

ARTICLE 1: COMMUNITY RELATIONS

COMMUNICATION WITH THE PUBLIC

Introductory Statement

1100

The board of education of McPherson County Schools believes that an informed and actively involved public will be supportive of school purposes and programs. To that end, the superintendent of schools is directed, through his or her personal action and through the delegation of his or her authority, to encourage patron attendance at all public meetings of the board of education, student events, and other school programs, utilizing, in a timely manner, the local media and school newsletters, calendars, and mailed announcements. Moreover, the superintendent, or his or her designee, is directed to issue to the board of education and to make available to the patrons of the school district the following reports:

- (a) A summary of the standardized norm-referenced assessment instruments used by the school district as they have been administered to students in selected grades;
- (b) A summary of such criterion-referenced assessment instruments as are used by the school district to show acquisition of competencies in reading, writing, and mathematics and any other criterion-referenced assessment instruments that the school district may from time to time elect to use;
- (c) A report pertaining to the school district including, but not limited to, student performance, school system demographics, and financial information; and
- (d) The results of periodic follow-up studies of information as the superintendent, subject to the approval of the board of education, may deem appropriate.

School officials shall report this information through publication in newspapers of general circulation, school newsletters, radio, or by such other means as deemed appropriate by the board of education for the dissemination of the information and at such time that the information is appropriate for public dissemination.

A summary of these materials shall be available for public review in the office of the superintendent during normal office hours.

Nothing herein shall be construed to mean that the public shall have access to information which would violate any state or federal law or which would violate the privacy of any student or any employee of the school district.

Legal Reference: Neb. Rev. Stat. § 79-526
 Neb. Rev. Stat. § 79-531
 Neb. Rev. Stat. § 84-712
 Neb. Rev. Stat. § 84-1408

Policy Adopted: February 12, 2014

Neither the facilities, the staff, nor the students of McPherson County Schools shall be employed in any manner for advertising or otherwise promoting the interests of any commercial, political, or other non-school agency, individual, or organization, except that:

- (a) The school district may cooperate in furthering the work of any non-profit, community-wide social service agency, if such cooperation does not restrict or impair the educational program of the school;
- (b) The school district may use films or other educational materials bearing mention of the producing firm or sponsor, provided such materials can be justified on the basis of their actual educational values;
- (c) The school district may, upon approval of the board of education, cooperate with any agency in promoting activities of general public interest, which also promote education or other best interests of students. The superintendent of schools may authorize the cooperation in furthering the work of any non-profit, community-wide social service agency, provided that such cooperation does not infringe on school programs or diminish the amount of time devoted thereto; and
- (d) The administration may, at its discretion, announce, or authorize to be announced, any lecture, community activity, or film, which it determines to have educational merit.

Legal Reference: Neb. Rev. Stat. § 79-526
 Neb. Rev. Stat. § 79-8,100

Use of School Facilities: Student Groups and Boy Scouts

1105.1

Equal Access to Student Groups.

In the event that the secondary school (grades 8 through 12) has a limited open forum as defined in the Equal Access Act, the school district 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 noncurriculum related student groups to meet on school premises during noninstructional time.

All such student meetings 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 district or its agents or employees;
- (c) Employees or agents of the school district are present at religious meetings only in a nonparticipatory capacity;
- (d) The meeting must not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- (e) Nonschool persons may not direct, conduct, control, or regularly attend activities of the student group.

The administration shall in all respects maintain the school district in compliance with the Equal Access Act.

Equal Access to Boy Scouts

If the school 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 school 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 school district in compliance with the Boy Scouts of America Equal Access Act.

Use of School Facilities

The use of school facilities by student groups and Boy Scouts as provided above shall be subject to the same provisions as other community, non-school groups. Such groups may be required to complete a community use application as and to the same extent as other noncurriculum related student groups (in the case of student meetings) and other outside youth or community groups (in the case of the Boy Scouts).

Legal Reference: 20 U.S.C. §§ 4071 to 4074
 20 U.S.C. § 7905
 34 CFR Part 108

Policy Adopted: February 12, 2014

Bulletin Boards, Display Cases, and Posted Material**1110**

Bulletin boards, display cases, and posting areas in district buildings are for the purposes of conveying information about school activities and programs to students, staff, and the visiting public as deemed appropriate by school administrators. The superintendent may, at his or her discretion, authorize the posting or displaying of non-school related information which is not political in nature.

Legal Reference: Neb. Rev. Stat. § 79-526

Policy Adopted: February 12, 2014

Publications, Radio, and Television

1115

The board of education welcomes the active participation of print and electronic mass media in promoting educational programs in the school district. All resultant news coverage of academic or extracurricular activities must be presented in the public interest. Refer to AR-1115, School District Public Relations.

The school district will not endorse any commercial or political enterprise. The school district will not participate in the broadcast of school activities which may be sponsored by any alcoholic beverage or tobacco companies.

All radio and television broadcasts of any school activity or contest originating from the facilities of the school district must be coordinated through the office of the superintendent and/or the activities director as follows:

- (a) Any company interested in broadcasting an activity shall contact the superintendent or activities director in advance of the event to gain permission and make arrangements for attending the activity;
- (b) Any such company will be responsible for all necessary equipment, transmission lines, power sources, and accompanying expenses; and
- (c) Any such company will be responsible for any financial and legal liabilities pertaining to its own equipment and personnel.

Legal Reference: Neb. Rev. Stat. § 79-526

Purchasing and Business Representatives

1120

No school employee or student shall visit with or discuss business matters of a personal nature with any purchasing and/or business representative during the hours that school is in session or that the school employee is on duty in the school, except by permission of the superintendent of schools. Unless otherwise determined by the superintendent and approved by the board of education, a classroom teacher is considered to be on duty and in active pursuit of his or her work during the hours of 8:00 a.m. and 4:00 p.m. on teacher-contracted days.

Any agent, salesperson, or business representative calling on school personnel about school matters such as textbooks, publications of the school, class insignia, athletic equipment, school equipment, school supplies, building and maintenance equipment and supplies, etc., shall first obtain permission of the superintendent before contacting other school personnel.

Legal Reference: Neb. Rev. Stat. § 79-526
 Neb. Rev. Stat. § 79-8,100

In accordance with state law, notice of all regular and special meetings of the board of education, except for emergency meetings, shall be published in the local newspaper or posted on the school house door and other public places within the school district at least seventy-two (72) hours in advance of such meetings. All notices shall include the meeting place, time, and date of these meetings. Such notices shall also state that a summary of known agenda items or the current agenda can be secured from the office of the superintendent of schools. Except for items of an emergency nature, the agenda shall not be altered later than twenty-four (24) hours prior to the scheduled commencement of the meeting.

All regular board meetings shall be held on or before the third Monday of each month. Special meetings may be called by the board president or any two members of the board of education.

Representatives of the media are urged to attend all open meetings of the board of education. Meeting announcements, tentative agendas, and meeting minutes summaries will be furnished to the designated newspaper and published on the District website.

A current copy of the Nebraska Open Meetings laws shall be posted in the meeting room. The board of education shall state the reason to move the meeting to a closed session before entering the closed session.

Ordinarily, on major school issues, either the board president or the superintendent will be identified as chief spokesperson for the school district, but other board members and school officials will be available for discussion as circumstances warrant. All school representatives, upon approval of the board of education, are encouraged to promote activities that are in the interest of the general public and are in the best interest of their students.

Legal Reference: Neb. Rev. Stat. §§ 79-554 to 79-555
 Neb. Rev. Stat. §§ 84-1407 to 84-1414

Board Relations with the Public

1135

Members of the board of education, individually and collectively, recognize and welcome their responsibilities for listening to comments and suggestions from residents of the school district.

Individual board members will refer compliments, suggestions, and constructive criticism about operational matters directly to the superintendent of schools for appropriate consideration and action. Comments affecting policy will be routed through the superintendent's office to the board meeting agenda for consideration by the board as a whole.

Unless so authorized by the board of education, no individual board member will speak for, or in the name of, or act to represent the board of education.

Legal Reference: Neb. Rev. Stat. § 84-1408

School Year and Holidays

1140

McPherson County Schools shall annually develop a school calendar for the ensuing year based on the following guidelines.

The school calendar may consist of the following non-paid holidays for the teaching staff:

- (a) Labor Day;
- (b) Fall vacation;
- (c) Thanksgiving holiday period;
- (d) Christmas break;
- (e) Spring vacation; and
- (f) Easter vacation.

A calendar for the ensuing school year shall be proposed by the superintendent of schools and approved by the board of education. Refer to Policy 6005, School Calendar and Work Day, for the number of student days and teacher days.

Each school may cancel classes not to exceed a total of 16 hours per semester for use as teacher in-service, school improvement work, and/or faculty/student review and assessment.

Any summer school program must be authorized by the board of education.

PARTICIPATION BY THE PUBLIC

Anti-Discrimination

1200

A. Elimination of Discrimination

The policy of McPherson County Schools is to not discriminate on the basis of sex, disability, race, color, religion, veteran status, national or ethnic origin, marital status, pregnancy, childbirth or related medical condition, or other protected status in admission or access to, or treatment with regard to employment or with regard to its programs and activities.

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

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

B. Preventing Harassment and Discrimination of Employees and Students

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

For purposes of this policy, discrimination or harassment based on a person's race, color, religion, national origin, sex, disability or age is prohibited. The following are general definitions of what might constitute prohibited harassment.

a. In general, ethnic or racial slurs or other verbal or physical conduct relating to a person's race, color, religion, disability or national origin constitute harassment when they unreasonably interfere with the person's work performance or create an intimidating work, instructional or educational environment.

- b. Age harassment has been defined by federal regulations as a form of age discrimination. It can consist of demeaning jokes, insults or intimidation based on a person's age.
- c. Sexual harassment has been defined by federal and state regulations as a form of sex discrimination. It can consist of unwelcome sexual advances, requests for sexual favors, or physical or verbal conduct of a sexual nature by supervisors or others in the work place, classroom or educational environment.

Sexual harassment may exist when:

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

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

2. **Procedures:**

- a. Employees or students should initially report all instances of discrimination or harassment to their immediate supervisor or teacher. However, if the employee or student is uncomfortable in presenting the problem to the supervisor or teacher, or if the supervisor or teacher is the problem, the employee or student is encouraged to go to the next level of supervision.
- b. If the report is not satisfactorily resolved within ten calendar days, or if the discrimination or harassment continues, please report your complaint to the Superintendent of McPherson County Schools.

- c. If a satisfactory arrangement cannot be obtained through the Superintendent, the complaint may be processed to the Board of Education.
- d. The person to whom the complaint is made is to thoroughly investigate the complaint and work with the person filing the complaint to seek an appropriate resolution so the discrimination or harassment can be remedied and put to an end.
- e. Complaints of discrimination or harassment will be treated with the utmost confidence, consistent with resolution of the problem.
- f. Based on the results of the investigation, appropriate corrective action, up to and including discharge of offending employees, etc., may be taken.
- g. Under no circumstances will a supervisor or a teacher or the Board threaten or retaliate against a person for alleging discrimination or harassment.

Legal Reference: Title VI, 42 U.S.C. § 2000d, Title VII, 42 U.S.C. § 2000e, Title IX; 20 U.S.C. § 1681, and the Nebraska Fair Employment Practices Act, Neb. Rev. Stat. §48-1101 et seq.
Age Discrimination in Employment Act (ADEA), the Older Workers Benefit Protection Act (OWBPA), 29 U.S.C. §621 et seq., and the Nebraska Age Discrimination in Employment Act, Neb. Rev. Stat. §48-1001 et seq.;
Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq.
Section 504 of the Rehabilitation Act of 1973 (Section 504)
Pregnancy Discrimination Act, 42 U.S.C. § 2000e(k)
Uniform Service Employment and Reemployment Rights Act (USERRA), 38 U.S.C. § 4301 et seq.

Policy Adopted: May 12, 2016
Policy Reviewed: June 8, 2017

Public Participation at Board Meetings

1205

Regular, special, and emergency meetings of the board of education shall be open to the public. Board meetings are held for the purpose of conducting official business of the school district. As such, board meetings are not public forums, but are meetings held in public.

In general, the public has the right to attend and the right to speak at meetings of the board of education. All or any part of a meeting may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction or in writing. The board of education reserves the right to make and enforce reasonable rules and regulations regarding the conduct of persons attending its meetings and their privilege to speak. The board of education is not required by law to allow citizens to speak at each meeting, nor may it forbid public participation at all meetings.

A public comment period (or “open session”) will generally be scheduled at the Board President’s discretion. Comments and questions at a regular meeting may deal with any topic related to the board’s conduct of the schools. At special meetings, public comment will be allowed on action items only.

The board president shall be responsible for recognizing all speakers (who shall properly identify themselves) and for maintaining proper order and obtaining adherence to any time limit set. Speakers will not be permitted to make defamatory comments or use abusive or vulgar language. Complaints about school personnel or students are to be discouraged at public meetings. Such complaints should be addressed to proper administrative authority.

The board president, as presiding officer, shall ensure orderly and timely progression of the public meeting and as such may set time limits on public discussion. The board president has the prerogative to discontinue any presentation which violates any of the public participation guidelines. At the discretion of the board president, proceedings may be suspended and/or the offending individual(s) may be removed. The public comment period shall be limited to five (5) minutes per speaker.

Members of the public should not expect an immediate response to issues raised. Questions requiring investigation shall be referred to the board of education or administrative staff for consideration and possible response.

Refer to AR-1205, Procedures for Resolution of Public Concerns, Questions, or Problems.

Legal Reference: Neb. Rev. Stat. § 84-1412

Adopted: February 12, 2014

Policy Reviewed: March 12, 2015

Policy Revised: April 13, 2017

The board of education of McPherson County Schools recognizes the importance of parental and community involvement in the education of the youth of this school district. All school district patrons, including parents and guardians, are encouraged to visit school, monitor classes, attend school assemblies, and attend all other school functions so as to gain an understanding of the operation of the school district. Anyone planning to visit a class or school assembly should contact an administrator and the teacher prior to the visitation to determine if the class activity for a particular time would be favorable for such person to observe or if there is adequate space for those attending. Refer to Policy 1320, Visiting School.

From time to time, the board of education shall request school district patrons, including parents and guardians, to serve on committees to advise the board of education or school officials concerning school activities, the selection of textbooks, library materials, or other materials which may be used in supporting the educational process. Refer to Policy 1210.1, Citizen Advisory Councils and Committees.

The superintendent of schools, or his or her designee, shall notify parents or guardians prior to the administration of any survey involving their child. Information shall be given as to the nature of the survey, the date and time when the survey shall be administered, and the purpose of the survey. Any parent or guardian, after observing the survey instrument, may request in writing that his or her child be exempt from the survey, and such requests shall be honored.

Parents and guardians shall have the right to review all files relating to their child, including test scores. Student files may be viewed in the presence of the individual responsible for maintaining those files. Nothing shall be removed from student files without the authorization of the superintendent. Refer to Policy 5205, Confidentiality of Records.

School officials shall notify parents or guardians when any student may be subjected to a standard norm-referenced or criterion-referenced test or a standardized test such as, but not limited to, the Iowa Test of Basic Skills or Metropolitan Achievement Test. Information shall be given as to where these tests may be reviewed and when they will be administered. Parents and guardians may review any standardized tests prior to the administering of these tests to the students. Contact should be made with the superintendent or school guidance counselor to review these tests. Parents or guardians may not review examinations associated with student skill development of subject matter mastery prior to the administering of these exams if these exams are directly related to day-to-day assignments. However, these may be reviewed after the exams have been administered. Refer to Policy 6420, Examinations and Testing.

The school district shall not participate in any experimental evaluation methodologies, experimental testing instruments, or any testing which would tend to inquire into the values, beliefs, or privacy rights of any student, parent, or guardian, unless the parent or

guardian requests, in writing, that such test be given or unless permission is received from the parent or guardian prior to administering such test.

Parents or guardians may request that a child be excused from participating in a specific class activity, from taking a specific test, or from other school experiences. Such requests must be made in writing and should state the rationale for the request and indicate the length of time the child should be withheld from the specific activity. The parent or guardian is encouraged to visit with the child's teacher and/or the superintendent to discuss the rationale for the request. If the request involves a medical condition of the child, the school reserves the right to request a statement from a physician.

Anyone having a concern relating to the operation of the school district is encouraged to visit with the student's teacher and/or the superintendent. Patrons, including parents or guardians, may submit formal complaints about instructional materials as set forth in AR-6415, Request for Reconsideration of Media.

For all other complaints, refer to AR-1205, Procedures for Resolution of Public Concerns, Questions, or Problems.

The board of education shall review this policy annually. If any amendments are made, a public hearing will be held to solicit input from parents, guardians, and the public.

Legal Reference: Neb. Rev. Stat. §§ 79-530 to 79-533

Citizen Advisory Councils and Committees

1210.1

It shall be the policy of McPherson County Schools to utilize lay citizen advisory councils and committees whenever applicable to encourage more involvement from the community served by the school district. Such advisory councils or committees shall act as a link between the community and the school district on issues of importance to the school district. As occasions arise, the board of education may request designated advisory councils or committees to study and report to the board of education on assigned topics or issues with which the board is seeking assistance.

The board of education may create such councils or committees as needed with the organization, name, and function tailored to meet specific needs. The board of education may dissolve any such council or committee when the designated mission has been achieved, or when the reason to exist is not longer valid.

An advisory council's or committee's jurisdiction will be limited to an advisory or information-gathering status only. Its activities shall not include any type of administrative function or responsibility.

All advisory councils or committees shall elect at least a chairperson and a recording secretary. These individuals shall be responsible for making timely progress reports to the board of education on the council's or committee's activities.

The logistics of meeting times and agendas shall be coordinated through the office of the superintendent of schools or his or her designee.

All board members will be regarded as *ex officio* members of each council or committee. Individual board members may be designated as liaisons between the board of education and any council or committee.

Student Organizations: Student organizations should be operated as an integral part of the instruction process. The board of education encourages the participation of students in these activity organizations to complement their regular class activity.

Open Enrollments: Enrollment in all classes offered by this school district shall be open to all students without regard to gender, creed, race, religion, handicapping condition, or national origin. Prerequisite courses may be required for some courses.

Refer to AR-1210.1, Title I Parental Involvement Committee.

Verbal or Physical Abuse of School Employees

1210.3

The board of education places trust in school district employees and desires to support their actions in such a manner that the employees are freed from unnecessary, spiteful, or negative criticism or complaints. Any patron, student, or other person who physically abuses or purposefully uses profanity to verbally abuse a school district employee, while such employee is involved in an assigned duty, may expect to be prosecuted by the school district to the extent provided by law.

Parent-Teacher Conferences**1215**

Parent-teacher conferences shall be held at the elementary and secondary levels during the first semester of each school year. A second parent-teacher conference may be held during the second semester. The board of education encourages inclusion of the student in such conferences.

Individuals with a disability shall be permitted to use a service animal on school premises as and to the extent provided by law.

Definition of Service Animal

A service animal is a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Other species of animals are not service animals for the purposes of this definition, though miniature horses are in certain circumstances entitled to similar treatment.

The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks that a service dog may perform to meet this definition include, but are not limited to, the following:

- (a) Navigation - assisting individuals who are blind or have low vision with navigation and other tasks;
- (b) Alerting - alerting individuals who are deaf or hard of hearing to the presence of people or sounds;
- (c) Protection - providing non-violent protection or rescue work;
- (d) Pulling - pulling a wheelchair;
- (e) Seizure - assisting an individual during a seizure;
- (f) Allergens - alerting individuals to the presence of allergens;
- (g) Retrieving - retrieving items such as medicine or the telephone;
- (h) Physical support - providing physical support and assistance with balance and stability to individuals with mobility disabilities; and
- (i) Interrupting behaviors - helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

Work or tasks that are excluded from meeting this definition are as follows:

- (a) Guard dogs - the crime deterrent effects of an animal's presence; and
- (b) Companion dogs - the provision of emotional support, well-being, comfort, or companionship.

Presence of Service Animals Permitted

An individual with a disability shall be permitted to be accompanied by his or her service animal in all areas of the school premises where members of the public; participants in services, programs, or activities; or invitees, as relevant, are allowed to go. A bona fide trainer of a service animal also has the right to be accompanied by such animal in training. The individual may not be required to pay an extra fee for the service animal to attend events for which a fee is charged.

Service animals may be excluded from school premises if:

- (a) The service animal is out of control and the service animal's handler does not take effective action to control it;
- (b) The service animal is not housebroken; or

- (c) The presence of the service animal poses a direct threat to the health or safety of others. To determine whether a “direct threat” exists, an individualized assessment is to be made to ascertain the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

The service animal must be under the control of its handler. In most cases, the service animal must have a harness, leash, or other tether. The service animal does not need to be on a leash, however, if the handler is unable because of a disability to use a leash. A leash is also not required if it would interfere with the service animal’s safe, effective performance of work or tasks. If either of the leash exceptions applies, the service animal must be under the handler’s control via voice control, signals, or other effective means.

The school district is not responsible for the care or supervision of the service animal. The individual with the service animal shall be liable for any damage done to the premises or facilities or to any person by such animal.

Inquiries Regarding Service Animals

When addressing a service animal matter, school personnel shall not ask about the nature or extent of the individual’s disability.

School personnel may not ask questions about the service animal’s qualifications as a service animal when it is readily apparent that the service animal is trained to do work or perform tasks for an individual with a disability, such as where the service animal is observed guiding an individual who is blind or has low vision, pulling a person’s wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability.

Where it is not readily apparent that the service animal qualifies as a service animal, school personnel may ask if the service animal’s presence is required because of a disability and what work or task the service animal has been trained to perform. School personnel may not require documentation, such as proof that the service animal has been certified, trained, or licensed as a service animal.

Legal Reference: Neb. Rev. Stat. § 20-127
 29 U.S.C. § 701 *et seq.*
 42 U.S.C. § 12101 *et seq.*
 28 CFR § 35.136

PUBLIC ACTIVITIES INVOLVING STAFF, STUDENTS, OR SCHOOL FACILITIES

Nondiscrimination

1300

The McPherson County School District does not discriminate on the basis of prohibited factors in employment and educational programs/activities. The School District affirmatively strives to provide equal opportunity for all as required by:

Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the basis of race, color, religion, or national origin

Title VII of the Civil Rights Act of 1964 as amended - prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin

Title IX of the Education Amendments of 1972 - prohibits discrimination on the basis of sex

Age Discrimination in Employment Act of 1967 (ADEA) as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40

The Equal Pay Act of 1963 as amended - prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment

Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the disabled

Americans with Disabilities Act of 1990 (ADA) - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications

The Family and Medical Leave Act of 1993 (FMLA) - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons

The Pregnancy Discrimination Act of 1978 - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions

The Uniformed Services Employment and Reemployment Rights Act (USERRA) – provides job protections and reemployment rights to military reservists and National Guard members called to active duty

The Boy Scouts of America Equal Access Act which prohibits discrimination against groups that wish to access district facilities

The Nebraska Fair Employment Practice Act (FEPA) – prohibits employment discrimination on the basis of race, color, national origin, religion, sex (including pregnancy), disability, marital status, and retaliation

Nebraska Age Discrimination in Employment Act (Age Act) – prohibits employment discrimination on the basis of age for those individuals who are over 40 years of age

The Equal Pay Act of Nebraska – prohibits discriminatory wage practices based on sex

The Nebraska Equal Opportunity in Education Act – prohibits discrimination on the basis of sex (including pregnancy) by any educational institution

Veterans Preference Law (NEB. REV. STAT §§ 48-225 to 48-231) - stipulates categorical preferences for employment for military veterans and for the spouses of disabled veterans

Additional School Board policies prohibit harassment and/or discrimination against students, employees, or patrons on the basis of race, color, ethnic or national origin, religion, sex, gender, marital status, disability, pregnancy, childbirth or related medical condition, veteran status, age, and any other legally prohibited basis. Retaliation for engaging in a protected activity is also prohibited.

Any person who believes she or he has been discriminated against, denied a benefit, or excluded from participation in any district education program or activity may file a grievance using the district's grievance procedures.

Inquiries regarding compliance with any of the laws referred to in this policy may be directed to the superintendent or to the district's Title IX and/or Section 504 Coordinator.

All school district employees are encouraged to participate in community organizations and activities. This interaction builds personal relationship and can serve to informally transmit school information to patrons of the community and to gather opinions on the school district's effectiveness and its activities.

School district employees must refrain from using their position with the school district or their relationship with students as a means of promoting a personal position or personal conviction. If a school district employee has an opinion that differs from a policy or practice supported by the school district, during the time he or she remains an employee of the school district, he or she should follow those communication procedures provided by school policy for communicating his or her differences or attempting to have the policy or practice changed.

Any school district employee engaged in any political activity shall not use school equipment, facilities, or materials to promote his or her activity. The school district shall not endorse an individual school district employee. Such employee shall not refer to the school district in such a manner as to imply that he or she is a candidate by virtue of his or her employment with the school district. However, this should not prevent an employee of the school district from personally endorsing a candidate or proposal.

The school district shall not be used as a delivery system for the distribution of campaign literature for or against a candidate or a proposal. The solicitation for campaign funds shall be done neither on school premises nor during any time when school is in session.

Rebates to School Personnel

1310

No school district employee or member of the board of education shall directly or indirectly receive any commission, expense-paid trip, rebate, anything of value, or a promise of future compensation from any person, firm, limited liability company, or corporation from which the school district purchases equipment or materials required in the operation of the school district, or that could be interpreted to be a personal reward for conducting business with such person or company. The operation of the school district includes the purchase of materials, supplies, and comparable items for the repair and maintenance of school buildings, use in student classes, and/or use in school organizations. Any such gifts shall become the property of the school district, class, or student organization associated with the acquisition of the materials or supplies.

Legal Reference: Neb. Rev. Stat. § 79-520

**Soliciting Funds From and By Students and the
Production of Goods and Services**

1315

The school district shall seek to educate students in the services performed by community organizations or groups and shall encourage students to participate in their financial support as a social and community project. Any fund-raising drives conducted by non-school agencies or for non-school activities among the student population must be approved by the school administration.

Students may produce services and materials for community organizations or groups only to the extent that such production furthers such students' educational development. Such activity is to be authorized by the superintendent of schools and shall be supervised by assigned school district staff.

School district employees shall not use their positions to attempt to influence parents, guardians, or students to make specific purchases of materials or merchandise, except for items that may be used in classrooms or for school-related activities. Students may engage in raising funds, under the control of school officials, for certain approved student activities, provided the activity has the approval of the school administration.

Legal Reference: Neb. Rev. Stat. § 79-8,100

Visiting School

1320

Parents, guardians, and other interested individuals are encouraged to visit the school and are to be made welcome by school district employees and students. Such visitors shall report to the superintendent's office before proceeding to the classroom. Refer to Policy 1210, Patron and Parental Involvement.

Children of preschool age or school-aged children not enrolled in school may visit the school only when accompanied by an adult. School officials will hold such events as kindergarten round-up to provide opportunities for preschool children to become familiar with the school facilities and school district employees.

Permission for secondary students' visitation may be obtained from the administration, but generally this approval will be only for special purpose visits and if requested by a secondary student enrolled in the district.

Under ordinary circumstances, the teacher being visited by a parent or guardian should continue with regular classroom work. It is desirable that any individual parent-teacher conference be held before or after school class hours so that normal instructional activities are not disrupted. If this is not possible, the teacher should consult with the superintendent to obtain a substitute teacher so that the conference can be held outside of the classroom.

Contacts during school hours with non-school individuals and agencies for materials, services, or programs may be made only with the approval of the superintendent.

For security reasons, all school district employees and students are asked to see that all visitors are courteously directed to the building principal's office. All agents, etc. should have a permit from the superintendent's office before approaching any person within the school building.

School district employees shall immediately report any person loitering on or near the school grounds to the superintendent. If necessary, the superintendent will notify the appropriate law enforcement agency to investigate the situation.

Legal Reference: Neb. Rev. Stat. § 28-901
 Neb. Rev. Stat. § 79-8,100

Request to Contact Students

1325

Any person, other than a school district employee, who comes to the school to talk to or take a student out of school must obtain permission from the superintendent of schools prior to contacting the student. The superintendent shall not grant permission unless such person has a clearly valid and proper reason for contacting the student. Such contacts shall ordinarily be restricted to the parents or guardians of the student, a close friend of the student's family when a dire emergency exists, or a law enforcement official. A parent or guardian should be immediately notified of any request to remove a student from school by an individual other than that student's parent or guardian. If a parent or guardian cannot be reached, the decision should be made by the superintendent or his or her designee.

Law enforcement officers are urged to contact students outside the school whenever possible. When a school administrator releases a student to a law enforcement officer for removal from school, it shall be the responsibility of the administrator to take immediate steps to notify the student's parents, guardians, or other responsible relative about the release to the law enforcement officer and the place to which the student has reportedly been taken, except when the student has been taken into custody as a victim of suspected child abuse. In such instance, it shall be the law enforcement officer's responsibility to notify the student's parents, guardians, or other responsible relative.

Legal Reference: Neb. Rev. Stat. § 79-294

School Census

1330

The board of education delegates the responsibility for maintaining a continuing census to the school administration. The census shall be taken annually at a time prescribed by statute. Whether the census will be a permanent or continuing census of all residents of the school district or an enumeration of school children in the school district shall be determined by the board of education. The name, age, and birthplace of all children in the school district from birth to twenty years of age shall be included. The school census shall also identify any children possessing any handicapping conditions. A list containing the names of all children, from birth to twenty years of age, belonging to the school district, shall be kept in a depository maintained by the school district and shall be subject to inspection at all times.

Legal Reference: Neb. Rev. Stat. § 79-524
 Neb. Rev. Stat. § 79-578

School Directory

1335

Student directory information shall consist of (a) student name, (b) address, (c) grade in school, (d) name of parents or guardians, and (e) date of birth. Parents or guardians who do not wish to have their child's name included in a directory to be released, or students of legal age, may request that it be deleted. It shall be the superintendent's responsibility to delete those names.

Directories of students or school district employees will be used and distributed only by authorization of the superintendent. Under no circumstances shall a list of the names of students or school district employees be distributed for political or commercial purposes. Student directory information shall not be released to an agency or individual if personal profit is the object of the receiver.

Legal Reference: Neb. Rev. Stat. § 79-526
 Neb. Rev. Stat. § 84-712.05

Handbooks

1340

It shall be the responsibility of the superintendent to develop, or oversee the development of, appropriate handbooks needed to advise school district employees, students, and parents or guardians of the policies and regulations of the school district. Such handbooks shall include, but not be limited to, student handbooks, staff handbooks, and athletic handbooks.

Such handbooks shall be updated annually and presented to the board of education for approval prior to distribution to the intended recipients. If a conflict occurs between the handbook and a current school policy or regulation, the school policy or regulation shall prevail. Each school district employee or activity sponsor shall review the handbook with his or her students. Each student and his or her parent or guardian shall sign a statement indicating that the student handbook has been received, and that such student will abide by all policies and regulations contained therein.

Use of School Facilities by School or Youth Organizations or Groups

School organizations or groups, as well as non-sectarian and non-political groups such as youth groups comprised primarily of youth residing within the boundaries of the school district, may use school facilities at no charge, provided that near normal restoration of the facilities must be made upon the completion of the use. Any costs for a school organization or group shall be borne by the school district.

A charge may be made where extra work on the part of a school district employee is necessary to restore the school facilities to their original function after a school or youth organization or group has completed use of the facilities.

Use of School Facilities by Non-School Organizations or Groups

The superintendent of schools, or his or her designee, is granted the authority to permit the use of any school facilities by educational and community organizations for non-school activities, according to policy guidelines.

The board of education will establish a rental fee to offset the cost of replacement or depreciation of school district facilities or equipment. The rental fees for major school facilities shall be covered in AR-1345.1, Applications for Use of School Facilities and Rental Fees. The rental fees shall be reviewed annually by the board of education.

Individual local, county, state, or national political parties or political candidates shall not be allowed to use school facilities for the promotion of partisan politics or for campaign purposes. Activities which would be acceptable, subject to review and approval of the board of education, include the following:

- (a) The McPherson County teacher's association may hold local meetings when student classes are not in session and school district employees are not on duty;
- (b) Current office holders, such as the governor, a senator, or other office holder may speak to students during the time that school is in regular session, or to the general public during such times, if the office holder is speaking from an educational or historical point of view and not for political purposes; and
- (c) Local religious organizations may use school facilities if approved through the facility use agreement.

The use of school equipment by non-school organizations or groups shall be at the discretion of the superintendent.

General Use of School Facilities

All groups using and/or renting school facilities shall observe the following provisions:

- (a) Permission shall be obtained from the superintendent well in advance of the use date;

- (b) Each group must have an adult sponsor present and willing to assume direct supervision of the use;
- (c) The use must not interfere with scheduled school functions; and
- (d) The group must provide its own set-up and clean-up crew.

When permission for the use of any school facility has been granted, the superintendent shall appoint a school district employee to represent the school district for the purpose of enforcing regulations and to assist the group or organization as needed. The school representative shall have the authority to terminate the use if not held in accordance with school policies and the usage agreement as noted on the application.

Any group or organization using any school facility shall designate one member as the person in charge of and responsible for the use. This person shall be held accountable for any problems arising from the use of the school facility. The group or organization must agree to restore the school facility to its original condition should any part become damaged or disarranged. The board of education reserves the right to determine the satisfaction of the restoration.

School facilities may not be used for activities which are lewd, immoral, or considered of an obscene nature; which advocate or favor unlawful violence or rebellion against the citizens of the community, State of Nebraska, or the United States; or which are unlawful.

The use of school facilities shall be limited to meeting open to the public. Meetings may not be secret, closed, or exclusive.

No individual, group, or organization shall have free use of any school facilities for personal gain.

The board of education reserves the right to accept or reject any request for use or school facilities.

A master schedule for all school district and non-school activities shall be kept current and shall be available for review in the office of the superintendent or his or her designee. This schedule shall be the only official schedule for the school district.

Refer to AR-1345.1, Applications for Use of School Facilities and Rental Fees and AR-1345.3, Wearing Suitable Clothing in Gymnasiums.

Legal Reference: Neb. Rev. Stat. § 79-10,106

Church Night

1350

Wednesday evenings of each week shall be set aside as church night by agreement with community churches. All practices, meetings, or other activities involving district students must be completed by 4:00 p.m. for elementary students (grades K-7) and 6:00 p.m. for secondary students (grades 8-12). No practices, meetings, or other student activities shall take after such times unless previously approved by the superintendent, except for events that are not controlled locally.

There shall be no scheduled or unscheduled practices, meetings, or other school activities on Sunday without the approval of the superintendent. Attendance at Sunday activities approved by the superintendent shall not be mandatory.

It is the intent of the board of education of McPherson County Schools that this policy meet all requirements for a firearm policy as set forth by: (1) the Elementary and Secondary Education Act of 1965, as amended by the Gun-Free Schools Act of 1994; (2) Neb. Rev. Stat. § 79-263; (3) any other Nebraska statutes relating to firearms or weapons in schools; and (4) any policies and regulations of this school district that may related to firearms, weapons, and the suspension or expulsion of students from school or the suspension or termination of school district employees. In the event that this policy conflicts with any state or federal statute, the state or federal statute shall prevail.

“Firearm” means (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device. Such term does not include an antique firearm.

It is the responsibility of the board of education to provide a safe environment for school district employees and students. Therefore, the school district will undertake all reasonable efforts to prohibit the unlawful possession, knowing and intentional selling or attempting to sell, exchange, lend, delivery, or any transfer of the possession of a firearm to a juvenile or between adults while on school property, in school owned vehicles, at school-sponsored activities, or at any school event.

Student lockers belong to the school district, and school administrators may search any locker being used by a student if it is thought that the locker may contain any firearms, weapons, or any other dangerous or illegal items. Any school administrator who suspects that a student has any firearms, weapons, or other dangerous or illegal items in his or her possession, concealed in items such as duffel bags or backpacks, or concealed in vehicles located on school property, may search the student or vehicle, or cause the student to be detained until he or she can be searched by appropriate school officials or other authorities.

School administrative or teaching personnel are authorized to confiscate, without warrant, any firearm or other dangerous weapon. School district officials shall notify as soon as possible the appropriate law enforcement authorities of any act described in this policy which the school district official knows or suspects is a violation of Nebraska law. Any weapons confiscated shall be turned over to law enforcement authorities for their disposition.

Any school district employee not authorized to possess any type of firearm, either on his or her person or by leaving it in any area of the school (including his or her vehicle while on school property), shall be dismissed from service.

Excluded from this policy are tools or devices expressly used for instructional purposes or aides, including, but not limited to, hammers or staplers powered by electricity or compressed air, guns used to embed nails in concrete or masonry products, or other

similarly powered tools. However, students using such tools shall have received instruction on how these tools are used and the appropriate safety precautions. These tools or devices shall only be operated while the students are being supervised by a certificated instructor.

If a firearm is used for instructional purposes, it shall be transported to and from the classroom or instructional area by the instructor or by an adult school district employee designated by the instructor. Any firearm being transported to the instruction area shall be unloaded and kept in a case expressly made for the purpose of containing a firearm. Such case shall be completely zipped, snapped, buckled, tied, or otherwise kept fastened so that no part of the firearm is exposed. The superintendent shall be notified of the time and place for any instruction involving any firearms.

Any firearm in private vehicles of non-student adults entering school property shall be unloaded and kept in a case that is expressly made for the purpose of containing a firearm. Such case shall be completely zipped, snapped, buckled, tied, or otherwise kept fastened so that no part of the firearm is exposed.

This policy shall not apply to the issuance of or the possession of firearms by members of the Armed Services of the United States, active or reserve, the National Guard of Nebraska, or Reserve Officers Training Corps (ROTC), peace officers, or other duly authorized law enforcement officers when on duty.

Students, parents, and community members are encouraged to visit with school administrators, teachers, or local law enforcement officials concerning any individual or group which may be overheard discussing or threatening the use of violence relating to the school district, the community, or individuals. School officials will determine the need for counseling with the individual or individuals and/or parents or guardians, and the need for reporting the situation to local authorities.

Suspension and Expulsion Procedures

Nebraska law mandates the expulsion from school for a period of not less than one year of a student who is determined to have knowingly and intentionally possessed, used, or transmitted a firearm (a) on school grounds, (b) in a vehicle owned, leased, or contracted by the school district being used for a school purpose or in a vehicle being driven for a school purpose by a school district employee or his or her designee, or (c) at a school-sponsored activity or athletic event. Such expulsion from school shall be for a period of not less than one year. The board of education may modify the expulsion requirement on an individual basis.

Any student, while (a) on school grounds, (b) in a vehicle owned, leased, or contracted by the school district being used for a school purpose or in a vehicle being driven for a school purpose by a school district employee or his or her designee, or (c) at a school-sponsored activity or athletic event who possesses on his or her person or who threatens the safety of any person with a knife or any other weapon or object which could inflict a wound or cause bodily harm, shall receive a long-term suspension or be

expelled from school. The length of the suspension or expulsion shall be determined by school officials based upon the severity of the case, or number of times the threats have occurred.

Any student suspended or expelled from school pursuant to this policy may, within five (5) school days, request a hearing as set forth by the Student Discipline Act.

Any student suspended from school pursuant to this policy shall be given an opportunity to complete any class work, including, but not limited to, examinations, missed during the period of suspension.

Any student expelled from school pursuant to this policy shall be advised of the following educational plan:

- (a) The school district will provide an alternative education program for any students expelled from school for the knowing and intentional possession, use, or transmission of a firearm (a) on school grounds, (b) in a vehicle owned, leased, or contracted by the school district being used for a school purpose or in a vehicle being driven for a school purpose by a school district employee or his or her designee, or (c) at a school-sponsored activity or athletic event. (Note: This plan shall conform with the requirements set forth in Neb. Rev. Stat. § 79-266 and Nebraska Department of Education Rule 17). Refer to AR-1355, Alternative Education for Expelled Students.
- (b) A conference shall be called by the superintendent to advise the expelled student and his or her parents or guardians of an educational program whereby the student can continue with an educational program that will allow him or her to work toward meeting the school district's graduation requirements. The student may be provided the opportunity to enroll in high school level correspondence courses provided by the University of Nebraska High School Extension Division or through the services of Educational Service Unit No. 16, or to complete course work as directed by the superintendent.
- (c) School officials shall determine:
 - (1) The course or courses to be taken and the sequence for these courses. The student will take one course at a time and will not enroll in another course until he or she has successfully completed the previous course.
 - (2) The certificated employee(s) assigned to oversee the student's progress and testing of the student.
 - (3) The method and frequency of reporting student progress in the correspondence course.
- (d) If the student fails to meet any conditions of the alternative education program, the school district may, without further obligation, terminate the program after a due process hearing, as required in statutory provisions for suspension and expulsion of students, unless otherwise waived by the parents or guardians of the student.

Upon the suspension or expulsion of a student from school pursuant to this policy, school officials shall notify the student's parents or guardians in a manner prescribed by the Student Discipline Act and shall file a report with the McPherson County Attorney, who shall process the information as prescribed by the federal Gun Free Schools Act. The school district shall also report all circumstances surrounding any expulsions as set forth by state or federal law, in a manner prescribed by the Nebraska Department of Education.

Legal Reference: Neb. Rev. Stat. § 28-1204.04
 Neb. Rev. Stat. §§ 79-255 to 79-294
 18 U.S.C. § 921

RELATIONSHIP WITH OTHER GOVERNMENTAL AGENCIES

Police and Fire Departments

1405

The school administration shall ensure that a cooperative effort is maintained between school district officials and/or law enforcement agencies and fire department personnel. It is paramount that the rights of the school, the home, the civil authorities, and the individual are clearly understood and protected.

Educational programs designed to make the youth of the school district sensitive to the need for and the practice of good safety habits will be provided.

Legal Reference: Neb. Rev. Stat. §§ 28-707 to 28-717
 Neb. Rev. Stat. §§ 79-705 to 79-706
 Neb. Rev. Stat. § 81-527

Local Communities

1410

Cooperation will be maintained with McPherson County in the use of community buildings, elections, traffic control about the school sites, and other areas of concern.

Health Department

1415

The school district will cooperate with all health agencies in developing procedures for the control of communicable diseases in the school. All procedures shall conform to the regulations for communicable disease control set up by the state's health department.

It shall be the responsibility of the superintendent to assist in meeting the provisions of the health department concerning communicable and contagious diseases by promptly reporting such. Re-entry of students diagnosed as having been infected with a communicable disease will be allowed only upon the recommendation of a medical doctor, or his or her designee, and the school district reserves the right to seek independent medical advice on such situations.

The school district will participate in school immunization clinics if approved, recommended, and directed by county or state health agencies.

Refer to Policy 5420, Communicable Disease Control.

Legal References: Neb. Rev. Stat. § 79-214
 Neb. Rev. Stat. §§ 79-248 to 79-253

Welfare Agencies

1420

All school district employees shall be responsible for detecting, assisting, and, when necessary, referring students lacking basic needs or in need of social service assistance to appropriate agencies. The superintendent shall keep current a reference file of authorized community welfare agencies and officials who can render assistance when needed.

County and Intermediate Units

1425

This school district will participate in the services offered by Educational Service Unit No. 16 and/or other regional agencies if the services meet the educational needs of the students in the district.

Legal Reference: Neb. Rev. Stat. §§ 79-1201 to 79-1249

State and Regional Agencies

1430

The school district will strive to maintain full accreditation with the Nebraska State Department of Education and will cooperate with the Nebraska Department of Health and Human Services, the office of the Nebraska Auditor of Public Accounts, and those other State agencies which may interact with public school education.

Federal Agencies

1435

The school district will participate in Federal or Title programs as long as these programs demonstrate appreciable value in the overall educational programs of the school district and are adequately funded.

RELATIONSHIPS WITH AREA, STATE, REGIONAL, AND NATIONAL ORGANIZATIONS

Relationships with Activities Associations and Activity Conferences 1505

The board of education supports the membership of the school district in associations that will enable the school district to benefit from cooperative development and supervision of its educational program.

In entering into any such memberships, the board of education recognizes and agrees that any administrative or legal action contemplated by the board in the name of the school district must conform to the published policies, rules, and regulations of any such association.

If conflict between the policies, rules, and regulations of the school district and those of any association in which the school district maintains membership should arise, the board of education reserves the right to decide whether its policies, rules, and regulations should be placed in harmony with those of the association, or whether the membership in such association should be terminated.

The board of education authorizes the school district's membership in the Nebraska School Activities Association and in the Sandhills Conference.

Legal Reference: Neb. Rev. Stat. § 79-512

State and Regional Educational Associations

1510

The school district will strive to maintain accreditation with the State of Nebraska.

The school district may maintain membership in such organizations which promote or encourage appropriate educational goals and objectives as long as they conform to the goals and objectives of this school district.

Refer to AR-1510, State and Regional Educational Associations.