attendance officer, school social worker, a school administrator or designee, the person who has legal or actual control of the child, and the student (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 or services offered as part of the attendance plan, the principal shall place documentation of such refusal in the child's attendance records.

Notification:

1. If a student has accumulated eight (8) absences in a school year or the hourly equivalent, the District will send written notice to the student's parents or guardians regarding the State mandatory attendance and excessive absenteeism laws.
2. If a student has accumulated fifteen (15) absences in a school year or the hourly equivalent, the District will send written notice to the student's parents or guardians regarding the State mandatory attendance and excessive absenteeism laws.
3. If a student is absent more than twenty (20) days in a school year or the hourly equivalent, the attendance officer may file a report with the county attorney of the county in which the student resides. The District shall notify the student's family in writing prior to referring the student to the county attorney. The report shall state that the District has made the efforts required by this policy and that the collaborative plan to reduce barriers identified to improve regular attendance has not been successful and the District recommends county attorney intervention. The report shall include all relevant information regarding the student's attendance and excessive absenteeism. Illness that makes attendance impossible or impracticable shall not be the basis for referral to the county attorney.
4. If a student has a history of being chronically absent from school, the District shall render any and all services in the District's power to compel the student to attend school at any time the attendance officer deems necessary. This may include filing a report with the county attorney of the county in which the student resides prior to twenty (20) days, or the hour equivalent, of absence in a school year.

Students are subject to disciplinary action for unexcused absenteeism including suspension and expulsion. It shall be within the discretion of the principal to determine, in light of the circumstances, whether a student may make up work missed because of excessive absenteeism. Disciplinary action for students receiving special education services will be assigned in accordance with the goals and objectives of the student's Individualized Education Program.

The superintendent shall report to the Commissioner of Education as directed by the commissioner regarding the number of and reason for any long-term suspension, expulsion, or excessive absenteeism of a student; referral of a student to the office of the county attorney for excessive absenteeism; or contacting of law enforcement officials other than school resource officers by the district relative to a student enrolled in the district. The superintendent shall report annually to the Commissioner the required data for the number of students who have dropped out of school.

It shall be the responsibility of the superintendent to implement this policy. The implementation may include regulations indicating the disciplinary action to be taken for excessive absenteeism.

Legal Reference:           Neb. Statute 79-208 and 209  
                                 NDE Rule 10.012.01B

Cross Reference:           411.03 Attendance Officer  
                                 505 Student Discipline  
                                 506 Student Activities  
                                 507 Student Records

Unchecked/Unverified

## STUDENT RELEASE DURING SCHOOL HOURS

Students will be allowed to leave the school district facilities during school hours only with prior authorization from their parents, unless the parent appears personally at the student's attendance center to arrange for the release of the student during school hours, or with the permission of the principal.

Approved reasons for release of a student during the school day shall be as described in the student handbook.

It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

Legal Reference: Neb. Statute 79-201 et seq.

Cross Reference: 503.01 Compulsory Attendance  
505 Student Discipline  
506 Student Activities  
507 Student Records

## PREGNANT STUDENTS

The board encourages pregnant students to continue to attend the education program as long as they are physically able to do so. The pregnant student may notify the principal or the guidance counselor as soon as she is aware of the pregnancy. The school may require that a pregnant student provide the principal with a written note from her doctor relative to special conditions that might exist and specific suggestions as to how long the student may continue to attend classes. If the student is unable to attend school because of her pregnancy, the student may be excused and arrangements made to continue her studies during her absence. The student may resume classes upon the recommendation of her physician.

Cross Reference:                    503.01 Compulsory Attendance  
    605.02 Individualized Instruction

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## MARRIED STUDENTS OR STUDENTS WITH CHILDREN

Married students residing in the district are considered to be of legal age.

The district encourages married students and students with children to complete requirements for graduation and to participate in school activities under the same terms and conditions as other students.

Legal Reference:                   Neb. Statute 43-2101

Cross Reference:                   503.01 Compulsory Attendance  
  605.02 Individualized Instruction

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## HOMELESS CHILDREN AND YOUTH

The board will make reasonable efforts to identify homeless children and youth of school age within the district, encourage their enrollment and eliminate existing barriers to their receiving an education which may exist in district policies or practices. The designated liaison for identification of homeless children and for tracking and monitoring programs and activities for these children is the high school counselor .

Homeless students are defined as lacking a fixed, regular and adequate nighttime residence, including:

1. Sharing the housing of other persons due to loss of housing or economic hardship;
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Are abandoned in hospitals;
5. Awaiting foster care placement;
6. Living in public or private places not designed for or ordinarily used as a regular sleeping accommodations for human beings;
7. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings;
8. Are migratory children living in conditions described in the previous examples.

District Residency: To the extent feasible, homeless students will continue to be enrolled in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing. Instead of remaining in the school of origin, parents or guardians of homeless students may request enrollment in the school in which attendance area the student is actually living, or other schools. Attendance rights by living in attendance areas, other student assignment policies, or intra and inter-district choice options are available to homeless families on the same terms as families resident in the district.

If there is an enrollment dispute, the student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent or guardian shall be informed of the district's decision and their appeal rights in writing. The district's liaison will carry out dispute resolution as provided by state rule. Unaccompanied youth will also be enrolled pending resolution of the dispute.

Placement: If the school district is unable to determine the grade level of the student because of missing or incomplete records, the school district will administer tests or utilize other reasonable means according to district policy to determine the appropriate grade level for the child.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

School Records: For students transferring out of the district, records may be provided directly to the student or the student's parents. In addition, students transferring into the school district may provide cumulative records directly to the district. The school district will not require that such records be forwarded from another school district before that student may enroll. The school will then request the official records from the previous school.

Immunization Requirements: Homeless students will not be denied enrollment for lack of immunization records. The school district will make a reasonable effort to locate immunization records from the information provided or will arrange for the student to receive immunizations. Permanent exemptions for homeless students from the immunization requirement in this policy will be allowed only for medical, military or religious reasons recognized under the law.

Students defined in state law as homeless children shall be admitted without payment of tuition.

Transportation for homeless students who enroll in the district shall be furnished by the district under the same guidelines applying to other students or if such transportation is necessary for compliance with federal law.

Each homeless child shall be provided services for which the child is eligible comparable to services provided to other students in the school selected regardless of residency.

Homeless children shall be provided access to education and other services that such children need to ensure that they have an opportunity to meet the same student performance standards to which all students are held.

If a homeless child registered to attend school in the district is receiving family reconciliation services pursuant to state law, the district will work in cooperation with any county or department of social services in the district to jointly develop an educational program for the child.

Legal Reference:                   Neb. Statute 79-215  
  NDE Rule 19  
  42 U.S.C. §11431 and §11432 (McKinney-Vento Homeless Assistance Act)  
  NCLB, Title X, Sec. 722, P.L. 107-110 (2002)

Cross Reference:                 503.01 Compulsory Attendance

## HOMELESS CHILDREN AND YOUTH

The board will make reasonable efforts to identify homeless children and youth of school age within the district, encourage their enrollment and eliminate existing barriers to their receiving an education which may exist in district policies or practices. The designated liaison for identification of homeless children and for tracking and monitoring programs and activities for these children is High School Counselor.

Homeless students are defined as lacking a fixed, regular and adequate nighttime residence, including:

1. Sharing the housing of other persons due to loss of housing or economic hardship;
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Are abandoned in hospitals;
5. Awaiting foster care placement;
6. Living in public or private places not designed for or ordinarily used as a regular sleeping accommodations for human beings;
7. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings;
8. Are migratory children living in conditions described in the previous examples.

**District Residency:** To the extent feasible, homeless students will continue to be enrolled in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing. Instead of remaining in the school of origin, parents or guardians of homeless students may request enrollment in the school in which attendance area the student is actually living, or other schools. Attendance rights by living in attendance areas, other student assignment policies, or intra and inter-district choice options are available to homeless families on the same terms as families resident in the district.

### Enrollment disputes

If an enrollment dispute arises between the student's custodial parent/guardian (or the student not in custody of a parent/guardian) and the district, the student shall be immediately enrolled in the school selected by the parent/guardian or student until the dispute is resolved.

The parent/guardian (or student, if applicable) may appeal an enrollment determination made by this district to the district's homeless student liaison within 10 days after receiving the written determination and notice of right-to-appeal.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

The liaison shall issue a written decision on the dispute within 10 days of the receipt of the appeal and hand deliver a written decision and notice of right-to-appeal to the Board of Education to the parent/guardian (or student, if applicable).

Within 10 days of delivery of the liaison's decision and right-to-appeal notice, the parent/guardian (or student, if applicable) may appeal the decision to the Board of Education.

The Board shall issue a written decision on the dispute within 40 days of the receipt of the appeal and hand deliver the written decision to the parents/guardian (or student, if applicable).

**Placement:** If the school district is unable to determine the grade level of the student because of missing or incomplete records, the school district will administer tests or utilize other reasonable means according to district policy to determine the appropriate grade level for the child.

**School Records:** For students transferring out of the district, records may be provided directly to the student or the student's parents. In addition, students transferring into the school district may provide cumulative records directly to the district. The school district will not require that such records be forwarded from another school district before that student may enroll. The school will then request the official records from the previous school.

**Immunization Requirements:** Homeless students will not be denied enrollment for lack of immunization records. The school district will make a reasonable effort to locate immunization records from the information provided or will arrange for the student to receive immunizations. Permanent exemptions for homeless students from the immunization requirement in this policy will be allowed only for medical, military or religious reasons recognized under the law.

Students defined in state law as homeless children shall be admitted without payment of tuition.

Transportation for homeless students who enroll in the district shall be furnished by the district under the same guidelines applying to other students or if such transportation is necessary for compliance with federal law.

Each homeless child shall be provided services for which the child is eligible comparable to services provided to other students in the school selected regardless of residency.

Homeless children shall be provided access to education and other services that such children need to ensure that they have an opportunity to meet the same student performance standards to which all students are held.

If a homeless child registered to attend school in the district is receiving family reconciliation services pursuant to state law, the district will work in cooperation with any county or department of social services in the district to jointly develop an educational program for the child.

Legal Reference:                   Neb. Statute 79-215  
  NDE Rule 19  
   42 U.S.C. §11431 and §11432 (McKinney-Vento Homeless Assistance Act)  
   NCLB, Title X, Sec. 722, P.L. 107-110 (2002)

Cross Reference:                   503.01 Compulsory Attendance

Unchecked/Unverified

## STUDENT DUE PROCESS RIGHTS

Student complaints and grievances regarding board policy or administrative regulations and other matters should be addressed to the student's specific teacher, activity sponsor or other certified employee, other than the administration, for resolution of the complaint. It is the goal of the board to resolve student complaints at the lowest organizational level.

All students will be afforded due process as guaranteed by constitutional provisions. The process will be in accordance with state law, as well as with the provisions outlined in the Board's policies and procedures on student suspension and student expulsion. Rules for student conduct and appeal procedures will also be published in the student handbook.

If the complaint cannot be resolved by a certified employee, the student may discuss the matter with the principal. If the matter cannot be resolved by the principal, the student may discuss it with the superintendent after speaking with the principal.

If the matter is not satisfactorily resolved by the superintendent, the student may ask to have the matter placed on the board agenda of a regularly scheduled board meeting in compliance with board policy.

Legal Reference: Neb. Statute 79-268 et seq.

Cross Reference: 204.10 Board Meeting Agenda  
204.12 Public Participation in Board Meetings  
301.04 Communication Channels  
504 Student Rights and Responsibilities  
506.06 Student Publications

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## 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 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. (Nebr. Equal Opportunity

in Education Act)

79-254 et seq. (Student Discipline Act)

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Cross Reference:      503     Student Attendance  
                          506     Student Activities  
                          1005.02 Communication with Parents

Unchecked/Unverified

## CARE OF SCHOOL PROPERTY AND VANDALISM

Students shall treat school district property with the care and the respect they would treat their own property. Students and their parents shall be responsible for all damage to equipment or school property. This responsibility applies in the matter of books and supplies of all kinds, as well as equipment, buildings and grounds. Students found to have destroyed or otherwise harmed school district property may be required to reimburse the school district. They may be subject to discipline under board policy and the school district rules and regulations. They may also be referred to local law enforcement authorities.

Cross Reference: 504 Student Rights and Responsibilities

Unchecked/Unverified

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## FREEDOM OF EXPRESSION

Student expression, other than student expression in student-produced official school publications, made on the school district premises or under the jurisdiction of the school district or as part of a school-sponsored activity may be attributed to the school district; therefore, student expression must be responsible. Student expression must be appropriate to assure that the students learn and meet the goals of the school activity and that the potential audience is not exposed to material that may be harmful or inappropriate for their level of maturity.

Students will be allowed to express their viewpoints and opinions as long as the expression is responsible. The expression shall not, in the judgment of the administration, encourage the breaking of laws, defamation of persons, be obscene or indecent, or cause a material and substantial disruption to the educational program. The administration, when making this judgment, shall consider whether the activity in which the expression was made is school-sponsored and whether review or prohibition of the students' speech furthers an educational purpose. Further, the expression must be done in a reasonable time, place, and manner that is not disruptive to the orderly and efficient operation of the school district.

Students who violate this policy may be subject to disciplinary measures. Employees shall be responsible for insuring students' expression is in keeping with this policy. It shall be the responsibility of the superintendent to develop administrative regulations regarding this policy.

Legal Reference:

- U.S. Const. amend. I.  
Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).  
Bethel School District v. Fraser, 478 U.S. 675 (1986).  
Tinker v. Des Moines Ind. Comm. Sch. Dist., 393 U.S. 503 (1969).  
Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987).

Cross Reference:

- 504 Student Rights and Responsibilities  
506 Student Activities  
604.10 Academic Freedom  
1005.10 Distribution or Posting of Materials

## STUDENT LOCKERS

Student lockers are the property of the school district. Students shall use the lockers assigned to them by the school district for storing their school materials and personal belongings necessary for attendance at school. It shall be the responsibility of students to keep their assigned lockers clean and undamaged.

To ensure students are properly maintaining their assigned lockers, the principal of the building may periodically inspect all or a random selection of lockers. Students may be present during the inspection of their lockers. Student lockers may also be searched in compliance with board policy regulating search and seizure.

Cross Reference: 504.01 Student Due Process Rights

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Unchecked/Unverified

## BULLYING PREVENTION

The board recognizes the negative impact that bullying has on student health, welfare, safety, and the school's learning environment and prohibits such behavior. Bullying is defined as 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 his or her designee, or at school sponsored activities or school-sponsored athletic events.

Bullying may constitute grounds for long-term suspension, expulsion or mandatory reassignment, subject to state and federal statutes and the district's student discipline and due process procedures.

It shall be the responsibility of the superintendent to implement appropriate programs or procedures for the purpose of educating students regarding bullying prevention.

This policy shall be reviewed annually.

*[This policy shall not be interpreted to prohibit a reasoned and civil exchange of opinions, or debate, which is protected by state or federal law.]*

Legal Reference:                   Neb. Statute 79-254 et seq. (Student Discipline Act)

Cross Reference:                   505     Student Discipline

## DATING VIOLENCE PREVENTION

The board prohibits behavior that has a negative impact on student health, welfare, 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.

Incidents of dating violence involving students at school will be addressed as the administration determines appropriate, within the scope and subject to the limits of the District's authority.

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 district's student-parent handbook or an equivalent such publication.

Legal Reference:      Neb. Statute 79-2,141

## SUICIDE AWARENESS

The board wishes to ensure that appropriate staff training for suicide awareness and prevention as required by state statutes is conducted on an annual basis. All district nurses, teachers, counselors, school psychologists, administrators, school social workers, and any other appropriate personnel shall receive at least one hour of such training each year.

The training should include such topics as how to identify appropriate mental health services both within the school and also within the larger community, and when and how to refer youth and their families to those services.

It shall be the responsibility of the superintendent to implement and monitor this training.

Legal Reference: 2014 LB 923

## EXTRACURRICULAR ACTIVITY PARTICIPATION

This policy is supplemental to the Bennington Public Schools policies 504.01 Student Due Process Rights, 504.03 Student Conduct, and 504.15 Controlled Substances. Any action taken hereunder may be in addition to any action under said policy.

The following conduct shall constitute grounds for suspension from practices, participation in interscholastic competition, or other participation in co-curricular activities, when such conduct occurs on school grounds or during an educational function, or event off school grounds, or off school grounds during the season of the particular activity:

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, or similar conduct in a manner that constitutes a substantial interference with school purposes.
3. Sexual assault or attempting to sexually assault any person.
4. Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value, or repeated damage or theft involving property.
5. Causing or attempting to cause personal injury to a school employee, to a school volunteer, or to any student.
6. Threatening or intimidating any student for the purpose of, or with the intent of, obtaining money or anything of value from such student.
7. Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon.
8. Engaging in the unlawful selling, using, possessing or dispensing of alcoholic beverages, tobacco, narcotics, drugs, controlled substance, inhalant or being under the influence of any type above; or possession of drug paraphernalia.
9. Engaging in 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 alcoholic beverages, narcotics, drugs, controlled substance or inhalant.
10. Truancy or failure to attend assigned classes or assigned activities.
11. Tardiness to school, assigned classes or assigned activities.
12. The use of language, written or oral, or conduct, including gestures, which is profane or abusive to students or staff members. Profane or abusive language or conduct includes, but is not limited to, that which is commonly understood and intended to be derogatory toward a group or individual based upon race, gender, national origin, or religion.
13. Public indecency as defined in Nebraska statutes, except that this subdivision shall apply only to students at least twelve years of age but less than nineteen years of age.
14. Repeated violation of any of the rules adopted by the school district or the school.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

15. Engaging in any other activity forbidden by the laws of the State of Nebraska which activity constitutes a danger to other students or interferes with school purposes.
16. Dressing in a manner wherein such dress is dangerous to the student's health and safety or to the health and safety of others or is distractive or indecent to the extent that it interferes with the learning and educational process.
17. Willfully violating the behavioral expectations for those students riding Bennington Public School buses.
18. The knowing and intentional possession, use, or transmission of a firearm or other dangerous weapon
19. 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.
20. Failure to report for the activity at the beginning of each season; reporting for one activity may count as reporting on time if there is a change in activity within the season approved by the coach or the supervisor.
21. Failure to participate in regularly scheduled classes on the day of an athletic/activity event.
22. Failure to attend all scheduled practices and meetings. If circumstances arise to prevent the participant's attendance, the validity of the reason will be determined by the coach. Every reasonable effort should be made to notify the coach or supervisor prior to all missed practices or meetings.
23. Good sportsmanship shall be observed during practice sessions and contests.
24. All other reasonable rules or regulations adopted by the coach or supervisor of a co curricular activity shall be followed, provided that participants shall be advised by the coach or supervisor of such rules and regulations by written handouts or posting on bulletin boards prior to the beginning of the season.
25. Failure to comply with any rule established by the Nebraska School Activities Association, including, but not limited to, the rules relating to eligibility.

Students may be suspended by the principal or his/her designee from practices or participation in interscholastic competition or participation in co curricular activities for violation of rules and standards of behavior adopted by the Bennington Board of Education or the administrative staff of the school.

Cross Reference:      505      Student Discipline

## EXTRACURRICULAR ACTIVITY PARTICIPATION PROCEDURES

The following procedures shall be followed with regard to suspension from extracurricular activities:

1. The party considering the suspension shall make a reasonable investigation of the facts and circumstances. In addition, suspension shall be made only after a determination that the suspension is necessary to help any student, to further school purposes, or to prevent an interference with school purpose.
2. Prior to commencement of the suspension, the student shall be given oral or written notice of the charges against the student. The student shall be advised of what the student is accused of having done, and the basis of the accusation, and an explanation of the evidence the authorities have.
3. The student shall be afforded the opportunity to explain the student's version of the facts to the person effecting the suspension.
4. Within 24 hours or such additional time as is reasonably necessary following suspension, the principal or his/her designee shall send a written statement to the student, student's parents, or guardian describing the student's conduct, misconduct or violation of the rule or standard and the reason for the action taken and the right to a hearing upon request on the specified charges.
5. An opportunity shall be afforded the student, parents, or guardian of the student to confer with regard to the matter with the principal or administrator ordering the suspension.
6. If the student or student's parents/guardian are not satisfied with the determination, an informal hearing may be requested before the superintendent. A form or a request for hearing to be signed by such parties and delivered to the superintendent in person or by registered or certified mail. This request must be received by the building principal within five days of receiving notice of suspension.
7. If a hearing is requested, it shall be held within 10 days of the request and a notice of the time and place of the hearing will be given to the participants, and parents or guardian within five days of receiving the request. The notice shall contain an outline of the alleged infraction. There shall be no stay of the penalty imposed pending an appeal.
8. Upon conclusion of the hearing, a written decision will be rendered within five school days. The statement of finding of fact and decision will be mailed to the participant, parents or guardian. A record of the hearing shall be kept by the school.
9. Nothing contained in this regulation shall prevent the participant, parents, guardian or representative from discussing and settling the matter with the appropriate school personnel at any stage provided herein.

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## INITIATIONS, HAZING AND BULLYING

Initiations, hazing and bullying will not be permitted in the Bennington Public Schools.

One of the missions of the district is to provide a physically safe and emotionally secure environment for all students and staff. Positive behaviors (non-violence, cooperation, teamwork, understanding, and acceptance of others) are to be encouraged in the educational program and are required of all staff. Inappropriate behaviors (bullying, intimidation, and harassment) are to be identified and students and all staff are required to avoid such behaviors. Strategies and practices are to be implemented to reinforce positive behaviors and to discourage and protect others from inappropriate behaviors.

Legal Reference:                   Neb. Statute 79-254 et seq. (Student Discipline Act)

Cross Reference:                   504     Student Discipline  
  505     Student Discipline  
  506     Student Activities

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## DETENTION OF STUDENTS

The provisions of detention or an in-school suspension program and/or Saturday School Program for student violations of policies, rules and procedures shall provide principals with an additional alternative for dealing with disciplinary problems that occur in the schools. When this alternative is appropriate, students will be assigned to serve a specified time period in the in-school suspension program. These assignments, and the determination of the time period for them, shall be determined by the principal, or his or her designee.

Legal Reference: Neb. Statute 79-254 et seq. (Student Discipline Act)

Cross Reference: 504.01 Student Due Process Rights

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## SUSPENSION OF STUDENTS

The authority to suspend for a "short term" and to propose an "extended term" suspension and/or expulsion is delegated to the principal or his or her designee. A short-term suspension shall mean the exclusion of a student from school attendance for a period not to exceed five school days. A long-term suspension means the exclusion of a student from school attendance for a period exceeding five school days but less than twenty school days.

The provisions of this section apply to all pupils enrolled in the school district. When considering possible courses of action for special education students in regard to alleged violations of school rules, policies, and regulations, procedural due process rights guaranteed under applicable Federal and State statutes are applicable. The school district is obligated to see that every special education student is provided an appropriate educational program without cost to the parent. Conversely, schools are not required to maintain pupils who are a danger to themselves or others in regular attendance centers.

Suspension from classes or school will not be carried out unless the student while subject to school authority:

1. uses violence, force, threat or intimidation in a manner causing substantial interference with school purposes; or
2. causes or attempts to cause substantial damage to school or private property or steals or attempts to steal school or private property of substantial value; or
3. causes or attempts to cause physical injury to another person except in self-defense; or threatens or intimidates any student for the purpose or intent of obtaining something of value from the student; or
4. possesses or transmits any firearm, knife, explosive or other dangerous object that is ordinarily considered a weapon; or
5. without medical sanction where prescription substances are in question, possesses, uses, transmits, or is under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverages, or any other controlled substance; or
6. commits public indecency as defined in Nebraska statute 28-806 if that student is at least twelve years of age but less than nineteen years of age; or
7. commits or attempts to commit sexual assault against any person if a complaint has been filed by a prosecutor alleging the incident as required in Nebraska statute 79-267.8; or
8. engages in any other illegal activity which constitutes a danger to other students or interferes with school purposes; or
9. repeatedly violates the policies, rules and standards of student conduct established by the district.

A given suspension will be for a period of time not to exceed 5 school days. A student

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will be informed of the charges against him or her and, if the student denies them, an explanation of the evidence will be given and the student will be given an opportunity to refute the charges. No time delay is necessary between the time a pupil is notified of the charges and the time of the hearing before the principal.

Guidelines to insure that students are afforded due process during a suspension or proposed suspension from school will be developed. The procedural rules, regulations and guidelines will be approved by the Board of Education and made known to students, parents and school staff.

Administrative procedures complying with the Student Discipline Act shall also be in place to ensure due process to the student should the principal decide to administer a long-term suspension, expulsion, or mandatory reassignment.

If a student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, an emergency exclusion may be invoked and the student may be immediately removed from school. However, notice and hearing should follow as soon as practical and not more than ten days following the initial exclusion.

The principal should make a reasonable effort to contact the parent(s) or guardian(s) of a suspended student by telephone or to communicate to them directly regarding the specific act(s) for which the suspension is ordered and the length of the suspension. If personal contact cannot be made then a notice will be mailed to parents within 24 hours stating the specific act(s) for which the suspension is ordered and the length of the suspension.

All records and documentation regarding suspension will be destroyed within three years of the student's continuous absence from school. No information regarding a suspension will be communicated to any person not directly involved in the disciplinary proceedings.

The right of appeal to the Board of Education in cases involving student suspension described in this policy does not extend to a suspension from a student extracurricular activities program or other disciplinary action affecting participation in an extracurricular activities program.

Legal Reference:

Neb. Statute 79-254 et seq. (Student Discipline Act)  
20 U.S.C. §§ 1400 et seq. (Individuals with Disabilities Education Act)  
34 C.F.R. §§ 104.1 et seq.  
34 C.F.R. §§ 300 et seq.

Cross Reference:

504.01 Student Due Process Rights

## EXPULSION OF STUDENTS

For the purposes of this policy and as defined in the Student Discipline Act, expulsion shall mean exclusion from attendance in all schools within the district for a period of time as defined in Nebraska statute 79-283.

Students may be expelled for violations of board policy, school rules or the law. It shall be within the discretion of the administrator to discipline a student by using an expulsion for a single offense or for a series of offenses depending on the nature of the offense and the circumstances surrounding the offense.

The superintendent will develop procedural rules, regulations and guidelines governing expulsions. These shall be approved by the Board of Education and made known to students, parents and school staff. The principal shall keep records of all expulsions.

All cases of expulsion shall be preceded by short-term suspension and its related procedures or by the condition of emergency exclusion which applies only when a student (a) has a dangerous communicable disease transmissible through normal school contacts and poses an immediate threat to the health and safety of the school community; or (b) exhibits conduct which presents a clear threat to the physical safety of himself/herself or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education.

When a student is expelled, the student shall be provided with:

1. Notice of the standard of conduct allegedly violated, acts the student is alleged to have committed and a summary of the evidence to be presented against the student;
2. The penalty, if any, which the principal has recommended in the charge and any other penalty to which the student may be subject;
3. A statement that the student has a right to a hearing, upon request, on the specified charges;
4. A description of the hearing procedures, along with procedures for appealing any decision rendered at the hearing;
5. A statement the principal, legal counsel for the school, the student, the student's parent or representative or guardian has the right:
  - to examine the student's academic and disciplinary records and any affidavits to be used at the hearing concerning the alleged misconduct and;
  - to know the identity of the witnesses to appear at the hearing and the substance of their testimony;

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6. A form on which the student or the student's parent/guardian may request a hearing

Supplemental to these procedures, a special education student must be provided with additional procedures. A determination should be made of whether the student is actually guilty of the misconduct. A staffing team should determine whether the student's behavior is caused by the student's disability and whether the conduct is the result of inappropriate placement. Discussions and conclusions of this meeting should be recorded.

If the special education student's conduct is not caused by the disability, the student may be expelled or suspended for a long-term period following written notice to the parent and pursuant to the school district's expulsion hearing procedures. If the misconduct is caused by the disability and a change in placement is recommended, the change must be made pursuant to the placement procedures used by the school district.

Legal Reference:	Neb. Statute 28-1204.04 79-245 et seq. Goss v. Lopez, 419 U.S. 565 (1975). Wood v. Strickland, 420 U.S. 308 (1975) 20 U.S.C. §§ 1400 et seq. (Individuals with Disabilities Education Act) 34 C.F.R. §§ 104.1 et seq. 34 C.F.R. §§ 300 et seq.
Cross Reference:	504 Student Rights and Responsibilities 505 Student Discipline

## FINES FOR LOST OR DAMAGED ITEMS

The board believes students should respect school district property and assist in its preservation for future use by others. Students may be assessed fines for damage beyond normal wear to the materials needed in a course, for overdue school materials, or for misuse of school property. The charges shall not exceed the actual cost of the materials or equipment incurring damage.

Any schedules of fines will be set prior to the start of the school year and shall be published in the student handbook. It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

Legal Reference:                   Neb. Statute 79-2,127  
  79-734

Cross Reference:                   504     Student Rights and Responsibilities  
  505     Student Discipline

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## CORPORAL PUNISHMENT

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. Employees may:

1. Use 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 object within a pupil's control.
  - c) For the purposes 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. Use 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:

- a) The size and physical, mental, and psychological condition of the student;
- b) The nature of the student's behavior or misconduct provoking the use of physical force;
- c) The method used in applying the physical force.
- d) The extent and nature of resulting injury to the student, if any;
- e) 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.

It shall be the responsibility of the superintendent to develop administrative regulations regarding this policy.

Legal Reference:	Neb. Statute 28-1409 and 1410 28-1413 79-295 Ingraham v. Wright, 430 U.S. 651 (1977). Goss v. Lopez, 419 U.S. 565 (1975).
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Cross Reference: 403.03 Abuse of Students by School District Employees  
504 Student Rights and Responsibilities  
505 Student Discipline

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## RESTRAINT AND SECLUSION

The board prohibits the use of restraint and seclusion by school personnel except as implemented consistent with this policy and regulations that accompany this policy. Restraint or seclusion of students will not be used solely as a disciplinary consequence or when a known medical or psychological condition makes its use inadvisable.

The superintendent will ensure that district guidelines relating to restraint and seclusion are communicated to school personnel and parents/guardians at the beginning of each school year.

It shall be the responsibility of the superintendent to develop administrative regulations for restraint and seclusion to be used by school personnel and recommendations to the board.

Cross Reference:                    403.03 Abuse of Students by School District Employees  
    504 Student Rights and Responsibilities

## RESTRAINT AND SECLUSION REGULATIONS

This regulation sets forth the requirements, restrictions and procedures related to the use of physical restraints and seclusions at Bennington Public Schools.

### 1. Definitions

- A. **Physical Restraint.** Physical restraint means one or more persons using a physical hold to restrict a student's freedom of movement as a response to student behavior. A light touching of a student while conducting a physical escort or a touching to provide instructional assistance is not a physical restraint for purposes of this Guidance.
- B. **Seclusion.** Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving as a response to student behavior.

Seclusion is distinguishable from an in-school suspension, in which other students or adults may be present. While students are required to remain in the in-school suspension area, the students are not physically prevented from leaving.

### 2. Physical Restraint

- A. **When Physical Restraint May be Used.** Physical restraint may be used in the following circumstances:
  - To prevent a student from completing an act that would result in injury to the student or others when there is a substantial risk that the student would commit the act.
    - A verbal threat by a student does not present a substantial risk that a student would commit an aggressive act unless the student also demonstrates the ability and intent to carry out the threat.

Destruction of or damage to property does not present a substantial risk of personal injury unless personal injury would be caused as a result of the destructive act (for example, throwing sharp or heavy objects when others are present, or the person whose property is about to be destroyed is likely to react physically if the person's property were destroyed). (Note: If a student is about to destroy or damage property, the act of grasping the student's arm or leg solely to prevent the striking, throwing or kicking of the item is not prohibited).

- To move a student to a seclusion room, or to remove a student to another location because the student is creating a substantial disruption to others, in circumstances where the student is unable to be moved or removed without the use of physical restraint; and

- In circumstances where the student's IEP or a Behavioral Plan provides for the use of physical restraint in circumstances other than the foregoing. If it is anticipated that physical restraint may need to be used with a special education student, the IEP team is to discuss and include use of physical restraint in the student's IEP if the IEP team determines use of physical restraint to be appropriate. (Note: IEPs or Behavioral Plans should not provide for such physical restraint except in those circumstances where the professional staff determines that non-aversive or positive intervention strategies would not be effective).

Physical restraint may not be used:

- When a known medical or psychological condition contraindicates its use.
- As a form of punishment.

B. Conditions. Use of physical restraint shall take into consideration the safety and security of the student.

In determining whether a student who is being physically restrained should be removed from the area where such restraint was initiated, the staff shall consider the potential for injury to the student, the student's privacy interests, and the educational and emotional well-being of other students in the vicinity.

If physical restraint is imposed upon a student whose primary mode of communication is sign language or an augmentative mode, the student shall be permitted to have his or her hands free of restraint for brief periods, unless staff determines that such freedom appears likely to result in harm to the student or others.

C. Timeline. Physical restraint is to be used only as long as necessary to resolve the reason for which it was initiated.

D. Training. Physical restraint shall be applied only by individuals who have received systematic training that includes all the elements described below. An individual who applies physical restraint shall use only techniques in which he or she has received such training within the preceding two (2) years.

Training with respect to physical restraint may be provided either by the School District or by an external entity and shall include, but need not be limited to:

- Appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship-building, and the use of alternatives to restraint;
- A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;

- The simulated experience of administering and receiving a variety of physical restraint techniques, ranging from minimal physical involvement to very controlling interventions;
- Instruction regarding the effects of physical restraint on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
- Demonstration by participants of proficiency in administering physical restraint.

An individual may provide training to others in a particular method of physical restraint only if he or she has completed training in that technique that meets the foregoing requirements within the preceding one-year period.

### 3. Seclusion

#### A. When Seclusion May be Used. Seclusion may be used in the following circumstances:

- When a student's behavior is so out of control that the student's behavior creates a risk of injury to the student or others;
- When a student's behavior is so out of control that the student is causing a substantial disruption to school activities and there is no other technique and no other place the student may be moved to prevent continued disruption;
- When a student's behavior is so out of control that the student is unable to engage in educational activities and there is no other technique that could reasonably be employed to allow the student's emotions to cool down and engage in appropriate behaviors and educational activities; and
- The student has an IEP or a Behavioral Plan which provides for the use of seclusion in circumstances other than the foregoing. If it is anticipated that seclusion may need to be used with a special education student, the IEP team is to discuss and include use of seclusion in the student's IEP if the IEP team determines use of seclusion to be appropriate. (Note: IEPs or Behavioral Plans should not provide for use of seclusion except in those circumstances where the professional staff determines that nonaversive or positive intervention strategies would not be effective).

Seclusion may not be used:

- When a known medical or psychological condition contraindicates its use.
- As a form of punishment.

B. Conditions. Use of seclusion shall take into consideration the safety and security of the student.

Enclosures used for seclusion, other than enclosures used on a temporary basis, shall:

- Have the same ceiling height as the surrounding room or rooms and be large enough to accommodate not only the student being isolated but also any other individual who is required to accompany that student.
- Be constructed of materials that cannot be used by students to harm themselves or others, be free of electrical outlets, exposed wiring, and other objects that could be used by students to harm themselves or others, and be designed so that students cannot climb up the walls (including walls far enough apart so as not to offer the student being isolated sufficient leverage for climbing).
- If an enclosure used for isolated time out is fitted with a door, the door shall either be a steel door or a wooden door of solid-core construction. If the door includes a viewing panel, the panel shall be unbreakable.
- Be designed to permit visual monitoring of and communication with the student sufficient to ensure the student's safety and security. For students who do not communicate verbally, arrangements shall be made to permit the student to periodically communicate the student's needs.
- If a locking mechanism is used on the enclosure, the mechanism shall be constructed so that it will engage only when a key, handle, knob, or other similar device is being held in position by a person, unless the mechanism is an electrically or electronically controlled one that is automatically released when the building's fire alarm system is triggered. Upon release of the locking mechanism by the supervising adult, the door must be able to be opened readily.

The procedures for use of seclusion include:

- An adult who is responsible for supervising the student shall remain within close proximity of the enclosure.
- The adult responsible for supervising the student must periodically check on the student visually if possible.

C. Timeline. A student shall not be kept in seclusion for more than 20 minutes after the student ceases presenting the specific behavior for which isolated time out was imposed or any other behavior for which isolated time out would be an appropriate intervention.

- D. Training. Orientation will be provided to staff members who are anticipated to be involved in the use of seclusion. The orientation shall cover the procedures contained in this Guidance.

4. Documentation and Evaluation

- A. Documentation of Use of Physical Restraint or Seclusion. A written record of each use of seclusion or physical restraint shall be prepared and maintained in the student's temporary record. The student's case manager, if any, shall also maintain a copy of each such record. Each such record shall include:

- The student's name;
- The date of the incident;
- The beginning and ending times of the incident;
- A description of any relevant events leading up to the incident;
- A description of any interventions used prior to the implementation of physical restraint or seclusion;
- A description of the incident and/or student behavior that resulted in implementation of physical restraint or seclusion;
- A log of the student's behavior during physical restraint or seclusion, including a description of the restraint technique(s) used and any other interaction between the student and staff;
- A description of any injuries (whether to students, staff, or others) or property damage;
- A description of any planned approach to dealing with the student's behavior in the future;
- A list of the school personnel who participated in the implementation, monitoring, and supervision of physical restraint or seclusion;
- The date on which the parent or guardian was notified.

The record shall be completed by the beginning of the school day following the use of seclusion or physical restraint.

- B. Notification of Administration. The Superintendent or Superintendent's designee shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred.
- C. Notification of Parent or Guardian. Within 24 hours after use of seclusion or physical restraint, the Superintendent or Superintendent's designee shall send written notice of the incident to the student's parents or guardians, unless the parent or guardian has provided the District a written waiver of this requirement for notification. The parent or guardian shall inform the parent of the date of the incident, a description of the intervention (physical restraint or seclusion) used, and who at the school may be contacted for further information.
- D. Evaluation. An evaluation shall be conducted whenever a physical restraint exceeds 15 minutes or results in physical injury, whenever a seclusion exceeds 30

minutes, or use of physical restraint or seclusion is repeated with an individual student during any three-hour period:

- A certified staff person trained in the use of physical restraint, or knowledgeable about the use of seclusion, as applicable, shall evaluate the situation.
- The evaluation shall consider the appropriateness of continuing the procedure in use, including the student's potential need for medication, nourishment, or use of a restroom, and the need for alternate strategies (e.g., assessment by a mental health crisis team, assistance from police, or transportation by ambulance).
- The results of the evaluation shall be committed to writing and copies of this documentation shall be placed into the student's temporary student record and provided to the Superintendent or Superintendent's designee.

## STUDENT ACTIVITY ELIGIBILITY

The Board of Education encourages all school age children of residents to enroll in the public schools so they may benefit from a well planned educational program and the socialization of a group environment of other Bennington students.

A vital component of a comprehensive education program is a properly supervised activities program. Such activities, properly supervised and kept in proper perspective, shall be maintained in the school program in order to give students opportunities for experiences not possible in classroom activities. Care and consideration should be given to the amount of time these activities take students away from school during school hours or away from studies on "school nights."

Participation in school activities is a privilege. School activities provide the benefits of promoting additional interests and ability in the students during their school years and for their lifetime. Students who participate in extracurricular activities serve as ambassadors of the school district throughout the calendar year, whether away from school or at school. Students wanting to participate in school activities must meet the requirements set out by the school district for participation in the activity and must conduct themselves in accordance with student conduct policies.

Student activity events must be approved by the superintendent unless they involve unusual travel expense, in which case the board will take action. The events must not disrupt the education program or other school district operations.

Eligibility requirements as published by the Nebraska School Activities Association (NSAA) shall be observed by all students. Additional eligibility requirements may be imposed by the school district at the board's discretion.

Such eligibility requirements shall include good citizenship, acceptable academic standing, parental permission and good health (sports only). All eligibility requirements shall be published in applicable student/parent handbooks.

The student must maintain satisfactory conduct to participate in extracurricular activities. Participation is subject to sanctions as detailed in 504.50 Extracurricular Activity Participation.

Any student who is sanctioned or is found by the school district or NSAA to be ineligible to participate in any extra curricular activity may appeal the sanction or finding in accordance with the student due process policy.

It shall be the responsibility of the superintendent to develop administrative regulations for student eligibility.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Legal Reference: 20 U.S.C. Sect.1681-1683; 1685-1686 (1994).  
34 C.F.R. Pt. 106.41 (1993)  
Neb Statute 79-296  
79-443

Cross Reference: 502 Student Attendance  
504 Student Rights and Responsibilities  
505 Student Discipline  
506 Student Activities  
508 Student Health and Well-Being

Unchecked/Unverified

## STUDENT FUND RAISING

Students may raise funds for school-sponsored events with the permission of the principal. Collection boxes for school fund raising must have prior approval from the principal before being placed on school property.

The main emphasis of any fund-raising campaign should be on the educational aspects of the program.

No contribution of money for any purposes will be collected from or by school children except as authorized by the building principal. All groups desiring to raise money through fund drives in one form or another will present their requests to their building principal for approval. The approval will be based on the following criteria:

1. Amount of money going to the organization -- suggesting minimum 40%, and maximum 100%. Drives in which the organization will receive all the money such as soup suppers, car washes, etc. will receive first priority.
2. Where the funds will be used. Preference will be given to those activities in which usage of tax money would be doubtful or illegal, such as trips and awards of a personal nature. Any drive which seeks or tends to circumvent a Board decision will be rejected. A definite goal for the expenditure of the funds received must be established.
3. Quality of the product or suitability of the product sold. Items which are overpriced or of a embarrassing or controversial nature to the school will be rejected. Will try to avoid products which are in definite competition to local business people.
4. The number of fund drives per organization limited to 3 per year.
5. A beginning and ending date, with publication in the monthly newsletter or mailed out with the lunch menu. The Board will not be responsible for any losses incurred. Principals will need to approve locations and subject matter of all posters posted in the drive.

Cross Reference:	504	Student Rights and Responsibilities
	505	Student Discipline
	506	Student Activities

## STUDENT ACTIVITIES FUNDS

The Student Activities Funds of each school will include athletic and student organization funds and any other funds belonging to any student or class group or activity.

Student Activity Funds are those funds raised or collected by and/or for school-approved student groups, and may include gate receipts and student activity card fees. Student activity funds will be collected and expended for purposes which may benefit the student body of the school.

Monies raised by students through student body organizations, receipts from activity tickets and gate receipts, are subject to the control and management by the school board.

All rules, regulations, and procedures for the conduct, operation and maintenance of student activity funds, and for the safe guarding, accounting and auditing of all monies received and derived from the funds are to contribute to that objective. The accounting system for managing student activity funds shall be designed to encourage the largest possible educational return to students without sacrificing the safety of funds or exposing students to undue responsibility or unnecessary routine.

Cross Reference:                    506.08 Student Fund Raising  
    704.04 Audits

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## STUDENT PHYSICALS FOR ATHLETICS

All students that participate in any athletics or practices must have a physical examination signed by a physician. The physical given may not be the same physical examination required of all freshman entering high school for the first time. The results of the examination and the physician's signature must appear on all local and state forms where it is required. All such examination results must be on file in the school where the student is to participate in athletics. In all cases, these forms should be signed first by parents to signify their permission and then by the physician. Only proper forms are to be used in all cases.

Legal Reference: NSAA Athletic Bylaws sect. 3.4

Cross Reference: 506.01 Student Activity Eligibility

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## AWARDS FOR ACHEIVEMENT

The principal of each school shall establish standards, criteria and other needed guidelines for administering student awards unique to his/her school in accord with adopted Board policy. A statement of such standards, criteria and administrative guides for each award or class of awards approved by the board will be kept on file in the school and will be available for examination by any student, teacher or other citizen.

Cross Reference: 506.01 Student Activity Eligibility

Unchecked/Unverified

## STUDENT DIRECTORY INFORMATION

Student directory information is designed for use internally within the school district. Directory information shall be defined in an annual notice. It may include the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, dates of attendance at this district, 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.

The district is required to supply class lists including name, address and phone number to college and military recruiters upon their request. The parents will also have the opportunity to deny the inclusion of their child's information in class lists requested by college or military recruiters.

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).  
    34 C.F.R. Pt. 99, 300.560 - .574 (1996).

Cross Reference:                    506 Student Activities  
    507 Student Records  
    1003 Public Examination of District Records

## STUDENT HEALTH AND IMMUNIZATION CHECKUPS

### **Physical examinations & immunizations**

Students enrolling in kindergarten (or the beginning grade), students entering the seventh grade or students transferring to any grade in the district from out of state shall have a physical examination by a licensed physician within six months prior to entrance and provide proof of such an examination to the school district.

A certificate of health stating the results of a physical examination and signed by a physician, physician assistant, or an advance practice registered nurse shall be on file at the attendance center.

Students enrolling in the school district shall also submit proof of immunization against measles, mumps, rubella, poliomyelitis, diphtheria, pertussis, tetanus, hepatitis B, and chicken pox (varicella) as required by law. The student may be admitted conditionally to the attendance center if the student has not yet completed the immunization process but is in the process of doing so. Failure to meet the immunization requirement will be grounds for suspension, expulsion or denial of admission.

The superintendent shall annually file a report on behalf of the board by November 15 to the Department of Health and Human Services summarizing the immunization status of the district's students as required.

### **Visual evaluation**

Students enrolling in kindergarten (or the beginning grade) or students transferring to any grade in the district from out of state shall also have a visual examination, including tests for amblyopia, strabismus, and internal and external eye health, and visual acuity. The visual evaluation must be completed within six months prior to entrance and proof of such evaluation shall be provided to the school district.

A certificate of health, or other form, stating the results of the visual evaluation and signed by a physician, optometrist, physician assistant, or advance practice registered nurse shall be on file at the attendance center.

### **Notifications to parents**

The student's parent or guardian shall be notified in writing of their right to submit a written statement refusing such physical or visual examinations or immunizations for the student and shall be provided with 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.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Parents will be promptly notified of any condition requiring professional attention.

## Other health inspections

During the first quarter of each school year the district will provide for inspections of all students for defective sight and hearing, dental defects and any other conditions as specified by the Department of Health and Human Services. Parents will be promptly notified of any condition requiring professional attention.

Any student enrolling during the school year after these inspections will have such an inspection made immediately upon entrance. Any student showing symptoms of any contagious or infectious disease shall be sent home as soon as practicable and the principal notified of the circumstances.

Legal Reference: Neb. Statute 79-214  
79-217 to 223  
79-248 et seq.  
Title 173 NAC 3

Cross Reference:	403.02 Child Abuse Reporting 503 Student Attendance 506.10 Student Physicals for Athletics 508 Student Health and Well-Being
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## ADMINISTRATION OF MEDICATION TO STUDENTS

Students may be required to take medication during the school day. The district shall establish procedures which may allow students to self-administer medications for diabetes and asthma/anaphylaxis. Other medications shall be administered by the school nurse, a registered Medication Aide, or other school staff member meeting the minimum competency standards for the Medication Aide Act.

### Self-Management of Diabetes and Asthma/Anaphylaxis

Upon completion of required procedures, the district and parent or guardian, in consultation with the student's physician, will develop a diabetes or asthma/anaphylaxis medical management plan for the current school year. The plan shall:

1. Identify the health care services the student may receive at the school relating to the condition;
2. Evaluate the student's understanding of and ability to self-manage his/her condition;
3. Permit regular monitoring of the student's self-management of his/her condition by an appropriately credentialed health care professional; and
4. Be signed by the student's parent or guardian and the physician responsible for treatment of the student's condition.

For asthma/anaphylaxis the plan will also:

1. Include the name, purpose, and dosage of the prescription medication prescribed for such student; and
2. Include procedures for storage and access to backup supplies of such prescription medication.

The parent or guardian shall sign a statement that:

1. The district and its employees and agents are not liable for any injury or death arising from a student's self-management of his/her condition; and
2. Shall indemnify and hold harmless the district and its employees and agents against a claim arising from a student's self-management of his/her condition.
3. Any injury to others as a result of the student's self-medication shall be the parents' responsibility

The student shall promptly notify the person designated in the student's self-management plan when the student has self-medicated.

The superintendent shall develop all necessary procedures and forms to implement the self-management plans and student disciplinary procedures regarding the misuse or threatened misuse of medications and supplies. The school will promptly notify the parent/guardian of such disciplinary action.

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#### Medication for Conditions other than Diabetes or Asthma/Anaphylaxis

Medication will not be administered without written authorization that is signed and dated from the parent and physician, and the medication must be in the original container which is labeled by the pharmacy or the manufacturer with the name of the child, name of the medication, the time of the day which it is to be given, the dosage and the duration.

Written authorization will also be secured when the parent requests student co-administration of medication for other than diabetes or asthma/anaphylaxis when competency is demonstrated. When administration of the medication requires ongoing professional health judgment, an individual health plan will be developed by the licensed health personnel with the student and the student's parents.

A written record of the administration of medication procedure must be kept for each child receiving any medication including the date; student's name; prescriber or person authorizing the administration; the medication and its dosage; the name, signature and title of the person administering the medication; and the time and method of administration and any unusual circumstances, actions or omissions. Administration of medication records shall be kept confidential.

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.

Medication will be kept in a secured area. Students may carry medication only with the approval of the parents and building principal of the student's attendance center. Emergency protocol for medication-related reactions will be in place.

The superintendent shall be responsible, in conjunction with the school nurse or Medication Aide, for developing rules and regulations governing the administration of prescription and nonprescription medication to students, including emergency protocols, and for ensuring persons administering medication have met the requirement of state statutes. Annually, each student shall be provided with the requirements for administration of medication at school.

Legal Reference: 34 C.F.R. §99.1 to 99.67 (1994)  
Neb. Statute 71-6718 (Medication Aide Act)  
79-249  
173 N.A.C. ch. 3, sect. 001-009.04

Cross Reference: 507 Student Records  
508 Student Health and Well-Being  
604.03 Special Education  
608.02 Student Health Services

## COMMUNICABLE OR INFECTIOUS DISEASES

Students with a communicable disease will be allowed to attend school provided their presence does not create a substantial risk of illness or transmission to other students or employees. The term "communicable disease" shall mean an infectious or contagious disease spread from person to person, or animal to person, or as defined by law.

Prevention and control of communicable diseases shall be included in the school district's bloodborne pathogens exposure control plan. The procedures shall include scope and application, definitions, exposure control, methods of compliance, universal precautions, vaccination, post-exposure evaluation, follow-up, communication of hazards to employees and record keeping. This plan shall be reviewed annually by the superintendent and school nurse.

Their personal physician shall determine the health risk to immunosuppressed students. The health risk to others in the school district environment from the presence of a student with a communicable disease shall be determined on a case-by-case basis by the student's personal physician, a physician chosen by the school district or public health officials.

A student who is at school and who has a communicable disease that creates a substantial risk of harm to other students, employees, or others at school shall report the condition to the principal any time the student is aware that the disease actively creates such risk.

It shall be the responsibility of the superintendent, in conjunction with the school nurse, to develop administrative regulations stating the procedures for dealing with students with a communicable disease.

Legal Reference:                   Neb. Statute 79-248 et seq.  
  79-264  
  29 U.S.C. §§ 701 et seq. (1994).  
  45 C.F.R. Pt. 84.3 (1990).

Cross Reference:                  404.04 Communicable Diseases - Employees  
  507     Student Records  
  508     Student Health and Well-Being

## STUDENT ILLNESS OR INJURY AT SCHOOL

When a student becomes ill or is injured at school, the school district shall attempt to notify the student's parents as soon as possible.

The school district, while not responsible for medical treatment of an ill or injured student, will have employees present administer emergency or minor first aid if possible. An ill or injured child will be turned over to the care of the parents or qualified medical professionals as quickly as possible.

In cases where the severity of an accident justifies the filing of an accident report, it shall be the responsibility of the principal to file the report with the superintendent within one working day after the student is injured.

Annually, parents shall be required to complete a medical emergency authorization form indicating the procedures to be followed, if possible, in an emergency involving their child. The authorization form will also include the phone numbers of the parents and alternative numbers to call in case of an injury or illness.

The superintendent shall be responsible, in conjunction with the school nurse, to develop rules and regulations governing the procedure in the event a student should become ill or be injured at school.

Cross Reference:

508 Student Health and Well-Being

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## EMERGENCY PLANS AND DRILLS

Students will be informed of the appropriate action to take in an emergency. Emergency drills for fire, weather, and other disasters shall be conducted each school year. At least 10 fire drills shall be conducted each year, including at least two drills during the first month of the school term. At least 2 tornado drills shall be conducted.

Each attendance center shall develop and maintain a written plan containing emergency and disaster procedures. The plan will be communicated to and reviewed with employees. The emergency plan shall include:

- assignment of employees to specific tasks and responsibilities;
- instructions relating to the use of alarm systems and signals. If combination visual and auditory warning devices do not exist, the plan shall include specific provisions for warning individuals with hearing impairments;
- information concerning methods of fire containment;
- systems for notification of appropriate persons and agencies;
- information concerning the location and use of fire fighting equipment;
- specification of evacuation routes and procedures;
- posting of plans and procedures at suitable locations throughout the facility;
- evacuation drills which include the actual evacuation of individuals to safe areas;
- an evaluation for each evacuation drill.

Employees shall participate in emergency drills. Certified employees shall be responsible for instructing the proper techniques to be followed in the drill.

Legal Reference:                   Neb. Statute 79-609  
  79-705 and 706  
   Neb. Fire Safety Code section 31-3

Cross Reference:                   801.04 Bus Safety Program  
   905 Safety Program

## STUDENT INSURANCE

Students shall have the opportunity to participate in the health and accident insurance plan selected by the school district. The cost of the health and accident insurance program shall be borne by the student. Participation in the insurance health and accident plan is not a contract with the school district, but rather, a contract between the insurance company and the student.

Legal Reference:                   Neb. Statute 44-762  
  79-443

Cross Reference:                   506     Student Activities  
  508     Student Health and Well-Being

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CUSTODY AND PARENTAL RIGHTS

Students being released before the end of the school day will only be released to immediate family members or individuals authorized by parents or legal guardians, and identification is required when an adult picking up the student is unfamiliar to staff or volunteers.

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.

Legal Reference:

34 C.F.R. §99.4 (1995)  
Neb. Statute 42-364  
42-381  
43-2,902

Cross Reference:

507 Student Records  
508 Student Health and Well-Being

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## DEFIBRILLATORS

The board recognizes that from time to time emergencies may arise that justify the use of an Automated External Defibrillator (AED). The district will maintain automatic external defibrillator(s) at specified site(s). The AED shall be used in emergency situations warranting its use by individuals specifically trained in application of the device through a program meeting the standards of the American Heart Association. The device will not be administered by anyone without training.

The defibrillator shall be maintained and tested in accordance with operational guidelines of the manufacturer and monitored by building principal or designee.

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

Cross Reference:                    508      Student Health and Well-Being

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## ASTHMA AND ALLERGIC REACTION PROTOCOL

The Board recognizes that from time to time emergencies may arise that justify the use of an emergency response to life threatening asthma or systemic allergic reactions (anaphylaxis). To this end the Board adopts the Emergency Response to Life Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis) Protocol (NDE Rule 59) and directs the Superintendent to establish procedures and rules to implement the protocol.

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 \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## ASTHMA AND ALLERGIC REACTION PROTOCOL

### Emergency Response to Life-Threatening Asthma or Systemic Allergic Reactions

Employees of the District are authorized to use the protocol below only after completing required training. Such training will include the following objectives: 1) define life threatening asthma and anaphylaxis, 2) describe the signs and symptoms of life threatening asthma and anaphylaxis, 3) list the steps to be taken in an emergency as outlined in the protocol, 4) demonstrate how to use an EpiPen, 5) demonstrate how to administer a nebulized albuterol treatment, 6) document pertinent information on an emergency report form.

At least three employees at each elementary school, four employees at the 7-12 building as designated by the building principals will be trained to implement the protocol and CPR. Necessary equipment and medication will be procured by the District and distributed to all school buildings annually. The equipment and medication will be inspected and replenished (if need be) by the building principal or designee at least once each semester.

District personnel shall be prepared to and expected to implement the protocol only on school grounds during days while school is in session. For purposes of the Protocol, the phrase "while school is in session" is defined as the core instructional school day. The "core instructional school day" is defined as that portion of each day school is in session during which teachers are on duty to provide and students are scheduled to receive instruction in the School District's curriculum, generally beginning at 8:00 a.m. and ending at 3:30 p.m. The Protocol shall not be required to be implemented other than in the school buildings while school is in session, and as such is not required to be implemented at extracurricular activities, on school buses, or during school field trips.

Implementation of the Protocol at such non-mandatory times or places shall be made in the discretion of the administration and shall be subject to the availability of the employees designated or trained in implementation of the Protocol and the availability of the necessary equipment and medication at such times or places.

### **Protocol**

**DEFINITIONS:** 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 these 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
- Abdominal: pain, nausea and vomiting, diarrhea
- Oral/Respiratory: sneezing, swelling of face (lips, mouth, tongue, throat), lump of 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 or designated trained building staff.
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 EpePen-jr. for a child less than 50 pounds or an adult EpiPen for any individual over 50 pounds.
- Follow with nebulized albuterol (premixed) while awaiting EMS. If not better, a second treatment of nebulized albuterol may be administered.
- Administer CPR if indicated.

**WAIVER OF EMERGENCY RESPONSE TO LIFE THREATENING ASTHMA OR  
SYSTEMIC ALLERGIC REACTIONS PROTOCOL**

\_\_\_\_\_ 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 Epi-Pen by school personnel under any circumstances for the 20\_\_\_\_ - 20\_\_\_\_ school year.

(Signature of Parent/Legal Guardian/Custodian of Child)

(Date)

## WELLNESS AND NUTRITION

The board shall promote and monitor a local wellness program. The program shall:

1. Include goals for nutrition education, physical activity and other school-based activities designed to promote student wellness in a manner that the board determines is appropriate;
2. Include nutrition guidelines for all foods available in each school during the school day; the objectives of the guidelines shall be to promote student health and to reduce childhood obesity;
3. Assure that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture, as those regulations and guidance apply to schools;
4. Establish a plan for measuring implementation of the local wellness policy, including designation of one or more district employees who shall be charged with operational responsibility for ensuring the wellness policy is effectively enforced; and
5. Involve parents, students, representatives of the school food authority, the school board, administrators and the public in the development of the school wellness policy.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## WELLNESS AND NUTRITION

Education and activities designed to foster healthy lifestyles are essential for students to achieve their full potential. The Bennington Public Schools Wellness and Nutrition Policy require that goals be established for nutrition education, physical activity and other school-based activities designed to promote student wellness. The School Wellness and Nutrition Policy authorizes the superintendent to establish additional guidelines as are determined appropriate to meet the stated goals. The Wellness Committee has developed a set of recommendations for the district with four main components:

1. Nutrition Standards. Academic performance and quality of life issues are affected by the choice and availability of good foods in our schools. Healthy foods support student physical growth, brain development, resistance to disease, emotional stability and ability to learn.
  - (a) Nutrition guidelines that require the use of products that are high in fiber, low in added fats, sugar and sodium, and served in appropriate portion sizes consistent with USDA standards shall be established for all foods offered by the district's Student Lunch/Breakfast Program or contracted vendors. Menu and product selection shall utilize student, parent, staff and community advisory groups whenever possible.
  - (b) Student Lunch/Breakfast Program policies and guidelines for reimbursable meals shall not be more restrictive than federal and state regulations require.
  - (c) A la carte offerings to students shall be nutritious and meet federal recommended guidelines and shall be selected with input from students, parents and staff.
  - (d) Vending Machines.
    - 1) All snack vending machines shall provide only single serving snacks that meet at least two, with at least 50% of the items meeting three of the following: 300 or fewer calories, six grams of fat or less, one or more grams of fiber, at least 10% of RDA of calcium, iron, vitamin A or vitamin C.
    - 2) Vending machines where student meals are served or eaten shall not include carbonated beverages.
    - 3) All beverage vending machines in secondary school public areas and all faculty/staff areas at school and district sites shall include:
      - a. water
      - b. 100% fruit juice
      - c. non-carbonated drinks with less than 150 calories per container
      - d. no more than 1/3rd of the choices will be carbonated drinks

4) The beverage vending machines may also include:

- a. non-fat, low-fat, plain or flavored milk or yogurt in 16 ounces or less servings
- b. other non-carbonated drinks

(e) Food sales by organizations outside of normal school hours such as concession stands and bake sales shall be exempt from the requirements of these regulations.

(f) Nutrition services shall support classroom activities for all elementary students that include hands-on applications of good nutrition practices to promote health and reduce obesity.

(g) Products containing peanuts or peanut residue may be sold or offered in the school meal program on a limited basis. Every effort will be made to protect all persons with allergic reactions to peanut or peanut residue from undo harm.

(h) School meals in the district shall reflect nutrition standards which require that over a week's menu cycle, lunch provides students with one-third of the Recommended Daily Allowance (RDA) for protein, vitamins A and C, iron and calcium and one third of the Recommended Energy Intake (REI) for calories. School breakfast must provide one fourth of the RDA and REI over a week.

(i) Organizations operating concessions at school functions should include at least some healthy food choices in their offerings. It is recommended that groups consider marketing these healthy options at a lower profit margin to encourage selection by students.

2. Nutrition Education. Nutrition education and healthy living skills shall be taught as part of the regular instructional program and provides the opportunity for all students to understand and practice concepts and skills related to health promotion and disease prevention.

(a) Each school shall develop an interdisciplinary, sequential skill-based health education program.

(b) Students shall have access to valid and useful health information and health promotion products and services.

(c) Students shall have the opportunity to practice behaviors that enhance health and/or reduce health risks during the school day and as part of before or after school programs.

(d) Students shall be taught communication, goal setting and decision making skills that enhance personal, family and community health.

3. Physical Education and Activity. Physical education and physical activity shall be an essential element of each school's instructional program. The program shall provide the opportunity for all students to develop the skills, knowledge and attitudes necessary to participate in a lifetime of healthful physical activity.
  - (a) Physical Education Program. The physical education program shall be designed to stress physical fitness and encourage healthy, active lifestyles. The physical education program shall consist of physical activities of at least moderate intensity and for a duration that is sufficient to provide a significant health benefit to students, subject to the differing abilities of students.
  - (b) Students shall be supported in setting and meeting personal fitness goals that result in the achievement and maintenance of a health enhancing level of physical fitness.
  - (c) Students shall be provided varied opportunities for enjoyment, challenge, self-expression and social interaction that will lead to a physically active lifestyle.
  - (d) All elementary school students will be encouraged to have at least 20 minutes a day of supervised recess, preferably outdoors, during which the school should encourage moderate to vigorous physical activity verbally and through the provision of space and equipment.
4. Other school-based activities designed to promote student wellness:

Healthy and Safe Environment – A healthy and safe environment for all, before, during and after school supports academic success. Safer communities promote healthier students. Healthier students do better in school and make greater contributions to their community.

  - (a) School buildings and grounds, structures, buses and equipment shall meet all current health and safety standards, including environmental air quality, and be kept inviting, clean, safe and in good repair.
  - (b) School facilities, grounds, and vehicles shall maintain an environment that is free of tobacco, alcohol and other drugs.
  - (c) Safety procedures and appropriate training for students and staff shall support personal safety and a violence and harassment free environment.
  - (d) Each work site, school and classroom shall work to create an environment where students, parents/guardians and staff are respected, valued and accepted with high expectations for personal behavior and accomplishments.
  - (e) School personnel will assist all students in developing the healthy practice of washing hands before eating.

**Social, Mental, and Emotional Well-Being** – Programs and services that support and value the social and emotional well being of students, families and staff build a healthy school environment.

- (a) Each school shall provide a supportive environment that includes guidance, counseling, and school social work services that encourages students, families and staff to request assistance when needed and links them to school or community resources.
- (b) Students shall be provided the skills to express thoughts and feelings in a responsible manner and give and receive support from others.
- (c) Students shall be taught to understand and respect the differences in others and how to build positive interpersonal relations.
- (d) Students and staff shall be encouraged to balance work and recreation and helped to become aware of stressors which may interfere with health development.

**Health Services** – An effective health care delivery system that promotes academic achievement by providing a broad scope of services from qualified health care providers will improve the mental and physical health of students and staff.

- (a) Primary coordination of health services shall be through a trained school health care practitioner with the support and direction of the school district and the Nebraska Department of Health and Human Services.
- (b) The district shall collaborate with community health liaisons and resources to promote health and wellness for students, families, staff and community.
- (c) A coordinated program of accessible health services shall be provided to students and staff and shall include violence prevention, school safety, communicable disease prevention, health screening, (i.e. vision, auditory, scoliosis) community health referrals, and immunizations, parenting skills, first aid and other priority health education topics.
  - 1. A thorough follow-up to health screenings shall be conducted to encourage parents to address their students' health deficiencies. Parents shall be informed of programs and services available for providing assistance whenever financial, transportation or other obstacles might prevent addressing the deficiencies.

**Family, School and Community Partnership** – Long term effective partnerships improve the planning and implementation of health promotion projects and events within each school and throughout the community.

- (a) Family, student and community partners shall be included on an ongoing basis in school and district wellness planning processes.

- (b) The equality and diversity of the school and district community shall be valued in planning and implementing wellness activities.
- (c) Community partnerships shall be developed and maintained as a resource for school and district programs, projects, activities and events.
- (d) Schools and the district shall actively develop and support the engagement of students, families and staff in community health enhancing activities and events at the school or throughout the community.

**Use of School Facilities Outside of School Hours** – School spaces and facilities should be available to students, staff, and community members before, during, and after the school day, on weekends, and during school vacations. These spaces and facilities also should be available to community agencies and organizations offering physical activity and nutrition programs. School policies concerning safety will apply at all times.

**Staff Wellness** – The district highly values the health and well-being of every staff member and encourages efforts by staff to maintain a healthy lifestyle.

Unchecked/Unverified

## CONCUSSION AWARENESS

Training to recognize the symptoms of concussions and brain injuries and how to seek their proper medical treatment shall be made available to coaches of the district's athletic teams.

The district will provide information on concussions and brain injuries to athletes and their parents or guardians prior to the beginning of practice or competition including at least:

1. The signs and symptoms of concussions;
2. The risks posed by sustaining a concussion; and
3. The actions a student should take in response to sustaining a concussion including the notification of coaches.

A student participating on a school athletic team shall be removed from a practice or game when reasonably suspected of having sustained a concussion or brain injury in that activity after observation by a coach or a licensed health care professional who is professionally affiliated with or contracted by the school.

The injured 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;

1. has been evaluated by a licensed health care professional;
2. has received written and signed clearance to resume participation in athletic activities from the licensed health care professional;
3. 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.

If a student is reasonably suspected after observation of having sustained a concussion or brain injury and is removed from an athletic activity as required above, the parent or guardian of the student shall be notified by the school 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.

The district shall establish a return to learn protocol for students that 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.

It is the responsibility of the superintendent to implement this policy.

Legal Reference:                   Neb. Statute 71-9104

Approved: August, 2011      Reviewed \_\_\_\_\_ Revised: August, 2014

## PARENTAL NOTIFICATION AS A CONDITION FOR OBTAINING AN ABORTION

Parental Notification as a Condition for Obtaining an Abortion and the Provisions of Neb. Rev. Stat. 71-6903 and 71-6904 with Regard to Seeking a Judicial Waiver of Notification.

If a woman under the age of 18 who is not self supporting or married becomes pregnant and decides to have an abortion in Nebraska, certain laws apply to her.

### NOTICE FROM DOCTOR TO PARENT OR GUARDIAN

Nebraska law requires that one parent (chosen by the pregnant woman) or legal guardian must be told by her doctor that an abortion is scheduled. The doctor must personally deliver or mail the notice. The parent or guardian does not have to give permission; the parent or guardian simply has to be told. The doctor must wait at least 48 hours after written notice has been delivered to the parent or guardian before the abortion can be performed.

### WAIVER OF NOTICE

If the pregnant woman doesn't want her doctor to notify one of her parents or legal guardian, she must request that a judge authorize the abortion without written notice to a parent or guardian. This process is referred to as a judicial waiver of notification.

### JUDICIAL WAIVER OF NOTIFICATION

#### FORMS AND INSTRUCTIONS

The pregnant woman must fill out a special form to ask for a waiver. The Waiver of Notification form can be found at any courthouse in Nebraska in a place where anyone can pick it up without asking. The form has instructions on how to fill it out and where and how to turn it in.

#### LEGAL HELP

The pregnant woman can get free legal help. If she asks, the court will provide her with an attorney at no cost to her.

#### MEETING WITH THE JUDGE

The judge will meet privately with the pregnant woman, her attorney, and any other person she wants to be present.

#### JUDGE GRANTS OR DENIES THE WAIVER

The judge will authorize the abortion without notifying a parent or guardian if the judge determines that the pregnant woman is mature and capable of giving informed consent to the abortion or that the abortion would be in her best interest. If the judge does not grant

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the waiver, then the doctor must notify the pregnant woman's parent or guardian of the pending abortion.

#### **APPEAL TO NEBRASKA SUPREME COURT**

If the judge does not authorize the abortion without notifying a parent or guardian, the pregnant woman may appeal to the Nebraska Supreme Court to authorize the abortion without notification to her parent or guardian.

#### **PRIVACY AND CONFIDENTIALITY**

All records, forms, and court proceedings regarding the waiver or a appeal are private, confidential, and will not be made public without the pregnant woman's permission. For additional information regarding the law dealing with parental notification of an abortion, refer to Nebraska Revised Statutes 71-6901 to 71-6909.

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## CLASS OR STUDENT GROUP GIFTS

The board welcomes gifts to the school district from a class or student group. While class gifts to the school district do not require the approval of the superintendent, the board encourages students to consult with the superintendent or other certificated employees prior to selecting a gift for the school district.

No principal, teacher, or other employee of the Board will accept money as a gift. Gifts of appreciation given by a class to a principal, teacher, or other employee of the Board will be of reasonable cost. Gifts exceeding \$100 will be reported to the superintendent by the recipient.

Cross Reference: 705.04 Gifts, Grants and Bequests

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## MISSING PERSONS

A missing person shall mean a person 16 years or younger reported to any law enforcement agency as abducted or lost.

Upon notification by the Nebraska State Patrol of a missing student, the school will flag the student's records in such a way that any personnel looking at such birth certificate or record shall be alerted to the fact that that birth certificate or record is of a missing person.

Any school requested to forward a copy of a transferred student's record shall not forward such record to the requesting school if the record has been flagged as that of a missing person. The school will notify the Douglas County Sheriff's Department of the request and that the student is a reported missing person.

Any school or person acting on behalf of a school shall be immune from civil and criminal liability for acts or omissions which occur as a result of the requirements of the Missing Children Identification Act.

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## BENNINGTON BOARD POLICY MANUAL

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## GOALS AND OBJECTIVES

This series of the board policy manual is devoted to the goals and objectives for the delivery of the education program as described by the mission statement of the district. The board's objective in the design, contents and the delivery of the education program is to provide an equal opportunity for students to pursue an education free of discrimination on the basis of race, creed, color, sex, national origin, marital status, religion or disability.

The Board of Education delegates to the Superintendent the responsibility of maintaining the program of instruction and extracurricular activities. The instructional program and extracurricular activities shall meet the accredited school system standard of the State Board of Education through the Nebraska Department of Education, Federal regulations, Nebraska School Activities Association regulations and the policies of the Board of Education. The professional staff is responsible for the development of educational and activities programs which meet the objectives of the Bennington Public Schools.

The Bennington Public Schools have designated as their objectives the following: Our school shall enable each student to react to his environment as a total being by:

1. Aiding each student in acquiring fundamental skills and knowledge that will engender in him a sense of personal worth and direction most beneficial to himself and society. This shall be accomplished through:
  - A. Selection and using subject matter and facilities appropriate to the development of specific skills and knowledge.
  - B. Setting standards of achievement so that every student can experience some degree of success.
  - C. Providing equal opportunities for all students, fully realizing that not all students have the same talents and capacities for learning.
  - D. Finding relationships which exist among the curricular studies.
  - E. Finding relationships which exist between the curricular studies and the extracurricular activities.
  - F. Aiding the student to recognize the value of the past as a developmental influence on aesthetic, humanistic and creative ideals for the future.
  - G. Recognizing scholastic achievement and marks of improvement.
  - H. Recognizing social and civic contributions made by students.
2. Providing an environment in which freedom is regarded as a responsibility for administrators, teachers, and students. This shall be accomplished through:
  - A. Providing direction and substantial meaning whereby respect for each other shall be paramount and reciprocal.

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- B. Emphasizing the necessity of respect for public and private property as well as dignity of all work.
3. Maintaining an environment conducive to good physical and mental health. This shall be accomplished through:
  - A. Providing activities which have as their goal the development of physical fitness.
  - B. Providing activities in which all students can experience some measure of success.
  - C. Allowing for creative response through music, art, dramatics and physical education.
  - D. Providing programs of specialization to meet specific needs of the student; such as speech therapy, remedial reading, guidance counseling and student health.
4. Providing a means of public relations. This shall be accomplished through:
  - A. Keeping the public informed as to current happenings in all phases of the school's activities.
  - B. Allowing the public to participate in the development of the school policies and programs.
  - C. Making available to the public opportunities to discuss current educational interest.
  - D. Attempting to develop good relationships among students, teachers, administrators, parents and the community at large.
5. Selecting for employment, administrators and teachers who have the inspiration, dedication and factual competence to put into effect the philosophy and objectives of the Bennington Public Schools. This shall be accomplished through:
  - A. The auspices of the administration and the Board of Education as designated by the procedures set forth in the Board Policies of the Bennington Public Schools.
6. Establishing a program of continuous evaluation of the entire school system that it might determine the measure of success of the philosophy and the objectives of the Bennington Public Schools. This will be accomplished through:
  - A. Coordinating the evaluative efforts of the students, teachers, administrators, specialists, and the entire community.

Legal Reference: NDE Rule 10.012.01A

## SCHOOL CALENDAR

The school calendar shall accommodate the education program of the school district. The school calendar shall accommodate instruction for a minimum of 1,080 hours for students in grades nine through twelve, 1,032 hours for students in grades one through eight, and 400 hours for students in kindergarten. The school calendar shall include, but need not be limited to, days for student instruction, staff development, in-service days and teacher conferences.

Special education students may attend school on a school calendar different from that of the regular education program consistent with their Individualized Education Program.

It shall be the responsibility of the superintendent to develop the school calendar for recommendation, approval, and adoption by the board.

The board may amend the official school calendar when the board considers the change to be in the best interests of the school district's education program.

Legal Reference:      Neb. Statute 79-211  
                          NDE Rule 10.012.01B

Cross Reference:      503     Student Attendance  
                          604.03 Special Education

## SCHOOL DAY

The school day shall be scheduled in such a way that students are given the best opportunity for their educational growth and development. The length of the day, and the arrangement of time segments within it, need not be uniform for all grade levels.

In designing the student day, the following considerations are to be met:

1. The learning activities of each student are carefully guided and supervised.
2. Each student has opportunities to receive individual assistance from teacher outside of the regular school day.
3. Parents shall be informed of late starts or early dismissal.
4. Early dismissal for student employment shall be subject to approval of the building administration. Parental or guardian permission shall precede any early dismissal for work related activities. Early dismissal of other students shall be reasons of health, etc., and must be validated by the student's parent or guardian.
5. Changes in the school day shall be subject to the approval of the superintendent.

## CURRICULUM ADOPTION AND MATERIALS SELECTION

All major program adoptions and/or major course revisions shall be subject to the approval of the Board of Education.

Major program adoptions and/or major course revisions may be proposed by district wide curriculum committee and/or building curriculum committees and approved, rejected or revised and approved by the superintendent before being submitted to the Curriculum Committee of the Board of Education and then to the Board itself for final approval.

The board has sole discretion to approve instructional materials for the school district. This authority is delegated to certificated employees to determine which instructional materials, other than textbooks, will be utilized by and purchased by the school district.

The board delegates to the superintendent, in cooperation with the instructional staff, the responsibility for establishing regulations for:

1. The selection of instructional materials.
2. Reviewing their effectiveness.
3. Dealing with complaints concerning instructional materials.

The procedures for selecting instructional materials shall reflect the following philosophy:

1. To provide materials that will stimulate growth in factual knowledge, practical skills, literary appreciation, aesthetic values, and ethical standards.
2. To provide a background of information which will enable students to make intelligent judgments in their daily life.
3. To provide materials that will enrich and support the curriculum, taking into consideration the varied interest, abilities, and maturity levels of the students served.
4. To provide materials on opposing sides on controversial issues so that young citizens may develop under guidance the practice of critical thinking and analysis.
5. To provide materials representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage.

To place principle above personal opinion and reason above prejudices in the selection of

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materials of the highest quality in order to assure a comprehensive collection appropriate for the instructional materials.

Legal Reference:     20 U.S.C. § 1232h (1994).  
                          34 C.F.R. Pt. 98 (1996).

Cross Reference:    203.07 Advisory Board Committees  
                          606      Instructional Materials  
                          611      Academic Achievement

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## **Administrative Rules and Procedures to Implement Policy 602.03 – EMERGENCY SCHOOL CLOSINGS**

Two weather situations may occur that would cause school to be dismissed:

1. If weather conditions exist that would jeopardize the safety of students coming into school, school will either be canceled for the day or will start at a later time.
2. If severe weather conditions develop when students are in school, a decision will be made as early as possible to dismiss for the remainder of the day.

If either of these situations occur, announcements will be made on the District's messaging system, radio stations KFAB (AM 1110) and KKAR (AM 1290), and television stations WOWT, KMTV and KETV. If school is to have a delayed start or to be canceled announcements will begin on these stations at approximately 6:30 AM. Early dismissals due to severe weather will be announced as soon as this decision has been made.

### **STAFF DUTY RESPONSIBILITIES DURING INCLEMENT WEATHER**

Winter weather in Nebraska will at times require the closing of school for students due to unsafe travel conditions or dangerous wind chills.

The decision to close school for students because of severe weather conditions will be made by the superintendent and communicated to major radio stations by 6:30 AM. Based upon weather conditions a decision will be made to have all teaching staff report or to have only emergency staff report. The staff members will be notified via phone calling trees as early as possible. Under no conditions will any hourly staff member be paid for hours not worked on a snow/cold day.

1. If severe weather makes travel extremely difficult, only emergency staff will be expected to report. **Emergency Staff** includes:

- |   |                         |
|---|-------------------------|
| - Central Office Staff  | - Custodians            |
| - Administrators  | - Maintenance Personnel |
| - Building Secretaries (as designated by building principals) |                         |

Emergency staff will report at regular times. This is very important as some students may not hear the closing information and may attempt to come to school.

2. In special circumstances and if road conditions are passable, all **teaching staff members** will be expected to report. This decision will be made by 7:30 AM and communicated to all teachers by phone calling trees. Teaching staff members will be on duty from 9:30 AM to 3:30 PM. This time will be for working in rooms, planning, organization, record keeping, professional development or other related responsibilities. Teacher assistants, food service personnel and van drivers are not expected to report when school is closed for snow/cold days.

If, in the judgment of any teacher or professional staff member, the weather conditions prohibit getting to school safely, the staff member will be expected to make arrangements with his/her administrator to make up the contract day prior to the last student day of the school year.

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## 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 the evaluation of the procedures and methods for attaining the objectives;
- provide for objective monitoring of a student's progress;
- provide for the needs of vocational and college bound students;
- include, if feasible, the course offerings requested by the students;
- 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.

The above mentioned standards include the English Language Arts Standards (2014), Mathematics Standards (2010), Science Standards (2010) and Social Studies Standards (2012) as approved by NDE. Any changes from the specific standards as approved by NDE in those four areas will be attached to this policy.

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:      102     Educational Philosophy of the District  
                          104     Educational and Operational Planning  
                          604     Instructional Curriculum  
                          606     Instructional Materials

## CURRICULUM ADOPTION AND MATERIALS SELECTION

All major program adoptions and/or major course revisions shall be subject to the approval of the Board of Education.

Major program adoptions and/or major course revisions may be proposed by district wide curriculum committee and/or building curriculum committees and approved, rejected or revised and approved by the superintendent before being submitted to the Curriculum Committee of the Board of Education and then to the Board itself for final approval.

The board has sole discretion to approve instructional materials for the school district. This authority is delegated to certificated employees to determine which instructional materials, other than textbooks, will be utilized by and purchased by the school district.

The board delegates to the superintendent, in cooperation with the instructional staff, the responsibility for establishing regulations for:

1. The selection of instructional materials.
2. Reviewing their effectiveness.
3. Dealing with complaints concerning instructional materials.

The procedures for selecting instructional materials shall reflect the following philosophy:

1. To provide materials that will stimulate growth in factual knowledge, practical skills, literary appreciation, aesthetic values, and ethical standards.
2. To provide a background of information which will enable students to make intelligent judgments in their daily life.
3. To provide materials that will enrich and support the curriculum, taking into consideration the varied interest, abilities, and maturity levels of the students served.
4. To provide materials on opposing sides on controversial issues so that young citizens may develop under guidance the practice of critical thinking and analysis.
5. To provide materials representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage.

To place principle above personal opinion and reason above prejudices in the selection of

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materials of the highest quality in order to assure a comprehensive collection appropriate for the instructional materials.

Legal Reference:      20 U.S.C. § 1232h (1994).  
                          34 C.F.R. Pt. 98 (1996).

Cross Reference:      203.07 Advisory Board Committees  
                          606     Instructional Materials  
                          611     Academic Achievement

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## CURRICULUM GUIDES AND COURSE OUTLINES

Curriculum guides shall be prepared in harmony with the legal requirement of the state and the purposes of the program of instruction adopted by the board.

The superintendent shall have general coordinating authority over the formation of all courses of study and curriculum guides.

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## CURRICULUM EVALUATION

When deemed necessary by the superintendent and/or board, and whenever a new program is proposed, the board will review the curriculum to determine its strengths and weaknesses. The board may authorize the superintendent to appoint an ad hoc advisory committee to review the curriculum.

The board shall review the students' performance on standardized tests, courses, and other indicators of student achievement deemed relevant by the board as a guideline for the effectiveness of the curriculum. It shall be the responsibility of the superintendent to provide the board with the test scores and grades along with the superintendent's comments about the school district's curriculum.

Legal Reference:      20 U.S.C. § 1232h (1994).  
                          34 C.F.R. Pt. 98 (1996).

Cross Reference:      101     Educational Philosophy of the District  
                          604     Instructional Curriculum  
                          611     Academic Achievement  
                          1002    District Annual Report

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## PILOT, EXPERIMENTAL OR INNOVATIVE PROJECTS

The professional staff of the school system is encouraged to seek improvement of the educational program of the schools.

Experimental programs and "pilot studies" must have the approval of the superintendent.

The educational materials of a program or project designated as a research or experimental program or project may be inspected and reviewed by the parents of the students participating or being considered for participation in the program or project. The inspection and review by the parents shall be in accordance with board policy 606.02, "Instructional Materials Inspection."

Legal Reference:      20 U.S.C. § 1232h (1994).  
                          34 C.F.R. Pt. 98 (1996)..

Cross Reference:      604     Instructional Curriculum

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## BASIC INSTRUCTION PROGRAM

The basic instructional program shall include the courses required for each grade level by the Nebraska Department of Education. The following program is the minimum required by NDE but does not reflect the district requirements for graduation.

The basic weekly instructional program of students enrolled in the elementary grades shall include reading and language arts, mathematics, social studies, science, health, physical education, art, and music. Writing skills shall be incorporated in all curricular areas. The district shall consider elementary grades to be all grades up to sixth.

The basic yearly instructional program of students enrolled in the middle grades shall include reading, language arts, mathematics, social studies, science, health, art, music, and physical education. Writing skills shall be incorporated in all curricular areas. Exploratory experiences shall be offered in vocational education, foreign language, and technology education. The district shall consider middle grades to be all grades from seventh to eighth.

The basic instructional program of students enrolled in the high school grades shall consist of a minimum of 400 instructional units including language arts (60 units), social science (40 units), mathematics (40 units), science (40 units), foreign language (20 units), vocational education (80 units), personal health and physical fitness (20 units), and visual and performing arts (40 units). Writing skills shall be incorporated in all curricular areas. The instructional program shall include computer education. The district shall consider high school grades to be all grades of ninth and above.

Each instructional program shall be carefully planned for optimal benefit taking into consideration the financial condition of the school district and other factors deemed relevant by the board or superintendent. Each instructional program's plan should describe the program, its goals, the effective materials, the activities and the method for student evaluation.

It shall be the responsibility of the superintendent to develop administrative regulations stating the required courses and optional courses for the elementary, middle and high school grade programs.

Legal Reference:      NDE Rule 10.005 - 10.007  
                          20 U.S.C. § 1232h (1994)  
                          34 C.F.R. Pt. 98 (1996)

Cross Reference:      102     Educational Philosophy of the District  
                          103     Equal Educational Opportunity  
                          603     Curriculum Development  
                          611     Academic Achievement

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## SPECIAL EDUCATION

The board recognizes some students have different educational needs than other students. The board shall provide an appropriate education program and related services to students identified in need of special education. The special education services will be provided from birth until the appropriate education is completed, age twenty-one or to maximum age allowable in accordance with the law. Students requiring special education shall attend regular education classes, participate in extracurricular activities and receive services in a regular education setting to the maximum extent possible. The appropriate education for each student shall be written in the student's Individualized Education Program (IEP).

The board shall, through its designated representatives at least annually, be responsible for identifying all resident school age students and children below age five who could benefit from special education programs. Children from birth through age 5 meeting the identification and verification procedures shall be provided special education services as required by state and federal statutes within the public education system. The school district shall work in conjunction with the appropriate education agencies to provide services, at the earliest appropriate time, to children with disabilities. Documentation of the efforts to identify, evaluate, and verify individuals with disabilities shall be maintained by the school.

Special education students shall be required to meet the requirements stated in board policy or in their IEPs for graduation. It shall be the responsibility of the superintendent to provide or make provisions for, or execute on behalf of the board any documents necessary to, the appropriate special education and related services.

Legal Reference:      20 U.S.C. §§1400 et seq. (1994).  
                          34 C.F.R. Pt. 300 et seq. (1996).  
                          Neb. Statute 79-1110 et seq.  
                          NDE Rule 51

Cross Reference:      505     Student Discipline  
                          507     Student Records  
                          508.02 Administration of Medication to Students  
                          602.01 School Calendar  
                          604     Instructional Curriculum  
                          611.07 Graduation Requirements  
                          612     Special Education Services

## MULTICULTURAL EDUCATION

Students shall have an equal opportunity for a quality education without discrimination, regardless of their race, religion, color, sex, marital status, national origin or disability.

The education program shall be free of discrimination and provide equal opportunity for the students. The education program shall foster knowledge of and respect and appreciation for the culture, history and contributions of diverse cultural groups including, but not limited to, African Americans, Hispanic Americans, Native Americans, and Asian Americans. It shall place special emphasis on human relations and sensitivity toward all races.

The board shall adopt a written plan for the implementation of multicultural education and shall evaluate this plan periodically. During the evaluation process, the board shall involve parents, students, employees and a diverse representation of the community members in assessing the effectiveness and appropriateness of the program. The plan shall establish district goals for the multicultural program and will include staff development to assist the district in pursuing these goals. The plan shall include a process for selecting appropriate materials and shall incorporate multicultural education into all subject areas of the core curriculum of grades kindergarten through twelve.

The superintendent will annually report the status of the multicultural education program to the board.

Legal Reference:                   Neb. Statute 79-719 et seq.  
  NDE Rule 10.004.01G

Cross Reference:                   103     Equal Educational Opportunity  
  601     Goals and Objectives of the Education Program

## TEACHING ABOUT RELIGION

### **Recognition of Religious Beliefs and Customs**

It is accepted that no religious belief or non belief should be promoted by the school district or its employees, and none should be disparaged. Instead, the school district should encourage all students and staff members to appreciate and be tolerant of each other's religious views. The school district should utilize its opportunity to foster understanding and mutual respect among students and parents, whether it involves race, culture, economic background or religious beliefs. In that spirit of tolerance, students and staff members should be excused from participating in practices which are contrary to their religious beliefs unless there are clear issues of overriding concern that would prevent it.

The Bennington Public Schools recognizes that one of its educational goals is to advance the student's knowledge and appreciation of the role that our religion heritage has played in the social, cultural and historical development of civilization.

### **Acknowledgment of Religious Holidays**

The practice of the Bennington School District shall be as follows:

1. The several holidays through the year which have a religious and a secular basis may be observed or recognized in the public schools.
2. The historical and contemporary values and the origin of religious holidays may be explained in an unbiased and objective manner without sectarian indoctrination.
3. Music, art, literature and drama having religious themes or basis are permitted as part of the curriculum for school sponsored activities and programs if presented in a prudent and objective manner and as a traditional part of the cultural and religious heritage of the particular holiday.
4. The use of religious symbols such as a cross, menorah, crescent, Star of David, creche, symbols of Native American religions or other symbols that are a part of a religious holiday is permitted as a teaching aid or resource provided such symbols are displayed as an example of the cultural and religious heritage of the holiday and are temporary in nature. Among these holidays are included, but not limited to, commonly recognized secular and religious holidays.

### **Religion in the Curriculum**

Religious institutions and orientations are central to human experience, past and present. An education excluding such a significant aspect would be incomplete. It is essential that

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the teaching about – and not of – religion be conducted in a factual objective and respectful manner.

Therefore, the practice of the Bennington Public Schools shall be as follows:

1. The District supports the inclusion of religious literature, music, drama and the arts in the curriculum and in school activities provided it is intrinsic to the learning experience in the various fields of study and is presented objectively.
2. The emphasis on religious themes in the arts, literature and history should be only as extensive as necessary for a balanced and comprehensive study of these areas. Such studies should never foster any particular religious tenets or demean any religious beliefs.
3. Student initiated expressions to questions or assignments which reflect their beliefs or non-beliefs about a religious theme shall be accommodated. For example, students are free to express religious belief or non belief in compositions, art forms, music, speech and debate.

Cross Reference:     605.05 Religious-Based Exclusion from a School Program  
                      607.02 School Ceremonies and Observances

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## ACADEMIC FREEDOM

Controversial issues exist where there are sharp differences of opinion concerning an idea or a line of action.

The public schools must face controversial issues frankly. In order that students may develop intelligent attitudes and understandings concerning significant aspects of living, they should be afforded opportunities within the classroom to deal with such issues in terms of their maturity.

It is the responsibility of the teacher to see that all relevant aspects of an issue are explored and that intelligent guides for action are developed.

In considering such issues, it shall be the purpose of our schools to recognize the pupil's right and/or obligation:

1. To study any controversial issue concerning which (at the student's level) he should begin to have an opinion.
2. To have free access to all relevant information, including the materials that circulate freely in the community.
3. To study under competent instruction in an atmosphere of freedom from bias and prejudice.
4. To form and express his own judgments on controversial issues without thereby jeopardizing his relation with his teacher or the school.
5. To recognize that reasonable compromise is often an important facet in decision making in our society.
6. To respect minority opinion.

Cross Reference: 504 Student Rights and Responsibilities

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## CONTROVERSIAL ISSUES IN THE CLASSROOM

The following administrative and teaching regulations are to be observed:

For Principals:

1. Remind teachers that we do not teach controversial issues, but rather opportunities for their study.

For Teachers:

1. Deal with controversial topics as impartially and objectively as possible. Do not intrude your own biases.
2. Handle all such topics in a manner suited to the range of knowledge, maturity, and competence of your students.
3. Have teaching materials dealing with all possible aspects of the topics readily available.
4. Don't manufacture an issue. Take up only those that are current and real. When you do, you will be able to find up to date teaching materials in the current press and periodical literature. Generally your best single sources of reliable information will come from those places, plus court decisions and legal opinions.
5. Do not expect or require that the class reach an agreement.
6. Whenever you are in doubt about the advisability of taking up a given "hot" topic, consult with your principal and/or superintendent.
7. Remember that the policy of the board is designed to protect you as well as your students from unfair or inconsiderate criticism whenever your students are studying a controversial subject.

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## CITIZENSHIP

Being a citizen of the United States, of Nebraska and of the school district community entitles students to special privileges and protections as well as requiring the students to assume civic, economic and social responsibilities and to participate in their country, state and school district community in a manner that entitles them to keep these rights and privileges.

As part of the education program, students shall have an opportunity to learn about their rights, privileges, and responsibilities as citizens of this country, state and school district community. As part of this learning opportunity students shall be instructed in the elements of good citizenship and the role quality citizens play in their country, state and school district community, the value of active participation and the practice of civil discourse. Instruction will also be aimed at developing patriotism, recognizing patriotic holidays and a reverence for the flag, developing an understanding of our nation's history and its constitution, and gaining an understanding of the dangers and fallacies of other forms of government.

Legal Reference:                   Nebraska Statute 79-724

Cross Reference:     102     Educational Philosophy of the District  
                          504     Student Rights and Responsibilities  
                          505     Student Discipline

## INDIVIDUALIZED INSTRUCTION

The board's primary responsibility in the management of the school district is the operation and delivery of the regular education program. Generally, students attending the school district shall receive the regular education program offered by the district. Only in exceptional circumstances will the board approve students receiving individualized instruction at the expense of the school district.

Recommendations from the superintendent for individualized instruction shall state the need for the instruction, the objectives and goals sought for the instruction, the employee requirements for the instruction, the implementation procedures for the instruction and the evaluation procedures and processes that will be used to assess the value of the instruction.

It shall be the responsibility of the superintendent to develop administrative regulations for individualized instruction.

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## PROGRAM FOR TALENTED AND GIFTED STUDENTS

The district is committed to an educational program that recognizes, identifies and serves the unique needs of talented and gifted students. Talented and gifted students are those who have been identified as having high performance capability in such areas as intellectual, creative, or artistic capacity or in specific fields and who require accelerated or differentiated curriculum programs in order to develop those capabilities fully.

Identification is one of the most difficult areas to consider in developing a program for the high ability learner. The definition of exceptional ability is by nature a relative one and it is bound to the criteria used for identification. For this reason, experts in the field propose identification models based on data collected from multiple sources. These sources usually include the following:

1. Group and individual ability tests
2. Achievement tests
3. Nomination by staff
4. Grades
5. Pupil products

Group tests of ability and achievement provide one means of identifying potentially high ability pupils. Group test scores should be used only in conjunction with other criteria. Final identification of high ability and talented students should be made only after several factors, including individual indicators, are considered.

Legal Reference:      Neb. Statute 79-1106 et seq.  
                          NDE Rule 3

Cross Reference:      102      Educational Philosophy of the District  
                          611      Academic Achievement

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## PROGRAM FOR TALENTED AND GIFTED STUDENTS PROCEDURES

The Bennington Public Schools referral and identification criteria for high ability learners are:

### Referral Criteria

A student who meets three or more of the following criteria is eligible for referral:

1. Standardized achievement test ranking 92% or above on total reading, total math, total language and/or total battery.
2. Cognitive Ability scores more than 1.75 standard deviations above the mean.
3. Intelligence Test scores of 130 or above.
4. Evidence of outstanding performance, with supporting data,
  - A. Student products of high
  - B. Outstanding records of past performance (e.g., grades),
  - C. Performance in class
5. Nomination by staff.

### Identification Procedures

1. Principal communicates the district referral and identification criteria and procedures to all certificated staff and as appropriate to parents/guardians and students.
2. Principal and/or designee reviews data for consistency with referral criteria and implements, where appropriate, procedures for additional testing if required.
3. Principal and/or designee review the criteria of those students nominated. Students are designated as high ability if criteria is met. The Nominating Teacher sends the Principal a copy of the Nomination Form for the High Ability Learner and a completed Criteria Checklist.
4. Principal communicates with parents/guardians as to the high ability identification.

### High Ability Program at Bennington

Identified High Ability Students in the Bennington Public Schools will participate in the opportunities provided through our core curriculum areas. At this time high ability students are served in the regular classroom. Students are encouraged to seek out electives and extra curricular activities that may enhance their personal growth and challenge their abilities. The staff of the Bennington School system may present adaptations of the curriculum when appropriate to the individual and according to the financial status of the district.

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## RELIGIOUS-BASED EXCLUSION FROM A SCHOOL PROGRAM

Parents who wish to have their child excluded from a school program because of religious beliefs must inform the principal. The board authorizes the administration to allow the exclusion if it is not disruptive to the education program and it does not infringe on a compelling state or educational interest. Further, the exclusion must not interfere with other school district operations.

In notifying the principal, the parents shall abide by the following:

1. The notice shall be in writing;
2. The objection shall be based on religious beliefs;
3. The objection shall state which activities or studies violate their religious beliefs;
4. The objection shall state why these activities or studies violate their religious beliefs; and
5. The objection shall state a proposed alternate activity or study.

The principal shall have discretion to make this determination. The factors the principal shall consider when a student requests to be excluded from a program or activity because of religious beliefs include, but are not limited to, staff available to supervise a student who wishes to be excluded, space to house the student while the student is excluded, available principal -approved alternative course of study or activity while the student is excluded, number of students who wish to be excluded, whether allowing the exclusion places the school in a position of supporting a particular religion, and whether the program or activity is required for promotion to the next grade level or for graduation.

Students who are allowed to be excluded from a program or activity which violates their religious beliefs shall be required to do an alternate supervised activity or study.

Cross Reference:      604    Instructional Curriculum  
                              607.02 School Ceremonies and Observances

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## TEXTBOOK LOANS TO PRIVATE STUDENTS

The district will comply with 79-734 R.R.S. Neb. 1986 et seq., and Rule 4 of the Nebraska Department of Education pertaining to the distribution of textbooks to students of the district who are attending private schools. The financial liability of the district shall be limited to the amount of dollars appropriated by the state for the specific law.

If funds appropriated to this district are not sufficient to meet the request for textbooks under this policy, priority will be given to the textbooks requested that have the most recent copyright date. If the funding requires additional restrictions, priority will be given to the requests that were filed at the earliest date in the superintendent's office. If still further restrictions are necessary, a drawing shall be conducted from the names of all students filing on the same date and requesting the same texts. The drawing shall continue until all state funds provided to the district for this purpose have been spent.

Legal Reference:      Title VI, Civil Rights Act of 1964.  
                          20 U.S.C. §§ 1701 et seq.

Cross Reference:      103    Equal Educational Opportunity  
                          601    Goals and Objectives

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## DUAL ENROLLMENT

The parent, guardian, or custodian of a student receiving instruction at a private, denominational or parochial school, or a school choosing not to meet accreditation or approval requirements may also enroll the student in the school district. The student shall be considered under dual enrollment. The parent, guardian, or custodian requesting dual enrollment for the student should notify the superintendent on a form provided by the school district. On the form, they shall indicate the academic courses and extracurricular activities in which the student is interested in participating.

A dual enrollment student is eligible to participate in the school district's academic and extracurricular activities in the same manner as other students enrolled in the school district to the extent allowed within NSAA regulations. The policies and administrative rules of the school district shall apply to the dual enrollment students in the same manner as the other students enrolled the school district. These policies and administrative rules shall include, but not be limited to, athletic eligibility requirements, rules governing student conduct, academic eligibility requirements, and payment of the fees required for participation.

It shall be the responsibility of the superintendent to develop administrative regulations regarding deadlines, specific courses or activities approved, restrictions of classroom space, maximum or minimum course number limitations and other procedures for this policy.

Cross Reference:	502      Student Admissions
	504      Student Rights and Responsibilities
	505      Student Discipline
	506      Student Activities
	508      Student Health and Well-Being
	611      Academic Achievement

### Legal Reference:

Laws 2006, LB 821; Neb. Rev. Stat. Section 79-526;

Title 92, Nebraska Administrative Code, Chapter 10

## DUAL ENROLLMENT OF RESIDENT NON-PUBLIC SCHOOL STUDENTS

The district establishes the following specific rules and procedures for enrollment of resident non-public school students. In the event the specific rules and procedures require interpretation or do not fully resolve an issue, the following guiding principles are to be considered.

1. The availability of the requested educational program or extracurricular activities at the original school of residence.
2. Whether there is space available and whether a specified time can be assigned so as to minimize any conflicts or disruption of the education process.
3. Whether the student has completed the necessary prerequisite curriculum to the requested courses.
4. Whether the requested educational program or extracurricular activity requires the student to participate in an integrated curriculum program which cannot be isolated and requires additional classes/activities.
5. Whether the student is a resident of the district.

### A. Non-Public School Enrollment Application Procedures

1. Application. The 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 1st 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 other such time as determined to be educationally appropriate.
  - b. High School Exception: The application deadline for a student who desires to enroll in a second semester high school course is December 1st.

3. Action on Applications. The principal will review the application and will notify the parent of the approval or denial of the application within two weeks of receipt of the application or two weeks prior to the start of school or two weeks prior to the start of the next semester, whichever is later.
4. 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 Student Enrollment Policies

1. 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.
2. No Partial Part-Time Enrollment. Student 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. Students enrolled on a part-time basis are not exempt from the compulsory attendance laws or from the district's attendance policies. Once enrolled, part-time student 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.
3. 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. The district may terminate the non- public school student's participation for continued non-compliance with the district's student discipline code.
4. 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 at the discretion of the principal or designee.

5. Transportation. Students enrolled on a part-time basis are not entitled to transportation or transportation reimbursement.
6. 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 requirement of the district's policies for such, including attainment of minimum credits and semester of attendance.
7. Extracurricular Activities. Non-public school 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 athletic activities requires by district rules that students are enrolled in a minimum of four classes at the 7-12 grade levels. 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 by laws.

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**BENNINGTON PUBLIC SCHOOLS**  
**APPLICATION OF NON-PUBLIC SCHOOL STUDENT**  
**FOR PART-TIME ENROLLMENT**  
**(POLICY 605.07)**

Application Process: Complete Parts I, II and III of this application.

**NOTE: You will also need to provide the following documents:**

1. birth certificate
2. proof of immunization, proof of physical examination, and proof of visual evaluation, or written objections signed by parent or legal guardian
3. student records from school currently attending and school last attended and release of student records form

**PART I – Student Information**

Students Name:	DOB:	Grade Level:
Parents/Guardian's Name(s):	Address:	Telephone:
School Currently Attending:	School Address:	Telephone:
School Last Attended:	School Address:	Telephone:
Special Needs/Concerns (e.g. health concerns) (information is requested for accommodation planning purposes):	Special Education Needs: <input type="checkbox"/> yes <input type="checkbox"/> no	If "yes" describe needs:

**PART II – Part-Time Enrollment Request**

School Child seeks to attend:	
Semester Child seeks to begin attending:	
Course(s) or Program(s) in which Child seeks to enroll:	
If the Course is an Integrated Course (e.g. Algebra II), provide description of courses Child has passed to meet prerequisites:	
State whether the Course or Program is offered in the Child's School:	
State whether Child is seeking to participate in extracurricular activities; and if so, list the activities:	

(Note: If the Child seeks to participate in athletics, he/she must be enrolled in at least four periods in grades 7 – 12).

### 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 expulsion been completed?  yes  no

If "yes," state the reason for the expulsion and the term (time period) of the expulsion:

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.

It is understood that admission for part-time enrollment is subject to annual application and approval. If admitted the building assignment is to be determined by District policy, the child will be subject to the student conduct and attendance policies of the District, the child must apply for enrollment and attend the entire school year unless an exception exists, and the child is not permitted on school grounds except during times required for attendance in the courses or programs for which part-time enrollment is approved, subject to the discretion of the building principal. It is further understood that the child is not eligible for transportation or transportation reimbursement.

\_\_\_\_\_  
Applicant(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant(s)

\_\_\_\_\_  
Date

## INSTRUCTIONAL MATERIALS INSPECTION AND OBJECTIONS

Parents and other members of the school district community may view the instructional materials used by the students. All instructional materials, including teacher's manuals, films, tapes or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any federally funded programs must be available for inspection by parents.

The instructional materials must be viewed on school district premises. Copies may be obtained according to board policy.

Parents shall have the right to request that their child be excused from the study of a given book, instructional unit or particular literary work. Parents shall also have the right to suggest, through formal complaint procedures, that a given book, instructional unit, or literary work be excluded from the curriculum for all students.

It shall be the responsibility of the superintendent to develop administrative regulations regarding the inspection of instructional materials.

Cross Reference:      202.12 Public Participation in Board Meetings  
                          403.05 Public Complaints About Employees  
                          603 Curriculum Development  
                          1003 Public Examination of District Records

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## MEDIA CENTERS

The school district shall maintain a media center at each campus for use by students and employees during the school day to expand the opportunity for learning, contribute to literacy, support the local curriculum, and enhance and enrich learning experiences for all students.

Materials for the centers will be acquired according to Board Policy 606.01, "Instructional Materials Selection" and will meet the minimum requirements of the Nebraska Department of Education.

It shall be the responsibility of the principal of the building in which the media center is located to oversee the use of materials in the media center.

It shall be the responsibility of the superintendent to develop procedures for the selection and replacement of both library and instructional materials, for the acceptance of gifts, for the removal of obsolete library and instructional materials, and for the handling of challenges to library materials.

Legal Reference: NDE Rule 10.004.04

Cross Reference: 603 Curriculum Development

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SCHOOL LIBRARY BILL OF RIGHTS FOR SCHOOL LIBRARY MEDIA PROGRAMS

The American Association of School Librarians reaffirms its belief in the library Bill of Rights of the American Library Association. Media personnel are concerned with generating understanding of American freedoms through the development of informed and responsible citizens. To this end, the American Association of School Librarians asserts that the responsibility of the school library media center is:

1. To provide a comprehensive collection of instructional materials selected in compliance with basic, written selection principles, and to provide maximum accessibility to these materials.
2. To provide materials that will support the curriculum, taking into consideration the individual's needs, and the varied interest, ability, socio-economic backgrounds, and maturity levels of the students served.
3. To provide materials for teachers and students that will encourage growth in knowledge, and that will develop literary, cultural and aesthetic appreciation, and ethical standards.
4. To provide materials which reflect the ideas and beliefs of religious, social, political, historical, and ethnic groups and their contribution to the American World Heritage and Culture, thereby enabling students to develop an intellectual integrity in forming judgments.
5. To provide a written statement, approved by the local Boards of Education of the procedures for meeting the challenge of censorship of materials in school library media centers.
6. To provide qualified professional personnel to serve teachers and students.
7. The Board of Education is legally responsible for the final acquisition of materials, but the responsibility for the selection of instructional materials is delegated to. the professionally trained personnel employed by the school system. The librarian will coordinate the requests and make the final recommendations for purchase.

## ACCEPTABLE USE OF COMPUTERS, TECHNOLOGY AND THE INTERNET

The Board supports the use of computers, technology and the Internet in the District's instructional program as a resource to educate and inform. The use of these resources shall be consistent with the curriculum adopted by the School District and shall be employed in an appropriate and responsible manner to meet the varied instructional needs, learning styles, abilities and developmental levels of students.

### Procedures and Guidelines

The Superintendent shall develop and implement appropriate procedures to provide guidance for computer use and Internet access. Guidelines shall address teacher supervision of computer use, ethical use of electronic media, and the District's ownership and right of administrative review of electronic files and communications. The term "electronic media" includes, but is not limited to, the Internet, e-mail and other technological resources.

The guidelines shall prohibit utilization of networks for inappropriate or illegal activities, the intentional spreading of imbedded messages (viruses) or the use of other programs with the potential of damaging or destroying programs, data or equipment. The guidelines will describe the District's limitation of liability and will establish that the use of computers, technology and the Internet is a privilege, not a right. Violation of the procedures and guidelines will result in cancellation of those privileges and appropriate disciplinary action.

### Technology Protection Measure

The District will implement a technology protection measure that will block or filter Internet access to visual depictions that are obscene, pornographic or of a harmful nature to minors. Operation of this measure will be monitored and enforced during use of computers by minors.

### Audit of Use

Users with network access shall not utilize District resources to establish electronic mail accounts through third-party providers or any other nonstandard electronic mail system. Participation in chat rooms is prohibited without specific prior approval by the system administrator. The Superintendent shall establish a process to determine whether the District's education technology is being used for purposes prohibited by law or for accessing prohibited materials. The process may include, but not be limited to:

1. Utilizing blocking/filtering software.
2. Turning off the "auto load images" feature of the Internet browser.
3. Using a proxy server to control accessible websites.

## **Appropriate Internet Behavior On Social Websites**

The district recognizes its responsibility to educate students regarding appropriate behavior on social networking and chat room sites about cyberbullying. Therefore, students shall be provided instruction about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms and cyberbullying awareness and response. The district will create an age-appropriate plan for providing such instruction using informational programs, educational materials and lessons as needed to achieve this goal.

*[Student use of district computers to access social networking sites is prohibited. To the extent possible, the Superintendent or designee shall block access to such sites on district computers with Internet access.]*

### **Student Use**

A written parental permission and agreement form will be required prior to the student being granted access to electronic media involving District technological resources. The form will specify acceptable uses, rules of on-line behavior, access privileges and penalties for procedural violations. It must be signed by the parent or legal guardian of minor students (under age 18) and by the student. This document will be kept on file as a legal, binding document. In order to rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the Superintendent with a written request.

### **Staff Use**

A written staff agreement form will be required for all employees having access to electronic media. Staff shall confine e-mail use to work-related purposes and a reasonable, appropriate and limited personal use that does not interfere with their district duties. The agreement form will refer to the procedures and guidelines for use of computers and the Internet, describe prohibitions and limitations on the use of these resources and state the employee's responsibility for the security of individual passwords.

### **Community Use**

On recommendation of the Superintendent, the Board will determine the conditions and limits under which equipment and services will be made available to the community. Upon request to the Building Principal, community members may have access to electronic resources and programs available through the District, provided they attend any required training and abide by the rules of usage established by the Superintendent. A written agreement form will be required for all community members having access to these resources indemnifying the District from claims by community users.

## **Disregard of Rules**

Individuals who refuse to sign required acceptable use documents or who violate District rules governing the use of District technology shall be subject to loss or restriction of the privilege of using computers, technology or the Internet and related resources.

## **Responsibility for Damages**

Individuals shall reimburse the Board for repair or replacement of District property lost, stolen, damaged, or vandalized while under their care.

## **Responding to Concerns**

School officials shall apply the same criterion of educational suitability used to review other educational resources when questions arise concerning access to specific databases or other electronic media.

Legal Reference:     20 U.S.C. sec. 1232g (1988) (Family Educational Rights and Privacy Act)  
                        47 U.S.C. 201 et seq. (Communications Decency Act of 1995)  
                        Children's Internet Protection Act and Neighborhood CIPA of 2000  
                        Nebraska Statutes 79-2104

Cross Reference:    102     Educational Philosophy of the District  
                        401     Guiding Principles for Employees  
                        504     Student Rights and Responsibilities  
                        507     Student Records  
                        603     Curriculum Development  
                        604     Instructional Curriculum  
                        1006    Use of District Facilities and Equipment

**ACCEPTABLE USE OF COMPUTERS, TECHNOLOGY AND THE INTERNET  
REGULATIONS**

File: 606.06R1  
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**Internet Safety and Acceptable Use Policy**

**A. Internet Safety Policy**

It is the policy of [School's Name] to comply with the Children's Internet Protection Act (CIPA). With respect to the District's computer network, the District shall: (a) prevent user access to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications; (b) provide for the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; (c) prevent unauthorized access, including so-called "hacking," and other unlawful activities online; (d) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (e) implement measures designed to restrict minors' access to materials (visual or non-visual) that are harmful to minors.

1. **Definitions.** Key terms are as defined in CIPA. "Inappropriate material" for purposes of this policy includes material that is obscene, child pornography, or 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.
2. **Access to Inappropriate Material.** 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 CIPA, 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 or, in the case of minors, minimized only for bona fide research or other lawful purposes.
3. **Inappropriate Network Usage.** To the extent practical, steps shall be taken to promote the safety and security of users of the District's online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications. Specifically, as required by CIPA, 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.
4. **Supervision and Monitoring.** It shall be the responsibility of all members of the District staff to supervise and monitor usage of the online computer network and access to the Internet in accordance with this policy and CIPA. Procedures for the

# ACCEPTABLE USE OF COMPUTERS, TECHNOLOGY AND THE INTERNET REGULATIONS

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and proximate to the education of students as defined in the E-rate program regulations.

## 4. Unacceptable Uses.

The following are unacceptable uses of the technology resources:

- a. Personal Gain: Technology resources shall not be used, and no person shall authorize its use, for personal financial gain other than in accordance with prescribed constitutional, statutory, and regulatory procedures, other than compensation provided by law.
- b. Personal Matters: Technology resources shall not be used, and no person shall authorize its use, for personal matters.

Occasional use that the Superintendent or designee determines to ultimately facilitate the mission of the District is not prohibited by this provision. Examples of occasional use that may be determined to ultimately facilitate the mission of the District: sending an e-mail to a minor child or spouse; sending an e-mail related to a community group in which an employee is a member where the membership in the community group facilitates the District's mission.

This occasional use exception does not permit use by employees contrary to the expectations of their position. For example, employees may not play games or surf the net for purposes not directly related to their job during duty time; nor may students do so during instructional time.

The occasional use exception also does not permit use of the technology resources for private business, such as searching for or ordering items on the internet for non-school use; or sending an e-mail related to one's own private consulting business.

- c. Campaigning: Technology resources shall not be used, and no person shall authorize its use, 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.
- d. Technology-Related Limitations: Technology resources shall not be used in any manner which impairs its effective operations or the rights of other technology users. Without limitation,
  - 1. Users shall not use another person's name, log-on, password, or files for any reason, or allow another to use their password (except for authorized staff members).

**ACCEPTABLE USE OF COMPUTERS, TECHNOLOGY AND THE INTERNET  
REGULATIONS**

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operate error free. The District is not responsible for the integrity of information accessed, or software downloaded from the Internet.

6. **Filter.** A technology protection measure is in place that blocks and/or filters access to prevent access to Internet sites that are not in accordance with policies and regulations. In addition to blocks and/or filters, the District may also use other technology protection measures or procedures as deemed appropriate.

Notwithstanding technology protection measures, some inappropriate material may be accessible by the Internet, including material that is illegal, defamatory, inaccurate, or potentially offensive to some people. Users accept the risk of access to such material and responsibility for promptly exiting any such material.

The technology protection measure that blocks and/or filters Internet access may be disabled only by an authorized staff member for bona fide research or educational purposes: (a) who has successfully completed District training on proper disabling circumstances and procedures, (b) with permission of the immediate supervisor of the staff member requesting said disabling, or (c) with the permission of the Superintendent. An authorized staff member may override the technology protection measure that blocks and/or filters Internet access for a minor to access a site for bona fide research or other lawful purposes provided the minor is monitored directly by an authorized staff member.

7. **Monitoring.** Use of the technology resources, including but not limited to internet sites visited and e-mail transmitted or received, is subject to monitoring by the administration and network administrators at any time to maintain the system and insure that users are using the system responsibly, without notice to the users. Users have no privacy rights or expectations of privacy with regard to use of the District's computers or Internet system. All technology equipment shall be used under the supervision of the Superintendent and the Superintendent's designees.
8. **Sanctions.** Violation of the policies and procedures concerning the use of the District technology resources may result in suspension or cancellation of the privilege to use the technology resources and disciplinary action, up to and including expulsion of students and termination of employees. Use that is unethical may be reported to the Commissioner of Education. Use that is unlawful may be reported to the law enforcement authorities. Users shall be responsible for damages caused and injuries sustained by improper or non-permitted use.

<b>Legal Reference:</b>	Children's Internet Protection Act, 47 USC § 254 FCC Order adopted August 10, 2011 47 USC § 254(h)(1)(b); 47 CFR 54.500(b) and 68 FR 36932 (2003) (E-rate restrictions) Neb. Rev. Stat. § 49-14,101.01 (Political Accountability and Disclosure Act)
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ACCEPTABLE USE OF COMPUTERS, TECHNOLOGY AND THE INTERNET  
REGULATION FORMS

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Bennington Public Schools  
Addition to Employee Code of Conduct  
*Appendix "1"*

ACCEPTABLE USE OF COMPUTERS AND NETWORKS.

**ADMINISTRATORS, FACULTY AND STAFF AGREEMENT**

In order to make sure that all members of Bennington Public Schools community understand and agree to these rules of conduct for use of the e-mail and Internet systems of the school district, the Bennington School District asks that you, as an administrator, faculty member, or staff member user, sign the following statement:

I have received a copy of, and have read, the Internet Safety and Acceptable Use Policy adopted by the Bennington Public Schools, and I understand and will abide by those district guidelines and conditions for the use of the facilities of Bennington Public Schools and access to the Internet. I further understand that any violation of the district guidelines is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges will be revoked. School disciplinary action and/or appropriate legal action will be taken.

I agree not to hold the Bennington Public Schools, any of its employees, or any institution providing network access to Bennington Public Schools responsible for the performance of the system or the content of any material accessed through it.

Employee's Name \_\_\_\_\_

Employee's Signature \_\_\_\_\_ Date: \_\_\_\_\_

This form will be retained on file by authorized  
faculty designee for duration of applicable  
computer/network/Internet use.

ACCEPTABLE USE OF COMPUTERS, TECHNOLOGY AND THE INTERNET  
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Bennington Public Schools  
Addition to Student Code of Conduct  
*Appendix "2"*

**ACCEPTABLE USE OF COMPUTERS AND NETWORKS**

**STUDENT'S AGREEMENT**

In order to make sure that all members of Bennington Public Schools community understand and agree to these rules of conduct, Bennington Public Schools asks that you as a student user sign the following statement:

I have received a copy of, and have read, the Internet Safety and Acceptable Use Policy adopted by the Bennington Public Schools, and I understand and will abide by those district guidelines and conditions for the use of the facilities of Bennington Public Schools and access to the Internet. I further understand that any violation of the district guidelines is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges will be revoked. School disciplinary action and/or appropriate legal action will be taken.

I agree not to hold the Bennington Public Schools, any of its employees, or any institution providing network access to Bennington Public Schools responsible for the performance of the system or the content of any material accessed through it.

Student's Name \_\_\_\_\_

Student's Signature \_\_\_\_\_ Date: \_\_\_\_\_

This form will be retained on file by authorized  
faculty designee for duration of applicable  
computer/network/Internet use.

ACCEPTABLE USE OF COMPUTERS, TECHNOLOGY AND THE INTERNET  
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Bennington Public Schools  
Addition to Student Code of Conduct  
*Appendix "3"*

ACCEPTABLE USE OF COMPUTERS AND NETWORKS.

PARENT'S AGREEMENT

In order to make sure that all members of Bennington Public Schools community understand and agree to these rules of conduct, we ask that you as a parent/guardian sign the following statement:

I have received a copy of, and have read, the Internet Safety and Acceptable Use Policy adopted by Bennington Public Schools. As parent or guardian of the student named below, I grant permission for my son or daughter to access networked computer services such as electronic mail (e-mail) and the Internet. I understand that this free access is designed for educational purposes. I also understand that individuals may be held liable for violations of those Terms and Conditions. However, I also recognize that it is impossible to restrict access to all controversial materials and I will not hold Bennington Public Schools responsible for materials acquired or sent via the network.

I agree not to hold the Bennington Public Schools, any of its employees, or any institution providing network access to Bennington Public Schools responsible for the performance of the system or the content of any material accessed through it.

Student's Name \_\_\_\_\_

Parent's Signature \_\_\_\_\_ Date: \_\_\_\_\_

This form will be retained on file by authorized  
faculty designee for duration of applicable  
computer/network/Internet use.

## DISTRICT WEB SITE

The board supports and encourages the publication of a district web site to improve community relations, to foster creativity and to demonstrate student learning. It is a means of providing information to the community about school events and classroom activities, and provides an effective line of communication between the community, staff and students.

The Bennington School district and its schools will communicate using the World Wide Web to inform the public in order to advance the mission of the district. District Web sites shall be used only for purposes related to the educational curriculum of the District and shall be administered by the district. Commercial, political, and/or private use of any of the district's Web sites is strictly prohibited except as approved by the Superintendent.

All computers either owned or leased by the district are public property and no right of individual privacy shall extend to the information or communications stored or contained in the computer or any of its components or software. The administration reserves the right to monitor any computer activity and online communications for improper use.

Legal Reference:      20 U.S.C. sec. 1232g (1988) (Family Educational Rights and Privacy Act)  
                                47 U.S.C. 201 et seq. (Communications Decency Act of 1995)  
                                Neb. Statute 79-2104

Cross Reference:      504     Student Rights and Responsibilities  
                            507     Student Records  
                            603     Curriculum Development  
                            604     Instructional Curriculum  
                            606.05 Media Centers  
                            1006    Use of District Facilities and Equipment

## NEW REPRODUCTION OF COPYRIGHTED MATERIALS NEW

It is the intent of the Board to abide by the provisions of current copyright and intellectual property laws as they affect the school district and its employees.

Copyrighted materials, whether they are print or nonprint, will not be duplicated, reproduced, distributed or displayed for district-sponsored activities or by using district equipment except in accordance with law.

While the district encourages its staff to enrich learning programs by making proper use of supplementary materials, it is the responsibility of district staff to abide by the district's copying procedures and obey the requirements of the law. In no circumstances shall it be necessary for district staff to violate copyright requirements in order to perform their duties properly. The district cannot be responsible for any violations of the copyright law by its staff.

Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with district procedures or is permissible under the law, should consult the superintendent. The superintendent will assist staff in obtaining proper authorization to copy or use protected materials, when such authorization is required.

The superintendent is responsible for implementing this policy and creating procedures to guide employees in following copyright compliance.

Legal Reference: P.L. 94-553, Federal Copyright Law of 1976 (U.S. Code, Title 17)  
P.L. 105-304, Digital Millennium Copyright Act of 1998

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## NEW COPYRIGHT COMPLIANCE PROCEDURES NEW

Severe penalties may be imposed for unauthorized copying or using of audiovisual or printed materials and computer software, unless the copying or using conforms to the "fair use" doctrine.

Under the "fair use" doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. If duplicating or changing a product is to fall within the bounds of fair use, these four standards must all be met for any of the foregoing purposes:

1. **The Purpose And Character Of The Use.**

The use must be for such purposes as teaching or scholarship; and

2. **The Nature Of The Copyrighted Work.**

Staff may make **single** copies of: book chapters for use in research; instruction or preparation for teaching; articles from periodicals or newspapers; short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals, or newspapers in accordance with these guidelines; and

3. **The Amount And Substantiality Of The Portion Used.**

Copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed; and

4. **The Effect Of The Use Upon The Potential Market For Or Value Of The Copyrighted Work.**

If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

### **Authorized Reproduction and Use of Copyrighted Material in Print**

The staff may make **multiple** copies, not exceeding more than one (1) per student, for classroom use if the copying meets the tests of "brevity, spontaneity and cumulative effect" set by the following guidelines. Each copy must include a notice of copyright.

1. **Brevity**

- A. A complete poem, if less than 250 words and two pages long, may be copied; excerpts from longer poems cannot exceed 250 words.
- B. Complete articles, stories or essays of less than 2500 words or excerpts from prose works less than 1000 words or 10% of the work, whichever is less, may be copied; in any event, the minimum is 500 words. (Each numerical limit may be

expanded to permit the completion of an unfinished line of a poem or prose paragraph.)

- C. One chart, graph, diagram, drawing, cartoon, or picture per book or periodical issue may be copied. "Special" works cannot be reproduced in full; this includes children's books combining poetry, prose, or poetic prose.
2. Spontaneity. Should be at the "instance and inspiration" of the individual teacher.
3. Cumulative Effect. The staff is limited to using copied material for only one (1) course in the school in which copies are made. No more than one (1) short poem, article, story or two (2) excerpts from the same author may be copied, and no more than three (3) works can be copied from a collective work or periodical issue during one (1) class term. The staff is limited to nine (9) instances of multiple copying for one (1) course during one (1) class term. Limitations do not apply to current news periodicals, newspapers, and current news sections of other periodicals.

Performances by the staff or students of copyrighted dramatic works without authorization from the copyright owner are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.

The copyright law prohibits using copies to replace or substitute for anthologies, consumable works, compilations, or collective works. "Consumable" works include: workbooks, exercises, standardized tests, test booklets, and answer sheets. The staff cannot substitute copies for the purchase of books, publishers' reprints or periodicals, nor can they repeatedly copy the same item from term-to-term. Copying cannot be directed by a "higher authority," and students cannot be charged more than actual cost of photocopying. The staff may use copyrighted materials in overhead or opaque projectors for instructional purposes.

**Authorized Reproduction and Use of Copyrighted Materials in the Library**  
A library may make a single copy of an unpublished work which is in its collection; and a published work in order to replace it because it is damaged, deteriorated, lost or stolen, provided the unused replacement cannot be obtained at a fair price.

A library may provide a single copy of copyrighted material to a student or staff member at no more than the actual cost of photocopying. The copy must be limited to one (1) article of a periodical issue or a small part of other material, unless the library finds that the copyrighted work cannot be obtained elsewhere at a fair price. In the latter circumstance, the entire work may be copied. In any case, the copy shall contain the notice of copyright, and the student or staff member shall be notified that the copy is to be used only for private study, scholarship, or research. Any other use may subject the person to liability for copyright infringement.

At the request of a staff member, copies may be made for reserve use. The same limits apply as for single or multiple copies designated in "Authorized Reproduction and Use of Copyrighted Material in Print."

**Authorized Reproduction and Use of Copyrighted Music**

A staff member may make a single copy of a song, movement, or short section from a printed musical work that is unavailable except in a larger work, for purposes of preparing for instruction.

A staff member may make multiple copies for classroom use of an excerpt of not more than 10% of a printed musical work if it is to be used for academic purposes other than performance, provided that the excerpt does not comprise a part of the whole musical work which would constitute a performable unit such as a complete section, movement, or song.

In an emergency, a staff member may make and use replacement copies of printed music for an imminent musical performance, when the purchased copies have been lost, destroyed, or are otherwise not available.

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## 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.

The flags of the United States of America and the State of Nebraska shall be prominently displayed on the school grounds on each day such school is in session. All flag displays shall be in accordance with the standards prescribed for the display of the flag of the United States of America.

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

## STUDENT FIELD TRIPS AND EXCURSIONS

Field trips shall be considered as instruction and planned as such with definite objectives determined in advance.

Teachers or other certified personnel shall accompany pupils on all field trips and shall assume responsibility for their proper conduct.

When a field trip is made to a place of business or industry, the teacher shall insist that an employee of the host company serve as conductor.

Appropriate education experience and proper supervision shall be supplied for any pupils whose parents do not wish them to participate in a field trip.

Cross Reference:      504.03 Student Conduct  
                          506.01 Student Activity Eligibility  
                          604 Instructional Curriculum  
                          801 Transportation

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## HOMEWORK

Homework is a learning activity related to the experience within the school. Its purposes are to supplement and to enrich work done in the classrooms; to provide for individual interests; and to promote competency in skills; to use resource materials; to integrate learning and to teach the proper budgeting of time. Homework should be assigned at the discretion of the classroom teacher.

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Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## HOMEWORK GUIDELINES

No hard and fast rules concerning homework can be made. Some generally accepted principles should govern the teacher in the assignment of homework.

1. There should be flexibility and differences in the assignment to individual students. These should stem from real needs and the consideration of the total education background of the individual student.
2. Homework should serve a definite purpose, to provide drill or practice on a principle or skill already taught; to provide real-life application of the matter in hand; to develop appreciation for or knowledge of community resources; or to develop the personal culture of the student.
3. Homework should be used as a technique for learning, not as "busy work."
4. Homework should not be ordinarily assigned as punishment.
5. Homework should be reasonable in view of the student's situation. Health, housing conditions, outside work or responsibility, leisure-time activity, and conflicting demands of home and school should not be allowed to become a frustrating and damaging combination for the student.
6. Homework should not be used to replace or reduce supervised study, which should take place during school hours. This type of study usually achieves better results than homework.
7. Homework is more effective if a conference with the parent results in understanding of purpose and ways in which help at home can best be offered.
8. There should be a cooperative effort on the part of teachers to coordinate homework assignments so that students are not overburdened with excessive quantities of homework.
9. Each teacher should teach students what to study and how to study.
10. Homework should be checked by the teacher and mistakes of students indicated for correction with individual comments wherever indicated or possible.

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## STUDENT GUIDANCE AND COUNSELING PROGRAM

The classroom teacher is a key figure in the guidance of youth in both the elementary and secondary schools. The counselor and teachers, by pooling their knowledge and resources, accept the students where they are and help them go as far as their potentialities permit. The students are helped to know and develop their abilities and to recognize and accept their limitations, and in this way to better understand themselves.

The guidance program includes five basic services:

1. Inventory Service. Emphasis is placed upon a system of accurate and complete student records that accentuate the uniqueness of the individual students.
2. Informational Service. Information in the areas of occupational, educational and vocational guidance is made available to teachers, students and parents.
3. Counseling Service. For an effective program, all students are encouraged to seek individual counseling.
4. Placement Service. This service assists students in the selection of appropriate occupations, educational institutions and work experiences.
5. Follow up Service. A continuing follow up of former students through surveys should be pursued in order to evaluate and improve the effectiveness of the school program.

Cross Reference:      507    Student Records  
                          604    Instructional Curriculum  
                          605    Alternative Programs

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## TEST OR ASSESSMENT SELECTION

The school district will establish and maintain a standardized basic testing program which can be used, communicated and interpreted by school and by district.

The program will lend itself to:

1. A qualitative assessment of the educational program of the district for purposes of reporting the overall status of the district and charting the growth of its students, grades, schools and areas from year to year.
2. Appropriate reports to the board and parents.
3. Interpretation and use by the teachers, counselor and administrator so that the test findings will influence the guidance and counseling of individual students, and the development of a high quality curriculum.

The program will reflect the academic growth of students according to their own mental capacities and to local and national norms; minimize the workload of school personnel in terms of test administration, scoring, interpretation, and use; be adequate and financially feasible; require reasonable training for involved school personnel; and assess the growth of students in the basic skills and subjects in the elementary and secondary grades.

No student shall be required, as part of a program funded by the United States Department of Education, to submit, without prior written consent from the student's parent, to surveys, analysis or evaluation which reveals information concerning:

- political affiliations;
- mental and psychological problems potentially embarrassing to the student or the student's family;
- sex behavior and attitudes;
- illegal, anti-social, self-incriminating and demeaning behavior;
- critical appraisals of other individuals with whom students have close family relationships;
- legally recognized, privileged and analogous relationships, such as those of lawyers, physicians and ministers; or
- income, but not including income required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

It shall be the responsibility of the board to review and approve the evaluation and testing program.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Legal Reference: Goals 2000: Educate America Act, Pub. L. No. 103-227, 108 Stat. 125 (1994).  
20 U.S.C. § 1232h (1994).

Cross Reference: 507 Student Records  
611 Academic Achievement

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## TEST OR ASSESSMENT ADMINISTRATION

The district shall assess the progress of students through a district-wide assessment system to provide for a fair and adequate measurement of each student's progress and accomplishments. Administrators and staff shall select a valid and reliable system of assessments aligned with the curriculum and essential learner outcomes.

The superintendent, in directing the assessment system, shall hold administrators and staff accountable to:

1. follow appropriate security procedures;
2. use the assessments identified within applicable curriculum guides;
3. use assessment data to monitor student learning;
4. use assessment data to differentiate instruction where appropriate;
5. provide students and parents with information about student progress;
6. use assessment data for school improvement planning; and
7. use assessment data to adjust, improve, or terminate ineffective teaching practices.

Cross Reference:      611      Academic Achievement  
                          1005.02 Parent Relations Goals

## 1. State Assessments.

The Bennington Public School District 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 standard 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 purposes 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.
  - i. 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.
  - ii. 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.

- i. 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.
- ii. Practice Tests. 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.

- i. 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.
- ii. 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 at 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.
- iii. 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.
  - i. 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).
  - ii. 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 Superintendent or 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 standard 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

## STUDENT PROMOTION, RETENTION OR ACCELERATION

Students will be promoted to the next grade level at the end of each school year based on the student's achievement, age, maturity, emotional stability, and social adjustment.

Students will normally progress annually from grade to grade. Exceptions may be made when, in the judgement of the teachers and the principal, such exceptions are in the best educational interest of the students involved. Exceptions will always be made after prior notification and explanation to the student's parents, but the final decision will rest with school authorities.

Legal Reference: Nebraska Statute 79-526

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Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## STUDENT HONORS AND AWARDS

The school district shall provide a program that establishes honors and awards including, but not limited to, academic letters, scholarships and good citizenship awards for students to assist them in setting goals. Students shall be made aware of honors and awards and the action necessary on the part of the student to achieve them. Students who have not attended the school district full time for their entire high school education may not be eligible for some honors and awards.

It shall be the responsibility of the superintendent to develop the administrative regulations regarding this policy.

Cross Reference:    506    Student Activities  
                      605.07 Part-Time Enrollment  
                      611    Academic Achievement

## GRADING GUIDELINES

The superintendent shall develop and implement student grading guidelines. The objectives of grading guidelines shall be to quantify, report and record the academic progress of each student. Grades should fairly reflect the level of student achievement in the knowledge and skills specified by grade level or course objectives and outcomes.

A system of periodically reporting student progress shall also be implemented to keep parents and students informed of their progress through the district's educational program.

Legal Reference: Falvo v. Owasso Independent School District No. I-001

Cross Reference: 507.01 Student Records Access  
1003 Public Examination of District Records

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## GRADING GUIDELINES AND REPORTING PROCEDURES

The grading system of the Bennington Public Schools shall be as follows:

1. Grading periods of approximately 9 weeks shall be used four times per year.
2. Achievement marks shall be given on a numerical basis for all grades 4-12, with the marks of 69 or lower considered a failure. A special grading report for the K-3, on a different basis, shall be used.
3. The grading and conversion scale are as follows:

A + = 99 = 100	B + = 91-92	C + = 84-85	D + = 75-76
A = 95-98	B = 88-90	C = 79-83	D = 73-74
A = 93-94	B = 86-87	C = 77-78	D = 70-71

4. For all other grading reports received on transfer students, the Superintendent and/or principal shall convert these to an approximately equal grade on our system.
5. Staff members may use whatever method he/she wishes in the day to day grading, but shall prepare grade reports based on numerical values. Each staff member, however, must be able to defend whatever method chosen. The following criteria should be used in determining the numerical value of the grade.
  - A. Achievement in relation to class objectives.
  - B. Class participation.
  - C. Mental ability of student in relation to the total class and required work.
  - D. Evidence the student is exceeding the class requirements and delving further.
6. On excused absences of secondary students, they shall be allowed 2 days for each day missed to complete work assigned. After this period elapses, all work not handed in or completed shall receive a zero.
7. On unexcused absences, all work assigned shall receive a zero, or a grade assigned for class participation shall also receive a zero, and also possibility of a disciplinary action.
8. Make-up work: Make-up work for student who are absent from school shall be governed by guidelines developed by the respective buildings in cooperation with parents and parent groups. The guidelines shall state the criteria to be used in determining whether and to what extent the opportunity to complete classwork, including examinations, missed during a period of disciplinary suspension will be granted. These guidelines shall be reviewed for consistency and approved by the superintendent or designee.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

9. Progress Reports: Elementary students shall receive progress reports quarterly. Students in grades 7-12 will receive interim progress reports twice quarterly in addition to end-of-quarter reports. All grade reports will contain grades for each subject, as well as the following: absences, tardiness, deportment, comments (if instructor desires).
10. All transfer students must follow Bennington standards for graduation.

Legal Reference:

Falvo v. Owasso Independent School District No. I-001

Cross Reference:

507.01 Student Records Access

1003 Public Examination of District Records

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## GRADUATION REQUIREMENTS

Students must successfully complete the courses required by the board and Nebraska Department of Education in order to graduate.

It shall be the responsibility of the superintendent as representative of the board to ensure that students complete grades one through twelve and that high school students complete the required credits prior to graduation. The following credits will be required for the Class of 2007:

Language Arts	<u>8</u>	credit hours
Science	<u>6</u>	credit hours
Mathematics	<u>6</u>	credit hours
Social Studies	<u>8</u>	credit hours
Physical Education	<u>4</u>	credit hours
Practical Arts	<u>4</u>	credit hours
Total Required Hours	<u>36</u>	credit hours
Total Elective Hours	<u>12</u>	credit hours
 Total Required Hours for Graduation	 <u>44</u>	 credit hours

The Class of 2008 must complete a minimum of 48 credits and the Class of 2009 and beyond must complete a minimum of 50 credits of successful coursework for graduation.

The required courses of study will be reviewed by the board annually.

Graduation requirements for special education students will be in accordance with the prescribed course of study as described in their Individualized Education Program (IEP). Each student's IEP will include a statement of the projected date of graduation at least 18 months in advance of the projected date and the criteria to be used in determining whether graduation will occur. Prior to the special education student's graduation, the IEP team shall determine whether the graduation criteria have been met.

Cross Reference:      505.05 Fines for Lost or Damaged Items  
                          604.3 Special Education  
                          611 Academic Achievement

## SPECIAL EDUCATION POLICIES

Bennington Public Schools adopts this special education policy with the intent that the policy maintains the District's compliance with all applicable laws affecting special education services and programs. The Superintendent or designees shall develop regulations or procedures to implement these policies. Employees and contractors of the District are expected to comply with these policies and all regulations, guidelines and procedures related to this policy in all respects.

The District will abide by all state and federal laws relating to special education. The District's special education policy and regulations, guidelines and procedures related to this policy are to be interpreted so as to be in compliance with such laws. In the event of changes in law, 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 are adopted by the Board of Education. References herein to 92 NAC 51 citations are made to Rule 51 as in effect on the date of the adoption of these policies. In the event of renumbering or other revisions to Rule 51, the policy shall be interpreted and implemented consistent with such renumbering or revisions.

### **1. Free Appropriate Public Education**

A free appropriate public education shall be made available to all children with disabilities residing in the District from date of diagnosis through the school year in which the student reaches 21 years of age, including children with disabilities who have been suspended or expelled.

Legal Reference: 92 NAC 51-004.01 through 004.03A and 007.07C2 through 007.07C6

### **2. Full Educational Opportunity Goal**

The District shall take steps to ensure that its children with verified disabilities have available to them the variety of educational programs and services available to children without disabilities in the areas served by the District, including art, music, industrial arts, family consumer science education, and vocational education.

Legal Reference: 92 NAC 51-004.11A

### **3. Child Find**

All children with disabilities residing in the District, including children with disabilities who are homeless or are wards of the state or attending nonpublic schools, regardless of the severity of their disabilities, 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.

Legal Reference: 92 NAC 51-006.01 through 006.01A2

### **4. Individualized Education Program (IEP)**

An individualized education program, or an individualized family service plan, is to be developed, reviewed, and revised for each child with a disability in accordance with 92 NAC 51-007.

Legal Reference: 92 NAC 51-007

## **5. Least Restrictive Environment**

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are to be educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment will occur 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.

Legal Reference: 92 NAC 51-008.01 through 008.011

## **6. Procedural Safeguards**

Children with disabilities and their parents shall be afforded the required procedural safeguards.

Legal Reference: 92 NAC 51-009.01 through 009.07; 009.10 through 009.12; 009.14, 006.07 and 016.01

## **7. Evaluation and Identification Procedures**

Children with disabilities shall be evaluated and identified in accordance with 92 NAC 51-006. The District will respond to a request for an Independent Educational Evaluation without unnecessary delay. Locations of any evaluator shall be within a reasonable distance of the District. A reasonable distance means within 100 miles of the school building the child attends and within Nebraska. In the event this geographic area restriction would prevent a parent from obtaining an Independent Educational Evaluation, the location of the evaluator may be outside the specified geographic area but must be within Nebraska. The District will provide the parent(s) with a list of qualified agencies/evaluators within the geographic area. The evaluators are to have their rates approved by the Nebraska Department of Education to be authorized to conduct the evaluation.

Legal Reference: 92 NAC 51-006

## **8. Confidentiality of Personally Identifiable Information**

The confidentiality of student records and information shall be maintained in accordance with law.

Legal Reference: 92 NAC 51-003.16, 003.20, 009.03 through 009.03M3

## **9. Transition of Children from Part C to Preschool Programs**

Children participating in early intervention programs under Part C of the IDEA (early intervention services) and who will participate in preschool programs assisted under Part B of the IDEA (services for school-aged children) shall experience a smooth and effective transition to those preschool programs in a manner consistent with 92 NAC 51-007.16. By the third birthday of such a child, an individualized education program or an individualized family service plan shall be developed and be implemented for the child. The District will participate in transition planning conferences arranged by the designated lead agency.

Legal Reference: 92 NAC 51-007.16 through 007.16B1b

## **10. Children in Nonpublic Schools**

To the extent consistent with the number and location of children with disabilities in the District who are enrolled by their parents in nonpublic elementary and secondary schools in the District,

provision will be made for the participation of those children in the programs assisted or carried out under Part B of the IDEA (services for school-aged children) by providing them with special education and related services.

Legal Reference: 92 NAC 51-012.08 and 015

### **11. Personnel Standards and Personnel Development**

Personnel providing special education or related services to children with disabilities shall be appropriately and adequately in accordance with IDEA requirements and the District will take measurable steps to recruit, hire, train and retain personnel meeting the requirements of IDEA to provide such services.

Legal Reference: 92 NAC 51-010

### **12. Participation in and Reporting of State and District Wide Assessments**

All children with disabilities shall be included in all general state and district wide assessment programs, including assessments described under section 612(a)(16)(A) of the IDEA with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs. 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: 92 NAC 51-004.05

### **13. Suspension and Expulsion Rates**

The District will examine data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities.

Legal Reference: 92 NAC 51-004.06E

### **14. Access to Instructional Materials**

As part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, the District will enter into a written contract with the publisher of the print instructional materials to:

1. Require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Material Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard, or
2. Purchase instructional materials from the publisher that are produced in, or may be rendered in specialized formats.

Legal Reference: 92 NAC 51-004.15

### **15. Over-Identification and Disproportionality**

Procedures shall be in place to ensure that testing and evaluation materials and procedures utilized for the 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: 92 NAC 51-003.10; 006.02C

## **16. Prohibition on Mandatory Medication**

Children shall not be required to obtain a prescription for a controlled substance as a condition of attending school, receiving an evaluation to determine whether a child has a disability or the nature and extent of special education and related services the child needs, or receiving special education services.

Legal Reference: 92 NAC 51-004.11D; 21 U.S.C. §812(c)

## **17. Transportation**

Transportation will be provided for children with disabilities who are eligible for transportation and residents of the school district as required by law.

Legal Reference: 92 NAC 51-014.01 through 014.02

## **18. Surrogates**

A surrogate will be appointed and other action taken to ensure the rights of children with a disability as required by law.

Legal Reference: 92 NAC 51-009.10

Legal Reference:

34 CFR Parts 300, 303 and 304  
Neb. Rev. Stat. § 79-1110 to 79-1167  
92 NAC 51

## BENNINGTON BOARD POLICY MANUAL

### Section 700 Business Operation

701	Fiscal Management Goals and Objectives
<b>702</b>	<b>Annual Budget</b>
702.01	Fiscal Year
702.02	Budget Planning, Preparation and Schedules
702.03	Budget Adoption Process
<b>704</b>	<b>Accounting System</b>
704.01	Deposits and Transfers
704.02	Financial Records
704.04	Audits
<b>705</b>	<b>Revenue</b>
705.03	Free Admissions Passes
705.04	Gifts, Grants and Bequests
<b>706</b>	<b>Expenditure</b>
706.01	Purchasing Procedures
706.03	Bidding Procedures
706.04	Vendor Relations
706.06	Payment for Goods and Services
<b>707</b>	<b>Payroll</b>
707.01	Payroll Procedures
707.02	Salary Deductions
707.03	Expense Authorization and Reimbursement
709	Cash in School Buildings

## FISCAL MANAGEMENT GOALS AND OBJECTIVES

The board recognizes that money and money management comprise the foundational support of the whole school program.

The board expects the operation and maintenance of school plant to set high standards for safety and health of students and staff and to support environmentally the efforts of the staff to provide a good education for students.

Unchecked/Unverified

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## FISCAL YEAR

The fiscal year is defined as beginning annually on September 1 and ending on August 31 inclusive.

Annual financial records shall refer to records based on the fiscal year.

Legal Reference:                   Neb. Statute 79-1091

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## BUDGET PLANNING, PREPARATION AND SCHEDULES

Prior to certification of the budget, the board will review the projected revenues and expenditures for the school district and make adjustments where necessary to carry out the education program within the revenues projected.

A budget for the school district shall be prepared annually for the board's review. The budget shall include the following:

- the amount of revenues from sources other than taxation;
- the amount of revenues to be raised by taxation;
- an itemization of the amount to be spent in each fund; and,
- a comparison of the amount spent and revenue received in each fund for like purposes in the immediately preceding fiscal year.

It shall be the responsibility of the superintendent to prepare the budget for review by the board and place it on file with the district prior to publication of the budget hearing notice.

The board shall adopt and certify a budget for the operation of the school district to the county auditor by September 20. It shall be the responsibility of the board secretary to file the adopted and certified budget with the county auditor and other proper authorities.

The board may amend the budget for the fiscal year in the event of unforeseen circumstances or correct a clerical, mathematical or accounting error. The board shall follow the procedures for public review and adoption of an amended or corrected budget as outlined by statute.

The board will review the financial condition of the district monthly, and shall require the superintendent to prepare a monthly reconciliation statement. This statement will show the amount expended during the month, total (to date) for the fiscal year, receipts and remaining balances in each fund. This statement will be used as a guide for projected purchasing and as a guide for budget transfers.

During the budget year, the superintendent may transfer any unencumbered balance or portion thereof from the expenditure authorization of one (1) account to another, subject to limitations provided by state laws and approval by the Board.

The cash income of the school district does not always parallel the expenditure rate. From time to time, the district may find itself temporarily unable to meet general fund obligations. The superintendent is directed to offer resolutions of borrowing so that loans can be executed by the treasurer of the school district.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Legal Reference:      Neb. Statute 13-501 et seq.  
                          79-1083 et seq.

Cross Reference:     204.03 Public Hearings  
                      704 Accounting System  
                     705 Revenue  
                     706 Expenditures

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## BUDGET ADOPTION PROCESS

Members of the school district community shall have an opportunity to review and comment on the proposed budget at a public hearing before the adoption of the proposed budget by the board. The public shall be apprised of the proposed budget for the school district by its publication in the newspaper of record at least 5 days prior to the hearing.

After the public hearing on the budget and any modifications of the budget deemed necessary as a result of that hearing, the board will approve the proper resolutions to adopt and appropriate the budget.

The superintendent will ensure all necessary documentation is submitted to the county auditor as required by statute.

Legal Reference:      Neb. Statute 13-506

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## DEPOSITS AND TRANSFERS

Each year at its annual meeting, the board shall designate by resolution the name and location of the Nebraska located financial depository institution or institutions to serve as the official school district depository or depositories. The maximum deposit amount to be kept in the depository shall be stated in the resolution. The amount stated in the resolution must be for all depositories and include all of the school district's funds.

It shall be the responsibility of the board secretary to include the resolution in the minutes of the meeting.

When the necessity for a fund has ceased to exist, the balance may be transferred to another fund or account by board resolution. School district monies received without a designated purpose may be transferred in this manner. School district monies received for a specific purpose or upon vote of the people may only be transferred by board resolution when the purpose for which the monies were received has been completed.

It shall be the responsibility of the superintendent to make recommendations to the board regarding transfers and to provide the information justifying the transfer.

Cross Reference:      203.01 Board Organizational Meeting  
                          203.05 Treasurer

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## FINANCIAL RECORDS

The board shall receive monthly financial statements showing the financial condition of the school district as of the last day of the preceding month. Such statement will reflect the cash position of the respective accounts. Other financial records as may be determined necessary by either the board or the administration shall be presented periodically.

Financial records of the school district shall be maintained in accordance with generally accepted accounting principles (GAAP) as required or modified by law. School district monies shall be received and expended from the appropriate fund and/or account. The board, by board resolution, shall establish the following funds as needed:

- General Fund
- Depreciation Fund
- Employee Benefit Fund
- Contingency Fund
- Activities Fund
- Student Fee Fund
- School Lunch Fund
- Bond Fund
- Special Building Fund
- Qualified Capital Purchase Undertaking Fund
- Cooperative Fund

The resolution establishing such funds shall state the type of fund, name of the fund and purpose of the fund.

Legal Reference: NDE Rule 2

Cross Reference: 705 Revenue  
706 Expenditures

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## AUDITS

An audit of the accounts of the school district shall be made annually by a certified public accounting firm selected by the board for the purpose of auditing and making necessary reports to the board and the Nebraska Department of Education (NDE). The audit shall include all funds over which the board has direct or supervisory control. 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.

Legal Reference:      Neb. Statute 79-1089  
                          NDE Rule 1

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## FREE ADMISSIONS PASSES

All employees and Board of Education members of the Bennington Public Schools will be given an activity pass. This pass will admit the bearer and their spouse and children to all school athletic activities.

The activity pass may be used only by the person whose name appears on the pass. Employees should request their passes from the high school principal.

Legal Reference:                   Neb. Statute 79-518

Unchecked/Unverified

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## GIFTS, GRANTS AND BEQUESTS

The board believes gifts, grants, and bequests to the school district may be accepted when they will further the interests of the school district. The board shall have sole authority to determine whether the gift furthers the interests of the school district.

Gifts, grants, and bequests of approximately \$5,000 value or less may be accepted at the discretion of the superintendent. Gifts, grants, and bequests valued at more than approximately \$5,000 require board approval. Once it has been approved by the board, a board member or the superintendent may accept the gift on behalf of the school district.

Gifts, grants, and bequests once accepted on behalf of the school district shall become the property of the school district. Gifts, grants, and bequests shall be administered in accordance with terms, if any, agreed to by the board.

Cross Reference: 509.01 Class or Student Group Gifts

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## PURCHASING PROCEDURES

The superintendent may authorize for purchase those items and amounts that have been approved by the board and included in the regular operating budget.

For the purchase of any equipment item or service project costing more than \$5,000 the superintendent shall work to secure three quotations for the board to consider. Exclusions to this are those supply and equipment items purchased through the ESU #3 "Co-op" and emergency repair and maintenance projects. The board reserves the right to accept or reject any and all quotes and waive any technicality. The board will try to accept the quote, which provides the most suitable item or service from a reputable, responsible provider at the lowest "best" price.

The superintendent is encouraged to do comparative pricing on most items when the cost is expected to exceed \$3,000.

Legal Reference:      Neb. Statute 73-106

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## BIDDING PROCEDURES

The purchasing procedure of the school district shall not only ensure the best possible price for goods and services, but shall also operate efficiently and economically. The construction of facilities which may exceed an expenditure of \$100,000, and an amount as periodically adjusted by state statute, shall be advertised and submitted for bid in the manner required by law. This limit does not apply to the acquisition of existing buildings, purchase of new sites or site expansions by the district. Other purchases or contractual services may be advertised and submitted for bid as directed by the Board or when, in the opinion of the superintendent, the welfare of the district will be served. All bids must be submitted in sealed envelopes, addressed to the Board and plainly marked with the name of the bid and the time of the bid opening. Bids shall be opened and examined publicly.

The Board reserves the right to reject any or all bids or any part of any bid and accept that bid which appears to be in the best interest of the school district. The Board reserves the right to waive any informalities in any bid. Any bid may be withdrawn prior to the scheduled time for the opening of bids. Any bid received after the time and date specified shall not be considered.

Legal Reference:      Neb. Statute 73-106  
                          Neb. Statute 79-10,104

## VENDOR RELATIONS

The district welcomes business and bids from all eligible vendors. Preferential treatment will not be extended to any vendor. Orders will be placed on the basis of quality, price and delivery, with past services being a factor if other considerations are equal. Insofar as possible, purchases should be made from local distributors who carry a local inventory, when price and quality compare with outside suppliers.

Salesmen or agents may not solicit staff members during hours when students are present. Building principals may allow sales representatives or agents of educational products to contact staff members at times that will not interfere with the educational program.

No district employee will receive direct compensation of any kind from any vendor in return for the sale of supplies or services to the district. This does not exclude minor gratuities commonly provided by a business to all of its customers.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## PAYMENT FOR GOODS AND SERVICES

When goods are delivered the personnel designated by the superintendent will be responsible for checking the quantity, condition of items received, and shall note deficiencies on the receipt copy, sign it, and forward it promptly to the superintendent.

A list of bills to be paid shall be included in the agenda of each regular board meeting. The board will give final approval to all payments of bills. Payment of bills shall be submitted by the superintendent for the board's approval only after verification of delivery and satisfaction by the department or staff receiving the item(s). No payment for goods or services shall be made unless both an itemized invoice showing the name of the person or firm to whom payment is due is presented, and a receiving document bearing the signature of an authorized school employee is on file. Furthermore, the invoice must have been issued in response to an approved purchase order. The superintendent shall audit all claims, and shall submit the same to the Board of Education for approval and authorization for payment.

School district moneys shall be disbursed only upon final board approval of the monthly list of bills. Each district check shall show the legal identification of the district by name and address, and the depository or investment account upon which the check is drawn. It shall also specify the amount to be paid and to whom payment is made, from what funds, for what purpose, the date of payment and the number of the check.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## PAYROLL PROCEDURES

The payroll period for the school district shall be monthly. All salaries will be paid on the fifteenth (15th) day of each month. If the 15th falls on a nonschool date, payment will be made the last day school is in session prior to the 15th.

It shall be the responsibility of the superintendent to issue payroll to employees in compliance with this policy.

The requirements stated in the Negotiated Contract between employees in a certified collective bargaining unit and the board regarding payroll periods of such employees shall be followed.

Cross Reference: 407.01 Certificated Employee Salary Schedule

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SALARY DEDUCTIONS

Ease of administration shall be the primary consideration for payroll deductions, other than those required by law. Payroll deductions shall be made for federal income tax withholdings, state income tax withholdings, social security, and the School Retirement Fund.

Employees may elect to have payments withheld for professional dues, district-related and mutually agreed upon group insurance coverage, and/or tax sheltered annuity programs. Requests for these deductions shall be made in writing to the superintendent. Requests for purchase or change of tax-sheltered annuities may be made annually.

It shall be the responsibility of the superintendent to determine which additional payroll deductions will be allowed.

The requirements stated in the Negotiated Contract between employees in a certified collective bargaining unit and the board regarding payroll deductions of such employees shall be followed.

Legal Reference:      Neb. Statute 79-901 et seq.

Cross Reference:      407.06 Certificated Employee Tax Shelter Programs  
                          413.05 Support Staff Tax Shelter Programs

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## EXPENSE AUTHORIZATION AND REIMBURSEMENT

District employees who incur expenses in carrying out their authorized duties will be reimbursed upon submission of properly completed and approved voucher and receipts.

Such expenses may be incurred and approved in line with budgetary allocations for specific types of expenses.

Expenses for travel will be reimbursed when the travel has the advance authorization of the superintendent. The superintendent may grant authorization without prior board action when the travel expense has been anticipated and incorporated into the operational budget of the program involved. The board will later ratify such approval.

Persons who travel at district expense will exercise the same economy as a prudent person traveling on personal business and will differentiate between business expenditures and those for personal convenience.

The board authorizes the superintendent to establish regulations controlling vehicle allowance payments to employees for use of private vehicles in transaction of school district business and reimbursement for educational meetings transportation and lodging costs.

Reimbursement for out-of-state travel by private vehicle will be made on the basis of air fare or mileage rate, whichever is lower.

Cross Reference: 402.08 Employee Travel Compensation

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CASH IN SCHOOL BUILDINGS

Monies collected by school district employees and by student treasurers shall be managed in a good and prudent business manner.

All monies collected shall be receipted and accounted for and directed without delay to the proper location of deposit.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Unchecked/Unverified

## BENNINGTON BOARD POLICY MANUAL

### Section 800 Support Services

801.01	Student Transportation
801.01R1	Student Transportation Regulations
801.03	Bus Scheduling and Routing
801.04	Bus Safety Program
801.05	Safe Driving Record Standard for Drivers
801.06	Student Transportation for Extracurricular Activities
801.09	Transportation of Nonschool Groups
801.10	Transportation in Inclement Weather
801.12	Student Transportation in Private Vehicles
801.15	Use of Video Cameras on School Buses
<b>802</b>	<b>School Food Services</b>
802.01	School Food Program
802.04	Food Service Records and Reports
802.05	Free or Reduced Cost Meals Eligibility
<b>804</b>	<b>Data Management</b>
804.01	Computer Security
804.02	Data or Records Retention
<b>805</b>	<b>Risk Management</b>
805.01	Insurance

## BENNINGTON BOARD POLICY MANUAL

### Section 800 Support Services

801.01	Student Transportation
801.03	Bus Scheduling and Routing
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<b>805</b>	<b>Risk Management</b>
805.01	Insurance

Unchecked/Unverified

## STUDENT TRANSPORTATION

The Bennington Public Schools may provide free transportation to resident students who live more than four miles from the school house they attend. Transportation may also be provided for school activities as determined by the Bennington School from time to time.

Transportation may also be provided to resident students who live less than four (4) miles, but more than one (1) mile from the schoolhouse they attend, at a cost of \$175.00 per semester per student (\$350.00 maximum per semester per family). Payments may be made by the month, by the semester, or annually. A \$5.00 per day per student fee will be charged to occasional riders when and as determined appropriate by the Bennington Public Schools.

Exceptions to this policy may be made for students that live less than four miles and encounter what the administration determines to be unsafe conditions on their normal route to school.

The Bennington Public Schools may end any or all transportation services which may be provided at any time if it is determined to be in its best interests.

Legal Reference:                   Neb. Statute 79-601 et seq.

## STUDENT TRANSPORTATION REGULATIONS

- I. The District shall provide the following student transportation services to students at the elementary school level:
  - A. Any elementary students who live more than four miles from their assigned schools shall be provided transportation services to such schools. There shall be no charge for such services.
  - B. No transportation services shall be provided by the District for students living within four miles of their assigned elementary schools. However, the parents of students living less than four miles, but more than one mile of their assigned elementary schools may, at their expense, seek to contract for such services with the District's contracted transportation service provider or any other transportation provider.
  - C. Any student who, in his/her walks to school, encounters at least three of the following five circumstances shall be provided transportation services:
    1. The student must cross a road with a speed limit of 45 mph or greater.
    2. The student must, due to lack of sidewalks, walk in a nonresidential street (or the unimproved area immediately adjacent thereto).
    3. The student must cross a four-lane (or more) state or federal highway or interstate highway.
    4. The student must cross one or more non-residential intersections that (a) do not have pedestrian crossing signs, markings, or signals, or (b) do not have sufficient visual range for safe pedestrian crossing.
    5. The student must traverse consistently high-volume roadways where temporary road conditions present limited walking space.
- II. The District shall provide the following student transportation services to students at the secondary level:
  - A. The District shall provide transportation services free of charge to any student who lives more than four miles from his/her assigned school. However, the District may, at its sole discretion, elect to provide mileage reimbursement to any or all such qualifying students in lieu of transportation. The mileage reimbursement rate for such shall be as prescribed by state law.
  - B. No transportation services shall be provided by the District for students living within four miles of their assigned high schools, however, the



## School Transportation Fee Waiver Form

School \_\_\_\_\_

I, \_\_\_\_\_ parent (or legal guardian) of \_\_\_\_\_  
(Parent's Name) (Student's Name and Date of Birth)

hereby request a waiver of fees for district transportation for the period from \_\_\_\_\_ to \_\_\_\_\_  
because I am unable to afford to pay said fees.

Family Size: \_\_\_\_\_  
Adults (over 18) \_\_\_\_\_ Children (under 18) \_\_\_\_\_

Source	Amount (specify per month per year, etc.)
Family income from all sources:	

Number of children currently in school: \_\_\_\_\_

Number of children currently eligible for free breakfast or free lunch program: \_\_\_\_\_

Any factors or expenses temporarily affecting family income:  
\_\_\_\_\_  
\_\_\_\_\_

Other (explain inability to pay fees):  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the above statements are true and correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Telephone

The above request for waiver of transportation fees is hereby:  approved  denied

\_\_\_\_\_  
Bennington Public Schools Administrator

\_\_\_\_\_  
Date

## BUS SCHEDULING AND ROUTING

School bus stops and routes will be determined by the transportation supervisor and route supervisor and will be based upon efficiency, safety, board policy and applicable state and federal laws and rules.

The superintendent will:

1. Annually review and assess school bus routes, stops and loading zones for safety, changing student population and supervision of students;
2. Advise parents of any changes in transportation policy affecting their students as early as possible and be responsive to parents' calls for assistance in seeking alternatives to busing; and
3. Work with cities, the county and other appropriate governmental agencies on a continuing basis regarding transportation issues.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## BUS SAFETY PROGRAM

The superintendent shall direct the preparation of a 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 inservice 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 inservice 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 procedures 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:                   Neb. Statute 79-601 to 610  
  NDE Rule 91

Cross Reference:                   508.05 Emergency Plans and Drills  
  905 Safety Program

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SAFE DRIVING RECORD STANDARD FOR DRIVERS

Standard for Pupil Transportation Vehicle Drivers: Each person who is required to have a permit to operate a pupil transportation vehicle for this School District shall meet all requirements to hold and continue to hold a pupil transportation operator's permit. One of the requirements for obtaining such a permit is that the person have a record of satisfactory driving as determined by Board policy. For such persons, a satisfactory driving record means a record which reflects the absence of any of the following offenses or circumstances:

1. Motor vehicle homicide;
2. Driving while under the influence of alcoholic liquor or drugs or refusal to submit to a chemical test, within the immediate prior 20 years; or,
3. Reckless driving or willful reckless, within the immediate prior 20 years; or
4. Accumulation of 5 or more points under the motor vehicle operators' license point system within the immediate prior 4 years. In the event the person has accumulated 3 or 4 points within the immediate prior 4 years, the determination of whether the person has a satisfactory driving record shall be made by the Superintendent or Superintendent's designee based on the nature and proximity of the offense as it relates to safe transportation.

Standard for Drivers of Small Vehicles for Activity Trips: Each person who drives a small vehicle (car or van) other than a pupil transportation vehicle for school activities and who is not required to have a permit to operate a pupil transportation vehicle shall be precluded from driving in the event it is discovered that the person does not have a record of satisfactory driving. For such persons, a satisfactory driving record means a record which reflects the absence of any of the following offenses or circumstances:

1. Motor vehicle homicide;
2. Driving while under the influence of alcoholic liquor or drugs or refusal to submit to a chemical test, within the immediate prior 20 years; or,
3. Reckless driving or willful reckless, within the immediate prior 20 years; or
4. Accumulation of 5 or more points under the motor vehicle operators' license point system, within the immediate prior 4 years. In the event the person has accumulated 3 or 4 points within the immediate prior 4 years, the determination of whether the person has a satisfactory driving record shall be made by the Superintendent or Superintendent's designee based on the nature and proximity of the offense as it relates to safe transportation.

Standard for Drivers of Other School Vehicles: Each person who drives a school vehicle other than a pupil transportation vehicle and does not transport students in the vehicle shall be precluded from driving in the event it is discovered that the person does not have

a record of satisfactory driving. In the event the person's employment position requires driving vehicles as a function of the person's employment, the employment may be terminated in the absence of a record of satisfactory driving. For such persons, a satisfactory driving record means a record which reflects the absence of any of the following offenses or circumstances:

1. Motor vehicle homicide;
2. Driving while under the influence of alcoholic liquor or drugs or refusal to submit to a chemical test, within the immediate prior 20 years; or,
3. Reckless driving or willful reckless, within the immediate prior 10 years; or
4. Accumulation of 6 or more points under the motor vehicle operators' license point system within the immediate prior 4 years. In the event the person has accumulated 3, 4 or 5 points within the immediate prior 4 years, the determination of whether the person has a satisfactory driving record shall be made by the Superintendent or Superintendent's designee based on the nature and proximity of the offense as it relates to safe transportation.

The record of satisfactory driving standards shall apply to all new employees from and after adoption of this policy. Existing employees shall be subject to the same standards, provided that the Superintendent or Superintendent's designee may determine to permit an exception based on the existing employee's record of satisfactory driving while employed with the District and the nature and proximity of prior driving offenses as such offenses relate to safe transportation.

Legal Reference:

NDE Rule 91

## STUDENT TRANSPORTATION FOR EXTRACURRICULAR ACTIVITIES

The board in its discretion may provide school district transportation for extracurricular activities including, but not limited to, transporting student participants and other students to and from extracurricular events.

Students participating in extracurricular events, other than those held at the school district facilities, may be transported to the extracurricular event by school district transportation vehicles or by another means approved by the superintendent. Students attending extracurricular events, other than those held at the school district facilities may be transported to the extracurricular event by school district transportation vehicles.

Students, who are provided transportation in school district transportation vehicles for extracurricular events, shall ride both to and from the event in the school vehicle unless arrangements have been made with the school representative prior to the event. A student's parent may personally appear and request to transport the student home from a school-sponsored event in which the student traveled to the event on a school district transportation vehicle but such requests may be denied at the discretion of the activity sponsor.

It shall be the responsibility of the superintendent, when appropriate, to recommend modifications to the transportation provisions authorized in this policy. In making such a recommendation to the board, the superintendent shall consider the financial condition of the school district, the number of students who would qualify for such transportation, and other factors the board or superintendent deem relevant.

Legal Reference:      Neb. Statute 79-610 et seq.

Cross Reference:      504.19 Student Fees

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## TRANSPORTATION OF NONSCHOOL GROUPS

The Bennington Public Schools will not permit the use of any school vehicles for the purpose of attending or participating in any nonschool related activities.

Unchecked/Unverified

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## TRANSPORTATION IN INCLEMENT WEATHER

School district buses will not operate when weather conditions due to fog, rain, snow or other natural elements make it unsafe to do so. Because weather conditions may vary around the school district and may change quickly, the best judgment possible will be used with the information available.

The final judgment as to when conditions are unsafe to operate will be made by the superintendent. The superintendent will be assisted by the actual "on location" decisions and reports of the drivers.

When weather conditions deteriorate during the day after school has begun, cancellation notices will be announced by commercial media. Students will be returned to their regular drop-off sites unless weather conditions prevent it. In that case, students will be kept at or returned to school until they are picked up by the parents.

Cross Reference: 602.02 School Day

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## STUDENT TRANSPORTATION IN PRIVATE VEHICLES

Standing authorization shall be granted by the board to school administrators, school nurses and other student services personnel designated by the superintendent.

No employee shall transport students in private vehicles without insurance coverage in compliance with state law.

Special permission for providing student transportation may be granted in exceptional cases by the principal to other professional staff members such as coaches, music teachers and activity sponsors. Exceptional cases shall be determined by review of the number of students traveling, relative costs, safety factors and distance providing as follows:

1. The school administrator has approved the activity;
2. A permission slip signed by the student's parent(s) has been received by the principal or his/her designee, granting permission for the student to participate in the field trip/activity and to ride in a privately-owned vehicle;
3. The employee, parent or other adult transporting passengers in addition to their own children must be properly licensed to drive and has provided proof of insurance. Such insurance shall meet or exceed minimum requirements as established by the state of Nebraska and as set by the district;
4. The vehicle contains an adequate number of seat restraints and the adult driver requires their use.

The district will develop procedures to implement this policy.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## USE OF VIDEO CAMERAS ON SCHOOL BUSES

The board supports the use of video cameras on school buses as a means to monitor and maintain a safe environment for students and employees. The video cameras may be used on buses used for transportation to and from school, field trips, curricular events and extracurricular events. The contents of the videotapes may be used as evidence in a student disciplinary proceeding.

### **Student Records**

The content of the videotapes is a student record subject to board policy and administrative regulations regarding confidential student records. Only those persons with a legitimate educational purpose may view the videotapes. In most instances, those individuals with a legitimate educational purpose may be the superintendent, building principal, transportation director, bus driver and special education staffing team. A videotape recorded during a school-sponsored trip, such as an athletic event, may also be accessible to the sponsor or coach of the activity. If the content of the videotape becomes the subject of a student disciplinary proceeding, it may be treated like other evidence in the proceeding.

### **Notice**

The school district will annually provide the following notice to students and parents:

The Board of Education has authorized the use of video cameras on school district buses. The video cameras will be used to monitor student behavior to maintain order on the school buses to promote and maintain a safe environment. Students and parents are hereby notified that the content of the videotapes may be used in a student disciplinary proceeding. The content of the videotapes are confidential student records and will be retained with other student records. Videotapes will only be retained if necessary for use in a student disciplinary proceeding or other matter as determined necessary by the administration. Parents may request to view videotapes of their child if the videotapes are used in a disciplinary proceeding involving their child.

The following notice will also be placed on all school buses equipped with a video camera:

This bus is equipped with a video/audio monitoring system.

### **Review of Videotapes**

The school district shall review videotapes when necessary as a result of an incident reported by a bus driver or student. The videotapes may be recirculated for erasure after 30 days.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Viewing of videotapes is limited to the individuals having a legitimate educational purpose. A written log will be kept of those individuals viewing the videotapes stating the time, name of individual viewing and the date the videotape was viewed.

### **Video Monitoring System**

Video cameras will be used on all school district buses.

Determination of how video cameras will be used and which school buses will be equipped with video equipment will be made by the superintendent in consultation with the building principals and transportation director.

### **Student Conduct**

Students are prohibited from tampering with the video cameras on the school buses. Students found in violation of this regulation shall be disciplined in accordance with the school district policies and shall reimburse the school district for any repairs or replacement necessary as a result of the tampering.

Unchecked/Unverified

## SCHOOL FOOD PROGRAM

The school district will operate a school lunch and breakfast program in each attendance center. The school food program services will include hot lunches through participation in the National School Lunch Program and supplementary foods for students during the school day. Students may bring their lunches from home and purchase milk or juice and other incidental items.

School food service facilities are provided to serve students and employees when school is in session and during school-related activities. They may also be used under the supervision of the director of food services for food service to other groups to support school activities.

The school food program is operated on a nonprofit basis. The revenues of the school food program will be used only for paying the regular operating costs of the school food program. Supplies of the school food program shall only be used for the school food program.

The board will set, and annually review, the prices for school lunches, breakfast and special milk programs. It shall be the responsibility of the superintendent to make a recommendation regarding the prices of school lunch, breakfast and milk.

It shall be the responsibility of director of food services to administer the program and to cooperate with the superintendent and head cook for the proper functioning of the school food program.

Legal Reference: 42 U.S.C. §§ 1751 et seq. (1994).

Cross Reference: 1006.01 Use of School District Facilities and Equipment

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## FOOD SERVICE RECORDS AND REPORTS

An independent certified public accountant or registered accountant will audit the food services fund annually. The audit will comply with federal requirements.

The food services program will be operated on a non-profit basis. Any income derived from the operation of the program will be used to support the food services program and will not be used for any other purpose.

The board shall review on an annual basis a summary of the food services financial records and be advised of recommendations for changes to the program.

Unchecked/Unverified

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## FREE OR REDUCED COST MEALS ELIGIBILITY

Students enrolled and attending school in the school district, who are unable to afford the special milk program, the cost or a portion of the cost of the school lunch, breakfast and supplemental foods, will be provided the school food program services at no cost or at a reduced cost.

It shall be the responsibility of the superintendent to determine if a student qualifies for free or reduced cost school food services. Students, whom the principal believes are improperly nourished, will not be denied the school food program services simply because the paperwork has not been completed.

Employees, students and others will be required to purchase tickets for meals consumed.

It shall be the responsibility of the superintendent to develop administrative regulations for implementing this policy.

Legal Reference: 42 U.S.C. §§ 1751 et seq. (1994).

Cross Reference: 504.19 Student Fees

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## COMPUTER SECURITY

Access to data stored within all computer systems will be strictly controlled for security.

The District Technology Coordinator is responsible for maintaining security through procedures developed by the superintendent. These procedures will determine who may have various degrees of access to the system and will state requirements for monitoring the continued proper educational use of the system.

These procedures will also describe:

1. Proper methods of disposal of reports containing confidential or financial information at the end of their use.
2. Methods to ensure system security after change of job status of employees having access to system passwords.
3. Methods to provide backup access in the event of the extended absence of the system administrator.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## DATA OR RECORDS RETENTION

School district records shall be housed in the central administration office of the school district. It shall be the responsibility of the superintendent to oversee the maintenance and accuracy of the records. The following records shall be kept and preserved according to the schedule below:

• Secretary's financial records	Permanently
• Treasurer's financial records	Permanently
• Minutes of the Board of Education	Permanently
• Annual audit reports	Permanently
• Annual budget	Permanently
• Permanent record of individual pupil	Permanently
• Records of payment of judgments against the school district	20 years
• Bonds and bond coupons	10 years
• Written contracts	10 years
• Cancelled warrants, check stubs, bank statements, bills, invoices, inventories and related records	5 years
• Program grants	As determined by the grant
• Nonpayroll personnel records	7 years
• Payroll records	3 years

Employees' records shall be housed in a secure location. The employees' records shall be maintained by the superintendent, the building administrator and the employee's immediate supervisor.

The permanent and cumulative records of students currently enrolled in the school district shall be housed in the central administration office of the attendance center where the student attends. Permanent records must be housed in a fireproof storage area.

Records of students who have graduated or are no longer enrolled in the school district shall be housed with other permanent records .

The superintendent may microfilm or microfiche school district records and may destroy paper copies of the records if they are more than three years old. A properly authenticated reproduction of a microfilmed record meets the same legal requirements as the original record.

Cross Reference:      203.04 Secretary  
                          204.11 Meeting Minutes  
                          402.06 Employee Records  
                          507    Student Records  
                          1003 Public Examination of District Records

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## INSURANCE

The board will maintain a comprehensive insurance program to provide adequate coverage against major types of risk, loss, or damage, as well as legal liability. The board will purchase insurance at replacement values, when possible, after reviewing the costs and availability of such insurance. The comprehensive insurance program shall be reviewed once every three years.

The school district will assume the risk of property damage, legal liability, and dishonesty in cases in which the exposure is so small or dispersed that a loss does not significantly affect the operation of the education program or financial condition of the school district.

The school district will make every effort to obtain property, vehicle, and liability insurance at the most economical cost, consistent with required service, by obtaining quotations or by negotiation, using whichever method is advantageous to the district.

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.

Blanket building and equipment insurance will cover replacement costs with an agreed amount endorsement and with a deductible determined by the superintendent to provide the lowest possible premium costs consistent with adequate protection from unanticipated expenditures.

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

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

All school officials whose duties require the handling of funds shall be bonded or covered under the districts insurance policy.

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.

Cross Reference: 201.07 Board Member Liability

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## BENNINGTON BOARD POLICY MANUAL

### Section 900 Buildings and Sites

<b>902</b>	<b>Site Acquisition and Building Construction</b>
902.01	Facilities and Sites Long Range Planning
902.02	Construction Plans and Specifications
902.03	Site Acquisition
902.04	Bids and Awards for Construction Contracts
902.05	Naming and Dedication of a Project or Building
<b>903</b>	<b>Maintenance, Operation and Management</b>
903.01	Security
<b>904</b>	<b>Selling and Leasing</b>
904.01	Disposition of Obsolete Equipment
<b>905</b>	<b>Safety Program</b>
905.01	Facilities Inspections
905.02	Annual Emergency Safety Plan
905.05	Hazardous Materials
905.07	Safety Drills
905.08	School Closings and Cancellations
905.09	Eye Protective Devices

Uncheckd Unverified

## BENNINGTON BOARD POLICY MANUAL

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905.08	School Closings and Cancellations
905.09	Eye Protective Devices

Unchecked/Unverified

## FACILITIES & SITES LONG RANGE PLANNING

As part of the board's long range plan for the school district's education program, the board shall include the buildings and sites needs for the education program. The long-term needs for building and sites shall be discussed and determined by the board.

It shall be the responsibility of the superintendent to provide information including, but not limited to, enrollment projections and education program requirements to the board.

Unchecked/Unverified

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CONSTRUCTION PLANS AND SPECIFICATIONS

The board may engage the services of consultants or other personnel to study the needs of the school district's buildings and sites in providing the education program. The results of these services will be considered in planning the education program and in making decisions about the improvement and acquisition of additional buildings and sites.

In any construction involving architecture or engineering with a cost contemplated to exceed \$100,000, and an amount as periodically adjusted by state statute, the board shall engage an architect, a professional engineer, or a person or persons under the direct supervision of an architect or professional engineer to prepare the plans, specifications and estimates for the construction.

It shall be the responsibility of the superintendent to make a recommendation to the board regarding the need for such services and who should perform such services for the board.

Buildings considered for purchase or construction by the board or currently owned by the school district and used for the education program must meet, or upon improvement be able to meet, the specifications set by the board. The board shall make this determination.

Prior to construction or renovation of buildings and sites the board shall make a determination of the method by which it will obtain construction services. If the board elects by a seventy-five percent affirmative vote to use the Construction Management at Risk or Design-Build methods rather than the traditional Design-Bid-Build method, policies for that respective method must be established prior to selecting the construction services provider.

Prior to remodeling or other construction of buildings and sites, the board may appoint a committee of consultants, employees, citizens, or others to assist the board in developing the specifications for the new or improved buildings and sites. These specifications shall be consistent with the education program, and they shall provide the architect with the information necessary to determine what is expected from the facility. It shall be within the discretion of the board to determine whether a committee shall be appointed.

It shall be the responsibility of the superintendent to make a recommendation to the board regarding the specifications of buildings and sites.

Legal Reference: Neb. Statute 81-3445

Cross Reference: 104 Educational and Operational Planning

Approved: November 5, 2007 Reviewed: \_\_\_\_\_ Revised: August 3, 2015

## SITE ACQUISITION

Sites acquired by the board shall meet or, upon improvement, be able to meet the specifications set out by the board prior to using the site for the education program. The board may meet in closed session to discuss potential purchases of sites.

It shall be the responsibility of the superintendent to assist the board and to make recommendations concerning the acquisition of sites.

Cross Reference:      204.06 Closed Sessions  
                          706.01 Purchasing Procedures

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Unchecked/Unverified

## BIDS AND AWARDS FOR CONSTRUCTION CONTRACTS

Public, competitive sealed bids are required for construction projects, including renovation and repair, with a cost exceeding \$40,000. This does not apply to the acquisition of existing buildings, purchase of new sites or site expansions by the district. The sealed bids shall be opened in public on the date and hour as advertised.

The award of construction contracts will, generally, be made to the lowest responsible bidder. The board, in its discretion, after considering factors relating to the construction, including, but not limited to, the cost of the construction, availability of service and/or repair, completion date, and any other factors deemed relevant by the board, may choose a bid other than the lowest bid. Resident bidders of the state of Nebraska may be given preference over nonresident bidders in some instances according to state statutes. The board shall have the right to reject any or all bids, or any part of the bids, to waive informalities, and to enter into the contract or contracts deemed to be in the best interests of the school district.

It shall be the responsibility of the superintendent to make a recommendation accompanied by supportive reasoning to the board for construction contract bids.

Legal Reference:      Neb. Statute 73-101 et seq.

Cross Reference:      706      Expenditure

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## NAMING AND DEDICATION OF PROJECT OR BUILDING

It shall be the responsibility of the Board to name or rename new or renovated facilities for the District.

A committee of the Board, appointed by the Board President, will consider all suggestions offered and will make a recommendation to the Board of Education. The chairperson of the committee shall be appointed by the Board President. The chairperson shall determine the timelines, schedules and name collection procedures for completing the committee's assignment. The committee may solicit names from the community or from members on the committee.

All major building projects shall be identified by suitable plaque(s) identifying the project, year completed, the names of the Board members and Superintendent.

The Board may set dedication and open house ceremonies as appropriate for each facility.

Legal Reference:

Cross Reference:

## SECURITY

The Board encourages cooperation with local law enforcement and fire authorities and insurance company personnel in planning and carrying out proper security measures to preserve and protect the district's investment in its physical plant.

Buildings constitute one of the greatest capital investments of the district and should be protected. Security includes minimizing fire or other safety hazards, reducing the probability of faulty equipment, and keeping records and funds in a safe place. Security also includes having available floor plans of buildings and site plans showing campus boundaries and access points.

An access control system shall be established and maintained limiting building access to district personnel thus safeguarding against potential entry by unauthorized persons.

Protective devices designed as safeguards against illegal entry and vandalism shall be installed where appropriate.

The superintendent is directed to establish regulations as may be needed to provide for security of buildings and grounds.

Incidents of illegal entry, theft of school property, vandalism or damage to school property from any cause shall be reported by phone to the office of the superintendent and to the appropriate law enforcement agency as soon as discovered. A written report of the incident shall be made within 24 hours of discovery and forwarded to the superintendent's office.

Cross Reference:      404.03 Employees' Personal Security and Safety  
                          905.02 Annual Emergency Safety Plan

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## DISPOSITION OF OBSOLETE EQUIPMENT

School property, such as equipment, furnishings, or supplies (collectively referred to as equipment), will be disposed of when it is determined to be of no further use to the school district. It shall be the objective of the school district in disposing of the equipment to achieve the best available price or most economical disposal. Items beyond their useful life may be disposed at the superintendent's discretion.

It shall be the responsibility of the superintendent to make a recommendation to the board regarding the method for disposing of equipment of no further use to the school district. The disposal shall be authorized by an affirmative record vote at a regular meeting of at least two-thirds of all members of the Board.

Cross Reference:      705    Revenue  
                            706.03 Bidding Procedures

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## FACILITIES INSPECTIONS

A program for annual inspection, in addition to those conducted by authorized agencies, of the equipment, facilities, and grounds shall be conducted as part of the maintenance schedule for school district buildings and sites. The results of this inspection shall be reported to the board annually. Further, the board may conduct its own inspection of the school district buildings and sites annually.

Legal Reference: NDE Rule 10-011.01

Cross Reference: 903 Maintenance, Operation and Management

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## ANNUAL EMERGENCY SAFETY PLAN

All employees have the responsibility for maintaining safe, healthful and sanitary conditions within the buildings and on the grounds of the school district. The Superintendent shall designate staff and develop procedures to insure that all facilities meet fire, safety and health codes.

The Superintendent shall appoint a school safety and security committee represented by faculty, parents and community members that will prepare and review the school's safety plan. This plan will be updated annually by the committee and approved by the School Board. The plan will address safety procedures and security plans for students, staff and visitors, including during emergency events.

Typical elements of this plan will include:

- The assignment of specific employees to safety tasks and responsibilities.
- Instructions relating to the use of alarm systems and signals.
- Information concerning methods of fire containment and equipment use.
- Systems for notification of appropriate authorities.
- Specification of evacuation routes and procedures.
- Posting of plans and procedures at suitable locations.
- Procedures and frequency of emergency evacuation drills.
- An evaluation of each evacuation drill.

The plan shall be reviewed annually by one or more persons not on the committee and not an employee of the school district. This review includes a visit to each school building to analyze plans, policies, procedures and practices. Recommendations shall be made to the Superintendent and the committee for use in revising the plan.

Legal Reference: NDE Rule 10-011.01

Cross Reference:

- |     |                                       |
|-----|---------------------------------------|
| 404 | Employee Health and Well-Being        |
| 508 | Student Health and Well-Being         |
| 805 | Risk Management                       |
| 903 | Maintenance, Operation and Management |
| 905 | Safety Program                        |

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## HAZARDOUS MATERIALS

Friable and nonfriable asbestos containing materials will be maintained in good condition and appropriate precautions will be followed when the material is disturbed. If there is a need to replace asbestos it will be replaced with nonasbestos based materials. Each school building will maintain a copy of the asbestos management plan.

The school district will appoint and train appropriate employees as necessary. A visual inspect all areas identified in the management plan shall be conducted every six months with the results entered in the required records and reports.

Legal Reference:      20 U.S.C. §§ 3601 et seq. (1994).  
                          40 C.F.R. Pt. 763 (1996).

Cross Reference:      903     Maintenance, Operation and Management

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SAFETY DRILLS

All schools are required to instruct and drill students on emergency procedures so that students may respond to an emergency without confusion and panic. Each building administrator will conduct emergency drills in accordance with state statute and the district's Emergency Safety Plan.

Drills and instruction on fire emergencies shall include routes and methods of exiting the school building. The district will conduct monthly fire drills.

Instruction on tornado dangers and natural disasters shall be conducted annually.

Legal Reference: Nebr. Administrative Codes 31-3

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## SCHOOL CLOSINGS AND CANCELLATIONS

In case of hazardous or emergency conditions, the superintendent may alter district and transportation schedules as are appropriate to the particular condition. Such alterations include closure of all schools, closure of selected schools or grade levels, delayed openings of schools and early dismissal of students.

At the beginning of each school year students, parents and staff will be informed of the procedures used to notify them in case of an emergency closure.

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## EYE PROTECTIVE DEVICES

The district shall supply eye protective devices for teachers, students and visitors to all shops and laboratories meeting the standard of the American National Standard Practice for Occupational and Educational Eye and Face Protection as approved by the American National Standards Institute (ANSI).

Every teacher and student shall be required to wear eye protective devices at all times while participating in or observing the following courses of instruction:

1. Vocational, technical, industrial arts, chemical, or chemical-physical, involving exposure to:
  - A. Hot molten metals or other molten materials;
  - B. Milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials;
  - C. Heat treatment, tempering, or kiln firing of any metal or other materials;
  - D. Gas or electric arc welding or other forms of welding processes;
  - E. Repair or servicing of any vehicle; or
  - F. Caustic or explosive materials; and
2. Chemical, physical, or combined chemical-physical laboratories involving caustic or explosive materials, hot liquids or solids, injurious radiations, or other hazards not enumerated.

Legal Reference:      Neb. Statute 79-715

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## BENNINGTON BOARD POLICY MANUAL

### Section 1000 Community/Educational Agency Relations

- 1002 District Annual Report
- 1003 Public Examination of School District Records
- 1004 Press, Radio and Television News Media**
  - 1004.01 Media Relations
  - 1004.03 Live Broadcast or Videotaping
- 1005 Public Participation in the School District**
  - 1005.01 Public Complaints
  - 1005.03 Parent Involvement in the Schools
  - 1005.07 Visitors to School
  - 1005.08 Public Conduct on School Premises
  - 1005.50 Adult Sponsors
- 1006 Use of District Facilities and Equipment**
  - 1006.01 Community Use of School District Facilities, Sites and Equipment
  - 1006.01R1 Community Use of Facilities Rules and Regulations
  - 1006.02 Tobacco-Free Environment
- 1007 Education Agency Relations

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  - 1005.08 Public Conduct on School Premises
  - 1005.50 Adult Sponsors
- 1006 Use of District Facilities and Equipment**
  - 1006.01 Community Use of School Facilities, Sites and Equipment
  - 1006.02 Smoke-Free Environment
- 1007 Education Agency Relations

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## DISTRICT ANNUAL REPORT

The superintendent or designee shall annually prepare a written report informing the public of the following areas of district characteristics and student achievement results:

- Student demographics, including enrollment by grade and site, number of students receiving free or reduced meals and number of special education students.
- District financial information including levy, total budget, valuation per pupil, per pupil costs and local, state and federal revenue.
- Student academic performance including results of standardized tests, average g.p.a. for elementary and secondary students, graduation rates and dropout rates.

The report shall be distributed to members of the Board of Education, the local news media, and to the parents of the district during the fall semester.

Legal Reference:                    NDE Rule 10.005.02  
    NDE Rule 10.010.01

Cross Reference:                    1004 Press, Radio and Television News Media  
    1005 Public Participation in the School District

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## PUBLIC EXAMINATION OF SCHOOL DISTRICT RECORDS

Public records of the school district may be viewed by the public during the regular business hours of the administration offices of the school district. These hours are 7:30 a.m. to 4:00 p.m. Monday through Friday, except for holidays and recesses.

Records defined by law as confidential records shall be viewed or copied upon receipt of written permission by the administration office from the person or entity whose confidential records are being requested. Lacking such permission, the superintendent will issue a written denial of the request.

Persons wishing to view the school district's public records shall contact the central administration office and make arrangements for the viewing. The office personnel will make arrangements for viewing the records as soon as practicable, and within 4 business days if possible.

Persons wanting copies may be assessed a fee for the copies not to exceed the actual costs. If the estimated cost of the records exceeds \$50.00, the office will obtain an advance deposit equal to the estimated cost. Records will not be made available in any form in which that record is not already maintained or produced. Persons making requests to use their own copying equipment must make arrangements satisfactory to the administration office.

It shall be the responsibility of the administration office to maintain accurate and current records of the school district. It shall be the responsibility of the office to respond in a timely manner to requests for viewing and receiving public information of the school district. If the office is unable to provide the requested records within 4 business days, the secretary will issue a written explanation with a revised date for completion, an estimate of cost, and allow the requester to modify or prioritize the information request.

Legal Reference: Nebraska Statutes 84-712.0 et seq.

Cross Reference: 507.01 Student Records Access

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## MEDIA RELATIONS

The board recognizes the value of and supports open, fair and honest communication with the news media. The board will maintain a cooperative relationship with the news media. As part of this cooperative relationship, the board and the media will develop a means for sharing information while respecting each party's limitations.

Members of the news media are encouraged and welcome to attend open board meetings. The superintendent shall be the spokesperson for the school district. It shall be the responsibility of the board president and superintendent to respond to inquiries from the news media about the school district.

Members of the news media seeking information about the school district shall direct their inquiries to the superintendent. The superintendent shall accurately and objectively provide the facts and board positions in response to inquiries from the news media about the school district.

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## LIVE BROADCAST OR VIDEOTAPING

Individuals may broadcast or videotape public school district events, as long as it does not interfere with or disrupt the school district event and it does not create an undue burden in adapting the buildings and sites to accommodate the request. Individuals are required to notify the superintendent at least 24 hours prior to the meeting of their intent to operate videotaping equipment.

It shall be within the discretion of the superintendent to determine whether the request is unduly burdensome and whether the broadcast or videotaping will interfere with or disrupt the school district event.

Videotaping of classroom activities will be allowed at the discretion of the superintendent. Parents will be notified prior to videotaping of classroom activities.

News media coverage of sports and other special events is encouraged. Radio broadcasts of events will be arranged through the superintendent's office.

Cross Reference: 204.12 Public Participation in Board Meetings

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## PUBLIC COMPLAINTS

The board recognizes that concerns regarding the operation of the school district will arise. The board further believes that constructive criticism can assist in improving the quality of the education program and in meeting individual student needs more effectively. The board also places trust in its employees and desires to support their actions in a manner which frees them from unnecessary or unwarranted criticism and complaints.

Procedures for dealing with complaints concerning programs or practices should be governed by the following principles:

- where action/investigation is desired by the complainant, or where it seems appropriate, the matter should be handled as near the source as possible;
- complaints should both be investigated and, if possible, resolved expeditiously;
- complaints should be dealt with courteously and in a constructive manner; and,
- individuals directly affected by the complaint should have an opportunity to respond.

Specific procedures for handling complaints may be established in policies. The board, consistent with its board policy-making role, will deal with complaints concerning specific schools, programs or procedures only after the usual channels have been exhausted. Complaints regarding employees or complaints by students will follow the more specific policies on those issues.

When a complaint requiring attention is received by the board or a board member it will be referred to the superintendent. After all of the channels have been exhausted, the complainant may appeal to the board by requesting a place on the board agenda. If the complainant appeals to the board, the appeal shall be in writing, signed and explain the process followed by the complainant prior to the appeal to the board.

Cross Reference:

- 204.12 Public Participation at Board Meetings  
403.05 Public Complaints about Employees  
606.02 Instructional Materials Inspection and Objections

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## PARENTAL INVOLVEMENT IN THE SCHOOLS

It is the policy of this school district to foster and facilitate parental and community information about, and involvement in, the education of their children. Along these lines:

1. Reasonable attempts by the district staff will be made to involve parents and community through frequent open communications, volunteer programs, progress reporting, and through the support of activities which encourage involvement.
2. Parents and other interested citizens are welcome to visit the schools and/or confer with principals and teachers concerning the school's programs. (Children should not be visitors without adults.) Persons seeking to disrupt the educational environment shall face those penalties established by the law, board policies, and administrative rules.
3. Textbooks, tests, and other curriculum materials used in this school district are, and shall be, available for review at school upon request.
4. Parents wishing to attend and monitor courses, assemblies, counseling sessions, and other instructional activities are welcome. Prior approval of and from the proper teacher, counselor, and administrator, is requested.
5. Testing shall occur in this school district as determined appropriate by district staff to assure proper measurement of educational progress and achievement. Results of such testing is made available to parents.
6. The school district will excuse students from testing, surveys, classroom instruction, and other school experiences, upon written parental request, only under circumstances required by law. A plan for an acceptable alternative shall be approved by the proper teacher and administrator prior to, or as a part of, the granting of any parent request.
7. Parents and others will be provided access to records of students according to law.

It is the policy of the district to notify parents of any survey which may be scheduled and to conduct student surveys judiciously, with full consideration of the fact that parents may find items of the survey objectionable.

The following activities related to Title One services will also be provided by the district and included in the board's plan for parental involvement:

1. Convene an annual Title One Parent Meeting(s) at a convenient time;
2. Involve parents in the planning, review, and improvement of the school parent involvement policy;
3. Provide parents with timely information regarding curriculum, academic assessments used and proficiency levels;
4. Provide opportunities for parents to participate, as appropriate, in decisions relating to the education of their children;
5. Jointly develop with parents a school-parent compact that outlines shared responsibility for improved student academic achievement;

6. Provide assistance opportunities and/or materials for helping parents to understand topics relating to their students' academic achievement in a format, and when feasible, in a language the parents can understand;
7. To the extent practicable, districts and schools shall provide opportunities for the participation of parents with limited English proficiency parents with disabilities and parents of migratory children, including providing information and school reports required in a format and in a language such parents can understand;
8. Involves parents in developing the plan;
9. The plans have effective parental involvement activities;
10. Builds capacity for strong parental involvement;
11. Coordinates and integrates parental involvement strategies with other programs;
12. Conducts an annual evaluation of the content and effectiveness of parental involvement policy;
13. Involves parents in activities;
14. The Parent-School Compacts have been jointly developed with parents and describe:
  - a. The school's responsibility to provide high-quality curriculum and instruction;
  - b. Ways in which parents will be responsible for supporting their children's learning;
  - c. The importance of communication between teachers and parents on an ongoing basis;
15. Parent involvement programs, activities, and procedures are planned and implemented with meaningful consultation with and input from parents.
16. Information is provided to parents in a language and form they can understand;

The parent or guardian of a student may have access to that student's records during normal business hours of the district according to Policy 507.01 Student Records Access.

This policy is adopted following a public hearing to receive public comments and suggestions.

Legal Reference: *UNCLASSIFIED*  
Neb. Statute 79-530 to 533  
No Child Left Behind, Title I, Sec. 1118, P.L. 107-110  
Neb. NCLB Compliance Monitoring Guide Checklist, September 2009, p, 9-10

Cross Reference: 507.01 Student Records Access  
606.02 Instructional Materials Inspection and Objections  
611.05 Grading Guidelines  
1002. District Annual Report  
1005.01 Public Complaints

## 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 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 must notify the principal and obtain a visitor's pass 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.

Legal Reference: *UNCHECKED* Neb. Statute 79-8,100

Cross Reference: *UNCHECKED* 1004 Press, Radio and Television News Media

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## 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;
- Use tobacco products on school property;
- 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

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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.

Cross Reference:      506    Student Activities  
                          1006   Use of District Facilities and Equipment

## ADULT SPONSORS

Adult sponsors must be in attendance at all school sponsored activities.

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## COMMUNITY USE OF SCHOOL DISTRICT FACILITIES, SITES AND EQUIPMENT

Use of facilities by outside organizations shall be supervised by an adult at all times. The Superintendent of Schools will provide nonresident groups requesting use of facilities with a list of school employees authorized to supervise the use of said facilities. It shall be the responsibility of the person or entity requesting the use of facilities to arrange for a school employee to provide for the supervision of school facilities during the use of school facilities by the nonresident organization. The \$10.00 per hour fee for supervision of school facilities by School District employees will be assessed the leasee. It is to be paid directly to the supervisor at the completion of the activity the employee may waive (in written form) payment of the fee if they desire.

Legal Reference: Good News Club v. Milford

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## Community Use of School Facilities Rules and Regulations

### I. Purposes

- a. To provide facilities that will make possible the maintenance of desirable educational or recreational programs for the citizens of the community.
- b. To make available the use of school facilities for the betterment of the community in general and to community groups in such a way as to not interfere with the regular school program.
- c. To protect the public's property and to promote safety of citizens enjoying the use of such facilities.
- d. To make available the use of school facilities in a manner consistent with state and federal law.
- e. To provide a structure of rules, regulations and procedures that will implement the above purposes.

### II. Responsibility for Supervision and Care of School Facilities

The principal of each individual school shall be directly responsible to the superintendent. The principal shall report immediately to the superintendent any unusual circumstances regarding the building's care and use of buildings, supplies, custodial and maintenance services, etc.

### III. Priority in use of School Facilities

The Board has the first claim to the use of District facilities. Cancellations may be ordered by school authorities, with or without advance notice. Permission to use school facilities is granted with this understanding. The Board may restrict the use of school facilities on holidays because of interference with scheduled maintenance work.

The District shall have sole discretion to determine the priority and use of school facilities. As a general guideline, the District has established the following priority and standard:

- **1st Priority** – School and/or District activities, events and programs.
- **2nd Priority** – School and/or District affiliated groups or organizations which are conducting activities, events or programs which are designed to serve District students or are related to any function of the school or District.
  - Such 2nd Priority school and/or District affiliated groups or organizations include the Bennington Public Schools Foundation, parent-teacher organizations, activity booster organizations, and other groups and organizations which are directly affiliated with the District and whose sole and direct mission and purpose are to support the District.
- **3rd Priority** – Government agencies and other political subdivisions which are conducting public meetings or hearings, or public service meetings or presentations.
- **4th Priority** – Bennington non-profit youth organizations and recreation association teams/groups.

- Such 4th Priority Bennington non-profit youth organizations and recreation association teams/groups must have at least 50% of the participants be District residents.
- **5th Priority** – Bennington non-profit civic, service, or other groups whose purpose is to promote the general welfare of the community and conduct charitable fund raising activities or events.
- **6th Priority** – Other groups or individuals, provided that at least 50% of the participants shall be District residents.
- **7th Priority** – Individuals or groups involved in activities not listed above.

So as to limit interference with the educational program and building activities, 5th , 6th and 7th priority uses may only be conducted starting one hour after the conclusion of school hours, or at other times on days when school is not in session.

For the purpose of this Rule, the term “school-affiliated non-profit groups” shall be narrowly construed so as to only include groups which satisfy the Internal Revenue Service requirements for a non-profit organization, and whose sole and direct mission and purpose are to support a district school or district schools.

#### IV. Rental Procedures and Provisions

- a. In all instances where it is necessary that rental arrangements be made with community groups for the use of school facilities, all arrangements with such groups shall be made through the building principal or designee.
- b. The building principal reserves the right to require sufficient time for full investigation of an application.
- c. Inaccurate or false statements made in the application may place the responsible person(s) and/or organization on an ineligible list. Subsequent applications from an ineligible person(s) or organizations will be referred to the Board for determination of future rental privileges.
- d. The person(s) or organization making application for the use of school facilities shall agree to reimburse the District for any damage to school property by any of the participants in the organization's use of school facilities.
- e. The person(s) or organization making application for the use of school facilities shall agree to relieve the district from all responsibility for any damage or loss to the property of any person in attendance. Unless waived in writing by the District, the person(s) or organization agrees to provide a Certificate of Liability Insurance in the amount of one million dollars (\$1,000,000) naming Bennington Public Schools as an additional insured for the date(s) of use. In addition, the person(s) or organization holds the Bennington Public Schools harmless and agrees to indemnify against all injuries to participants and spectators.
- f. Rental agreements shall not be transferable.
- g. Holders of rental agreements may cancel them by giving the issuing office notice at least 24 hours in advance of the date to be canceled. For Saturday and Sunday permits, 48 hours is required.

- h. It shall be necessary that the person(s) or organization using a school facility contact the principal of the building where the activity is to be held at least five (5) days prior to the first activity listed in the rental agreement concerning the use of the facility.
- i. All payments are to be made to Bennington Public Schools. The following payment schedule shall be observed:
- j. Community organizations desiring to use school equipment must obtain permission from the building principal. Equipment will be checked out and the borrower will agree to pay for any damage or loss of school equipment that is loaned.
- k. When schools are closed for inclement weather, all community use of school facilities or grounds will be automatically cancelled unless approval for use is received from the District. If the event occurs on a non-school day, the District reserves the right to cancel the event. If snow removal or site and building preparation is required before the facility can be used for an activity, the cost will be added to the usage fee unless this activity meets a need of the District. The District will make all decisions relative to this item.

**FEES:**

All fees are for the first three hours of use. Additional fees are charged for each additional hour calculated at the fractional rate of the three-hour fee.

User fee: Groups may be charged an additional \$5.00 access fee per use. The access fee is in addition to any rental fee a group might be charged.

User fees may be waived for Priority 4 events or activities. User fees may also be waived for Priority 3 events or activities, upon prior approval by the Superintendent.

	First Three Hours Community Non-Profit	First Three Hours Community Profit
Elem. School Gym	\$50	\$75
H.S. Gym	\$150	\$225
Cafeteria/Multi-Use Room	\$50	\$75
Elem. Stadium	\$200-\$800	\$400-\$1,600
H.S. Stadium	\$400-\$1,600	\$800-\$3,200
Classroom	\$40	\$60
Elem. Stage	\$100	\$300
H.S. Stage/Commons	\$150	\$450
Athletic Fields Other than Stadiums	Determined on a field-by-field basis	

**V. Kinds of Meetings not to be Held in a School Building**

- a. For the purpose of advancing any doctrine or theory subversive to the constitution or laws of the State of Nebraska or of the United States of America.
- b. For the purpose of advocating social and political change by violence.

c.

## VI. Adult Supervision

Adequate adult supervision must be maintained at all times. A security officer shall be provided by applicants when required by the District. Supervision to prevent trespassing in portions of the building not authorized to be used must be provided when required by the District.

## VII. Payment of Custodial Fees

All organizations will be charged the custodial costs incurred by the District in addition to charges in section IV. Payment of custodial fees shall be arranged with the superintendent or designee at the time of the rental by the applicant.

## VIII. Policies and Regulations Governing Use of School Buildings

The Policies and Regulations of the Bennington Public Schools will be adhered to by person(s) or Organization using the facilities. Person(s) of organization that do not adhere to the policies and regulation shall be billed for all necessary cleaning costs and repairs and may be placed on the ineligible list.

Below are a few of the policies and regulation of the Bennington Public schools:

- a. The use of all tobacco products and alcohol are prohibited in the facilities and on the grounds of the Bennington Public Schools. The individuals making arrangements for use of the building will be responsible for the enforcement of this policy.
- b. Food and drinks are NOT ALLOWED in any auditorium or gymnasium. Special arrangements must be made with the principal and the school for the serving of food or drink in other parts of a school building.
- c. Arrangements for special accommodations (access to facilities prior to the event, stage set-ups, use of lighting, operating public address system, etc.) will be accomplished under the direction of an employee of the school district and must be made in advance of the date the facilities are to be used.
- d. Adult monitors are to be in charge of all activities at all times and shall enforce all policies and regulations.
- e. All facilities are to be left in order (clean, with tables and chairs in place, waste removed, etc.) at the close of each activity.
- f. Non-school property is to be removed after the use of the facilities or as designated by agreement.
- g. Mutilations of walls, floors, or scenery is prohibited.
- h. Moving and adjusting scenery, securing light effects, operating public address system and similar matters will be accomplished under the direction of an employee of the school district only.

## IX. Use of Food Service Facilities

Community organizations desiring to use the Food Service Facilities must obtain permission from the building principal. Any damages of the Food Services equipment will be the responsibility of the person(s) or organization.

## X. Equal Access

**Equal Access to Student Groups.** In the event any of the secondary schools (grades 6-12) have a limited open forum as defined in the Equal Access Act, such school(s) shall not deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings. A limited open forum for this purpose exists if the secondary school grants an offering to or opportunity for one or more non-curriculum related student groups to meet on school premises during non-instructional time.

All such student meetings at school are subject to the following requirements:

- a. the meeting must be voluntary and student-initiated;
- b. there must be no sponsorship of the meeting by the school or its agents or employees;
- c. employees or agents of the school are present at religious meetings only in a non-participatory capacity;
- d. the meeting must not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- e. non-school persons may not direct, conduct, control, or regularly attend activities of the student group.

The administration shall in all respects maintain the District in compliance with the Equal Access Act.

**Equal Access to Boy Scouts.** If the District provides an opportunity for one or more outside youth or community groups to meet on school premises or in school facilities before or after school hours, the District shall not deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America. The same principles apply to any other youth group listed in Title 36 of the United States Code as a "patriotic society." The administration shall in all respects maintain the District in compliance with the Boy Scouts of America Equal Access Act.

The use of school facilities for student meetings and Boy Scouts as provided above shall be subject to the same provisions as other community, non-school groups and may be required to complete a community use application as and to the same extent as other non-curriculum related student groups (in the case of student meetings) and other outside youth or community groups (in the case of the Boy Scouts).

## XI. Use Consistent with NSAA Bylaws.

Use of school facilities for activities that are subject to the Bylaws of the Nebraska School Activities Association (NSAA) shall be permitted subject to and in accordance with the NSAA Bylaws. Such use shall be consistent with this policy for non-school groups. Examples of acceptable use of school facilities for activities are:

- a. Summer Leagues. There must be evidence that the organization or individual conducting the league has rented or leased the facility (for example, via an Application for Use) to prove the school is not involved in its sponsorship or funding.
- b. Commercial Sport Camps/Clinics. School facilities for use by individuals, including the District's own coaches or other organizations for commercial camps/clinics or schools. Camps conducted by junior or senior high school coaches shall be publicized as open to all area individuals wishing to attend and not limited to students from the coach's junior or high school.
- c. All-Star competition that involves graduated seniors.
- d. Competitive meets and contests sponsored by non-school groups.
- e. Facilities approved under the above stipulations include: gymnasiums, tracks, swimming pools, tennis courts, athletic playing fields, and baseball and softball diamonds.

Approved: November 5, 2007

Reviewed: February 2, 2009 Revised: March 2, 2015

Unchecked/Unverified

## TOBACCO-FREE ENVIRONMENT

School district facilities, including school vehicles, shall be off limits for smoking or other uses of tobacco products. For purposes of this policy, it includes all products such as cigars, cigarettes, chewing tobacco, nicotine products, vapor products (including e-cigarettes), and any products intended by appearance or effect to replicate tobacco products. This requirement extends to employees and visitors. This policy applies at all times, including school-sponsored and nonschool-sponsored events. Persons failing to abide by this request shall be required to extinguish their smoking material and may be required to leave the school district premises immediately. It shall be the responsibility of the administration to enforce this policy.

Legal Reference: Goals 2000: Educate America Act, Pub. L. No. 103-227, 108 Stat. 125 (1994).

Cross Reference: 1006.01: Community Use of School District Buildings, Sites and Equipment

## EDUCATION AGENCY RELATIONS

The Superintendent of Schools shall be the designated representative of this school district for purposes of indicating the approval or disapproval of the school district of proposals of core services offerings and the use of the property tax levy of the educational service unit of which the school district is a member.

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Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_