

ARTICLE 5: STUDENTS

CONCEPT AND ROLE IN STUDENT PERSONNEL

Introductory Statement

5000

The focus of the school system is on the student. The students and their educational development is the central concern of the board of education's policies and the administrative regulations.

The board of education, within the parameters provided by the patrons of the school district, will attempt to provide adequate facilities and available means to all who wish to learn in the school district.

5008
Pregnant or Parenting Students

Students who are pregnant or parenting are encouraged to continue participating in the district's educational and extracurricular programs.

I. Accommodations Regarding Attendance and Participation

A. Generally

Students who anticipate deviations from their regular school experience or accrue absences due to pregnancy or parenting should notify their building principal as early as possible to discuss their educational programming. The building principal will work with the student to develop a plan to assist the student in participating in district curriculum and extra-curricular activities. Such a plan may include:

1. If the student cannot regularly attend classes, the provision of online courses;
2. The arrangement of meeting times with teachers;
3. If the student has not identified appropriate childcare, the identification of child care providers that meet statutory requirements for quality and care; and
4. All other curricular adjustments, modifications, and means of supplementing classroom attendance deemed appropriate by the school administrators including, but not limited to, modification of attendance policies.

B. Students with Disabilities

For students with disabilities who have an IEP or Section 504 plan, the administrators, student's parents or guardians, and student if appropriate will collaborate with the student's educational team to coordinate accommodations consistent with state and federal law. As permitted by law, students may be entitled to accommodations as a result of pregnancy.

II. Accommodations Regarding Lactation and Breastfeeding

A. Accommodations

1. In order to accommodate lactating and breastfeeding students, the district will provide reasonable opportunities to express breast milk or breastfeed in a place, other than a bathroom, which is shielded from view and free from intrusion from district students, employees, and the public.
2. Students who wish or need to express breast milk on a regular schedule will work with school administrators to create a schedule which accommodates the student's needs while facilitating education to the maximum extent possible.
3. The district will provide a location for students to store expressed breast milk in or near the location designated for students to

express milk to create the least amount of disruption to the student's participation in class or activities.

B. Educational Process

In order to prevent interference with the educational process, no student shall express breast milk within school classrooms or buses. Nothing in this policy limits the authority of the administration to impose consequences consistent with the Student Discipline Act and other state and federal law.

Adopted on: June 14, 2018

Revised on: _____

Reviewed on: _____

Sex Equality in the Education Program

5026

The district prohibits discrimination on the basis of sex in any educational program or activity except when it is necessary to accomplish a specific purpose that does not impinge upon essential equality or fairness in the treatment of students or employees. Employees are required to comply with this policy and the subsequent rules and regulations, as well as with Title IX of the Education Amendments of 1972 and the regulations of the U.S. Department of Education as applicable to this district.

The district's Title IX Coordinator is the Principal. The Title IX Coordinator may be contacted at 308-587-2262, dbrownfield@mcstryon.org, or in person at 525 Hwy 92, Tryon, NE 69167.

The Title IX Coordinator shall administer, coordinate, and publish this policy, together with any rules and regulations, to all students, parents, and other interested groups and associations. The Title IX Coordinator shall report annually to the board of education on the district's compliance with this policy and shall recommend such changes as he or she deems necessary.

Any individual who believes he or she is being discriminated against 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 may seek relief by filing a complaint pursuant to Board Policy 4003 (employees) or Board Policy 5401 (students).

This policy is based upon the Nebraska Student Discipline Act, Neb. Rev. Stat. §§ 79-254 to 79-294 (the "Act"). State and/or federal statutes shall prevail in the event of a conflict between this policy and such state and/or federal statutes.

The purpose of this policy is to assure the protection of the constitutional rights to due process and fundamental fairness within the context of an orderly and effective educational process for all students of McPherson County Schools. The sanctions defined in this policy shall be interpreted at all times in light of the principles of free speech and assembly protected under the Constitution of Nebraska and the United States Constitution and in recognition of the right of every student to public education.

The board of education shall establish and promulgate rules and regulations concerning student conduct which are reasonably necessary to carry out or to prevent interference with carrying out any educational function. Such rules and regulations shall be clear and definite so as to provide clear notice to students and their parents or legal guardians as to the conduct prescribed, prohibited, or required under such rules and standards.

Notwithstanding any other provisions contained in the Act, the board of education may by rule specify a particular sanction for particular conduct. Any such action must be otherwise authorized by Neb. Rev. Stat. §§ 79-258, 79-265, or 79-267. Any such rule shall be binding on all students, school district officials, board of education members, and hearing examiners. The board of education may authorize the emergency exclusion, short-term or long-term suspension, expulsion, or mandatory reassignment of any student from school for conduct prohibited by the Act or by the policies and rules of the board of education, if such sanction complies with the provisions of the Act. Expulsion may be specified as a sanction for particular conduct only if the board of education finds that the type of conduct for which expulsion is specified has the potential to seriously affect the health, safety, or welfare of the student, other students, school district employees, or any other person or to otherwise seriously interfere with the educational process.

All rules or regulations established by school district officials, other than the board of education, applicable to students shall not conflict with the policies adopted by the board of education. The board of education may change any rule or regulation in accordance with policies which it may from time to time adopt.

Rules and regulations which form the basis for discipline shall be distributed to all students and their parents or legal guardians at the beginning of each school year, or at the time of enrollment if during the school year, and shall be posted in conspicuous places in each school building during the school year. Changes in rules and regulations shall not take effect until reasonable effort has been made to distribute such changes to all students and their parents or legal guardians.

School district administrators and teachers may take actions regarding student behavior, other than those specifically provided in the Act, which are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include, but are not limited to, counseling of

students, parent conferences, rearrangement of schedules, requirements that a student remain in school after regular school hours to do additional work, restrictions on extracurricular activities, psychological evaluation, or psychiatric evaluation upon written consent of the student's parent or legal guardian for such counseling or evaluation.

Short-term Suspension

"Short-term suspension" means the exclusion of a student from attendance in the school district for a period not to exceed five (5) school days. The superintendent of schools may deny any student the right to attend school or to take part in any school function for a period of up to five (5) days for the following reasons:

- (a) Conduct that constitutes grounds for expulsion, whether the conduct occurs on or off school grounds; or
- (b) Any other violation of rules and regulations of behavior adopted by the board of education or school district administration, which occurs on or off school grounds, if such conduct interferes with school purposes or there is a nexus between such conduct and school.

Short-term suspension shall be made only after the superintendent has made an investigation of the alleged conduct or violation and has determined that such suspension is necessary to help any student, to further school purposes, or to prevent an interference with school purposes.

Before such short-term suspension shall take effect, the student shall be given oral or written notice of the charges against him or her and an explanation of the evidence the school district officials have. The student shall be given an opportunity to present his or her own version of the facts. Within twenty-four hours following such suspension, or within such additional time as is reasonably necessary, the superintendent shall send a written statement to the student and his or her parents or legal guardian describing the student's conduct, misconduct, or violation of the policy, rule, or regulation; and the reasons for the action taken.

The superintendent shall make a reasonable effort to hold a conference with the parents or legal guardian of the student before or at the time the student returns to school. Any students receiving short-term suspension may be given an opportunity to complete any class work, including, but not limited to, examinations missed during the period of suspension. School district officials shall develop and adopt guidelines stating the criteria that school district officials will use in determining whether, and to what extent, such opportunity for completion of class work will be granted to suspended students. The guidelines must be provided to the student and his or her parents or legal guardian at the time of the suspension.

Long-term Suspension, Expulsion, and Mandatory Reassignment

"Long-term suspension" means the exclusion of a student from attendance in the school district for a period exceeding five (5) school days but less than twenty (20) school days. "Expulsion" means exclusion of a student from attendance in the school district for a period of time as set forth in Neb. Rev. Stat. § 79-283. "Mandatory reassignment" means the involuntary transfer of a student to another school in connection with any disciplinary action.

The following student conduct shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Act, when such activity occurs on school grounds; 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 by his or her designee; or at a school-sponsored activity or athletic event.

- (a) Use of violence, force, coercion, threat, intimidation, or similar conduct in a manner that constitutes a substantial interference with school purposes.
- (b) 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.
- (c) Causing or attempting to cause personal injury to a school district employee, to a school volunteer, or to any student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this provision.
- (d) Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student.
- (e) Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon.
- (f) Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in Neb. Rev. Stat. § 28-401 or a substance represented to be a controlled substance or alcoholic liquor as defined in Neb. Rev. Stat. § 53-103.02, or being under the influence of a controlled substance or alcoholic liquor.
- (g) Public indecency as defined in Neb. Rev. Stat. § 28-806, except that this provision shall apply only to students at least twelve years of age but less than nineteen years of age.
- (h) Sexually assaulting or attempting to sexually assault any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person, including sexual assaults or attempted sexual assaults which occur off school grounds not at a school function, activity, or event. For purposes of this provision, sexual assault means sexual assault in the first degree as defined in Neb. Rev. Stat. § 28-319, sexual assault in the second degree as defined in Neb. Rev. Stat. § 28-320, sexual assault of a child in the second or third degree as defined in Neb. Rev. Stat. § 28-320.01, or sexual assault of a child in the first degree as defined in Neb. Rev. Stat. § 28-319.01, as such sections now provide or may hereafter from time to time be amended.
- (i) Engaging in any other activity forbidden by the laws of the State of Nebraska which constitutes a danger to other students or interferes with school purposes.
- (j) Repeated violations of any rules and regulations validly established pursuant to Neb. Rev. Stat. § 79-262 if such violations constitute a substantial interference with school purposes. It is the intent of the Nebraska Legislature that alternatives to suspension or expulsion be imposed against a student who is truant, tardy, or otherwise absent from required school activities.

If the superintendent makes a decision to discipline a student by long-term suspension, expulsion, or mandatory reassignment, the following procedures shall be followed:

- (a) Before such long-term suspension, expulsion, or mandatory reassignment shall take effect, the student shall be given oral or written notice of the charges against him or her and an explanation of the evidence the school district officials have. The student shall be given an opportunity to present his or her own version of the facts.

- (b) On the date of the decision, a written charge and a summary of the evidence supporting such charge shall be filed with the superintendent.
- (c) School district officials shall, within two (2) school days of the decision, send a written notice by registered or certified mail to the student and his or her parents or legal guardian, informing them of the rights established under the Act. The written notice must include the following:
 - (1) The rule or standard of conduct allegedly violated and the acts of the student alleged to constitute cause for long-term suspension, expulsion, or mandatory reassignment, including a summary of the evidence to be presented against the student.
 - (2) The penalty, if any, which the superintendent has recommended in the charge and any other penalty to which the student may be subject.
 - (3) A statement that, before long-term suspension, expulsion, or mandatory reassignment for disciplinary purposes can be invoked, the student shall have a right to a hearing, upon request, on the specified charges.
 - (4) A description of the hearing procedures provided by the Act, along with the procedures for appealing any decision rendered at the hearing.
 - (5) A statement that the superintendent, legal counsel for the school district, the student and his or her parents or legal guardian, and/or the student's representative shall have 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.
 - (6) A form on which the student or his or her parents or legal guardian may request a hearing. The form is to be signed by such parties and delivered to the superintendent in person or by registered or certified mail.
- (d) When a notice of intent to discipline a student by long-term suspension, expulsion, or mandatory reassignment is filed with the superintendent, the student may be suspended:
 - (1) If no hearing is requested, until the date the disciplinary action takes effect;
 - (2) If a hearing is requested, until the date the hearing examiner makes the report of his or her findings and a recommendation of the action to be submitted to the superintendent; or
 - (3) If the superintendent determines that the student must be suspended immediately to prevent or substantially reduce the risk of interference with an educational function or school purpose, or personal injury to the student himself or herself, other students, school district employees, or school volunteers.
- (e) Nothing in the Act or this policy shall preclude the student and/or his or her parents, legal guardian, or representative from discussing and settling the matter with appropriate school district officials prior to the hearing stage.

If a hearing is not requested by the student or his or her parents or legal guardian within five (5) school days following receipt of the written notice, the punishment recommended in the charge by the superintendent, or his or her designee, shall automatically go into effect upon the fifth school day following receipt of the written notice by the student or his or her parents or legal guardian as required above.

Emergency Exclusion

Any student may be excluded from school subject to the procedural provisions of Neb. Rev. Stat. § 79-264 in the following circumstances:

- (a) If the student has a dangerous communicable disease transmissible through normal school contacts and poses an imminent threat to the health or safety of the school community; or
- (b) If the student's conduct 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.

Generally, any emergency exclusion shall be based upon a clear factual situation warranting it and shall last no longer than is necessary to avoid the dangers described immediately above.

For an emergency exclusion of five (5) days or less, the same procedures for short-term suspension apply. If the superintendent, or his or her designee, determines that the exclusion will extend beyond five (5) days, the following procedural provisions must be used:

- (a) The board of education must adopt a procedure for a hearing to be held and a final determination made within ten (10) school days after the initial date of exclusion; and
- (b) The procedure adopted by the board of education must substantially comply with the disciplinary actions which require due process (i.e., long-term suspension, expulsion, and mandatory reassignment) and such provisions shall be modified only to the extent necessary to accomplish the hearing and determination within this shorter time period.

Hearing Procedures

If a hearing is requested, the following procedures shall apply:

- (a) A hearing must be requested within five (5) school days after receipt of the written notice by the student or his or her parents or legal guardian. The hearing must be held within thirty (30) days after requested. If a hearing is requested more than five (5) school days, but not more than thirty (30) calendar days following the actual receipt of the written notice, the hearing shall be held, but the imposed punishment shall continue in effect pending final determination.
- (b) The superintendent shall appoint a hearing examiner. The hearing examiner can be a person designated by the superintendent, board of education, or legal counsel, if such person has not brought the charges against the student, is not a witness at the hearing, and has no involvement in the charge. The hearing examiner must be available, prior to any hearing held pursuant to the Act, to answer any questions the superintendent, the student, or the student's parents or legal guardian may have regarding the nature and conduct of the hearing. In addition to other duties, it is the duty of the hearing examiner to remain impartial throughout all deliberations.
- (c) Within two (2) days after being appointed, the hearing examiner must give written notice to the superintendent, the student, and the student's parents or legal guardian of the time and place for the hearing. The hearing shall be scheduled within a period of five (5) school days after it is requested, but such time may be changed by the hearing examiner for good cause. No hearing shall be held upon less than two (2) school days' notice to the

superintendent, the student, and the student's parents or legal guardian, except with the consent of all parties.

- (d) The superintendent or legal counsel for the school district, the student and his or her parents or legal guardian, and the student's representative shall have the right to examine the records and written statements referred to in the Act and the statements of any witnesses in the possession of the board of education at a reasonable time prior to the hearing.
- (e) The following persons shall be present at the hearing: the hearing examiner, the student, the student's parents or legal guardian, the student's representative (who may be an attorney) if any, and legal counsel for the board of education if the hearing examiner or the superintendent deems it advisable.
- (f) The board of education, acting through the superintendent, may request legal counsel to be present for the purpose of either acting as the designee of the superintendent or advising the hearing examiner in the conduct of the hearing. Any legal counsel who acts as the designee of the superintendent in presenting the school district's case against the student shall not advise the hearing examiner on the conduct of the hearing or later advise school district administrators or the board of education on the conduct of any appeal. Legal counsel may give advice on technical and procedural aspects of the school district's presentation and may advise the hearing examiner and the board of education so long as the legal counsel does not act as the superintendent's designee in presenting the school district's case.
- (g) The student and his or her parents, legal guardian, or representative, the superintendent, or the hearing examiner may ask witnesses to testify at the hearing. The hearing examiner shall make reasonable efforts to assist the student and his or her parents, legal guardian, or representative in securing the attendance of witnesses. Witnesses shall be present only when they are giving testimony at the hearing. Such witness testimony shall be under oath, and the hearing examiner shall be authorized to administer the oath. The student and his or her parents, legal guardian, or representative, the superintendent, and the hearing examiner shall have the right to question any witness giving testimony at the hearing. Any person giving evidence by written statement or testimony in person at a hearing shall be given the same immunity from liability as a person testifying in a court case.
- (h) The student may speak in his or her own defense and may be questioned on his or her testimony, but may choose not to testify. The student shall not be threatened with punishment or later punished for his or her refusal to testify.
- (i) The student may be excluded from the hearing at the discretion of the hearing examiner at times when the student's psychological evaluation or emotional problems are being discussed. The hearing examiner may exclude any other person from the hearing when his or her actions substantially disrupt an orderly hearing.
- (j) The superintendent shall present to the hearing examiner statements, in affidavit form, of any person having information about the student's conduct and the student's records, but not unless such statements and records have been made available to the student and his or her parents, legal guardian, or representative prior to the hearing. The information contained in such records shall be explained and interpreted prior to or at

- the hearing, to the student and his or her parents, legal guardian, or representative, upon request, by appropriate school district employees.
- (k) In conducting the hearing, the hearing examiner shall not be bound by the rules of evidence or any other courtroom procedure.
 - (l) The proceedings of the hearing shall be recorded at the expense of the school district.

A joint hearing may be conducted when (a) more than one student is charged with violating the same policy, administrative regulation, or rule and acting in concert; (b) the facts are substantially the same for all such students; and (c) if the hearing examiner believes that such joint hearing is not likely to result in confusion. No student shall have his or her interests substantially prejudiced by a joint hearing. If during the conduct of the hearing, the hearing examiner finds that a student's interest will be substantially prejudiced by a joint hearing or that the hearing is resulting in confusion, the hearing examiner may order a separate hearing for any student.

After the hearing, a report shall be made by the hearing examiner. The report shall contain (a) the hearing examiner's findings, (b) a recommendation of the action to be taken, and (c) the reasons for the particular action recommended in terms of both the student and the board of education. The recommendation by the hearing examiner of the action to be taken may range from no action, through the entire field of counseling, to long-term suspension or expulsion. The superintendent shall review the hearing examiner's report. The superintendent may change, revoke, or impose the sanction recommended by the hearing examiner, but shall not impose a sanction more severe than the recommendation by the hearing examiner. Written notice of the findings and recommendation of the hearing examiner and the determination of the superintendent shall be made by certified or registered mail or by personal delivery to the student and his or her parents or legal guardian. Upon receipt of such written notice by the student and his or her parents or legal guardian, the determination of the superintendent shall take immediate effect.

Appeal

The student or his or her parents or legal guardian may, within seven (7) school days following receipt of the superintendent's written notice of determination, appeal the determination to the board of education by written request, which shall be filed with the secretary of the board of education or with the superintendent.

A hearing shall be held before the board of education within a period of ten (10) school days after it is requested. Such time for a hearing may be changed by mutual agreement of the student and the superintendent. The hearing may be held before a committee of the board of education of not less than three members.

The record in a case under the Act shall consist of the charge, the notice, the evidence presented, the hearing examiner's findings and recommendations, and the action of the superintendent. Such appeal may be on the record, except that new evidence may be admitted to avoid a substantial threat of unfairness and such new evidence shall be recorded at the expense of the school district.

After examining the record and taking new evidence, if any, the board of education or the designated committee may withdraw to deliberate privately upon such record and new evidence. Any such deliberation shall be held in the presence of only the board of education members in attendance at the appeal hearing, but may be held in the presence of legal counsel who has not previously acted as the superintendent's designee in presenting the school district's case before the hearing examiner. If any

questions arise during such deliberations which require additional evidence, the board of education may reopen the hearing to receive such evidence, subject to the rights of all parties to be present.

The board of education may alter the superintendent's determination if it finds such determination to be too severe, but may not impose a more severe sanction. The final action of the board of education shall be personally delivered or mailed by certified mail to the student and his or her parents or legal guardian.

Judicial Review

Any person aggrieved by a final decision in a contested case under the Act, whether such decision is affirmative or negative in form, shall be entitled to judicial review. Nothing in the Act shall be deemed to prevent resort to other means of review, redress, or relief provided by law. Aggrieved persons desiring to resort to judicial review should refer to Neb. Rev. Stat. § 79-289 for procedures. The record in a juvenile review shall consist of the record on appeal to the board of education, as well as any additional evidence taken and any additional action taken in the case. The filing of a petition for judicial review or the service of summons upon the board of education shall not stay enforcement of a determination, but the board of education may stay enforcement or the court may order a stay after notice thereof and upon such terms as it deems proper.

Additional Procedures under the Act

The board of education may by rule amplify, supplement, or extend the procedures provided in the Act if such actions are not inconsistent with the Act. The board of education may authorize the delegation to other school district officials of responsibilities directed to the superintendent. Any action taken by the board of education or by its authorized designees that is a material violation of the Act shall be considered null, void, and of no effect.

Any notice required under the Act or this policy shall be effectively given at the time written evidence thereof shall be delivered personally to or upon receipt of certified or registered mail or upon actual knowledge by a student or his or her parent or legal guardian.

The findings and recommendations of the hearing examiner, the determination by the superintendent, and any determination on appeal to the board of education shall be made solely on the basis of the evidence presented at the hearing or, in addition, on any evidence presented on appeal.

Duration of Expulsion

The maximum duration of an expulsion is determined by the nature of the offense.

For firearm offenses, the school district has adopted a policy requiring the expulsion from school for a period of not less than one calendar year of any student who is determined to have knowingly and intentionally possessed, used, or transmitted a firearm (a) on school grounds, (b) in a vehicle owned, lease, 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. This policy authorizes the board of education to modify the expulsion requirement on an individual basis. See Policy 1355, Firearms. The school district shall annually provide to the Nebraska Department of Education an assurance that the school district has in effect such policy and a description of the circumstances surrounding any expulsion under the policy, including the name of the school, the

number of students expelled from school, and the types of weapons concerned. Such policy and expulsion shall not apply to: (a) the issuance of firearms to or possession of firearms by members of the Reserve Officer Training Corps, if provided by the school district, when training; or (b) firearms which may lawfully be possessed by the person receiving instruction under the immediate supervision of an adult instructor who may lawfully possess such firearms.

For offenses involving the knowing and intentional use of force in causing or attempting to cause personal injury to a school district employee, school volunteer, or student, except personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person as set out in Neb. Rev. Stat. § 79-267(3), or the knowing and intentional possession, use or transmission of a dangerous weapon, other than a firearm, the duration of the expulsion shall be as follows:

- (a) If the misconduct occurs during the first semester, then the expulsion shall last for a period not to exceed the remainder of the school year in which it took effect.
- (b) If the misconduct occurs during the second semester, then the expulsion shall remain in effect for summer school and may remain in effect during the first semester of the following school year.
- (c) The expulsion may be modified or terminated by the school district at any time during the expulsion period.

An expulsions for any other offense shall be for a period not to exceed the remainder of the semester in which it took effect, unless the misconduct occurred (a) within ten (10) school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester; or (b) within ten (10) school days prior to the end of the second semester, in which case the expulsion shall remain in effect for summer school and the first semester of the following school year subject to the provisions of Neb. Rev. Stat. § 79-283(5). Such expulsion may be modified or terminated by the school district at any time during the expulsion period.

Any expulsion that will remain in effect during the first semester of the following school year shall be automatically scheduled for review before the beginning of the school year. The review shall be conducted by the hearing examiner after the hearing examiner has given notice of the review to the student and his or her parents or legal guardian. The review shall be limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original hearing. The review may lead to a recommendation by the hearing examiner that the student be readmitted for the upcoming school year. If the board of education or a committee of the board took the final action to expel the student, the student may be readmitted only by action of the board of education. Otherwise, the student may be readmitted by action of the superintendent.

Discontinuation of Enrollment

Prior to the suspension or expulsion of any student less than seven years of age, the school district administration shall hold a conference with the student's parents or legal guardian, explaining the rationale for such suspension or expulsion. At that time, the parents or legal guardian shall have a period of three (3) working days to determine if they wish to discontinue the enrollment of the student. During this period of time, it shall be the administration's prerogative to determine if it is in the best interests of the school district and/or the student to allow the student to continue his or her enrollment or if the student should be excluded from school. If the parents or legal guardian elect to not

discontinue the enrollment of the student, then the student shall be subject to all provisions set forth in this policy. If the parents or legal guardian elect to discontinue the enrollment of the student, then the student's enrollment shall be discontinued immediately. The student's record shall indicate that the enrollment was discontinued at the request of the parents or legal guardian.

Suspension of Enforcement of Expulsion

The school district may suspend the enforcement of such expulsion unless the expulsion was required by Neb. Rev. Stat. § 79-283(4). The suspension may be for a period not to exceed the length of the expulsion. As a condition of such suspended expulsion, the school district may require participation in a plan pursuant to Neb. Rev. Stat. § 79-266(2). At the conclusion of such suspension period, the school district shall (a) reinstate the student who has satisfactorily participated in a plan pursuant to Neb. Rev. Stat. § 79-266(2) and permit the student to return to the school of former attendance or attend other programs offered by the school district, or (b) if the student's conduct has been unsatisfactory, enforce the remainder of the expulsion. If the student is reinstated, the school district may also take action to expunge the record of the expulsion.

Alternative Education Program

The board of education has chosen to participate in and provide an alternative educational program for any students expelled from the school district. This program shall conform with the requirements set forth in Neb. Rev. Stat. § 79-266 and Nebraska Department of Education Rule 17.

The superintendent shall develop the alternative education program and determine the course or courses to be taken, the sequence for taking these courses, the certificated employee assigned to oversee the student's progress and testing, and the method and frequency for reporting student progress. The program may include local courses, correspondence courses, or a combination of courses which allow the expelled student to continue his or her education.

A conference shall be called by the superintendent to advise the expelled student and his or her parents or legal guardian of the alternative education program whereby the student can continue his or her education. 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 the statutory provisions for suspension and expulsion of students, unless otherwise waived by the parents or legal guardian of the student.

Students Subject to Juvenile or Court Probation

With regard to any student who (a) is less than nineteen years of age, (b) is subject to the supervision of a juvenile probation officer or an adult probation officer pursuant to the order of any district court, county court, or juvenile court, (c) chooses to meet conditions of probation by attending school, and (d) has previously been expelled from school, the superintendent or his or her designee shall meet with the student's probation officer prior to readmission to school and assist in developing conditions of probation that will provide specific guidelines for behavior, consequences for misbehavior at school (including conduct on school grounds and conduct during an educational function or event off school grounds), and educational objectives that must be achieved. If the guidelines, consequences, and objectives provided by the superintendent or his or her designee are agreed to by the probation officer and the student, and the court permits the student to return to school under the agreed-to conditions, the student may

be permitted to return to school. The student shall, upon such return, be screened by the school for possible disabilities and, if the screening so indicates, be referred for evaluation for possible placement in a special education program. The student may be expelled or otherwise disciplined for subsequent conduct as provided by board of education policy and state statute.

Suspended or Expelled Students from Other School Districts

If a student has been suspended or expelled from a public school in any school district in any state, or from a private, denominational, or parochial school in any state, and the student has not completed the terms of the expulsion, the student shall not be permitted to enroll in McPherson County Schools unless his or her enrollment is approved by a majority vote of the board of education. As a condition of his or her enrollment, the board of education may require the student to participate in an alternative education program as set out above until the terms of the expulsion are completed.

If a student was previously enrolled in McPherson County Schools or was eligible to be enrolled in the school district and (a) has been expelled from a private, denominational, or parochial school; (b) has been expelled while serving as an option enrollment student from McPherson County Schools to another Nebraska school district; or (c) has been expelled while attending public school in another state, he or she may not be prohibited from re-enrolling in McPherson County Schools if he or she has met the time limits placed on the expulsion pursuant to the Act. Unless the student is emancipated, he or she must also continue to reside in the school district with his or her parents or legal guardian following the expulsion.

Reporting Requirement to Law Enforcement

Violations of this section will result in a report to law enforcement if:

1. The violation includes possession of a firearm;
2. The violation results in child abuse;
3. It is a violation of state law that the administration believes cannot be adequately addressed solely by discipline from the school district;
4. It is a violation of state law that endangers the health and welfare of staff or students;
5. It is a violation of state law that interferes with school purposes;

The report is required or requested by law enforcement or the county attorney.

Compliance with other State and Federal Laws

If a student is suspended, expelled, or excluded from school or from an educational function pursuant to the Act, such absence from school shall not be deemed a violation on the part of any person under the compulsory school attendance statutes. Any suspension or expulsion under the Act shall comply with the requirements of the Special Education Act and the requirements of the federal Individuals with Disabilities Education Act, 20 U.S.C. §§ 1401 *et seq.*

Refer to AR-5560.1, Offenses and Penalties, and AR-5560.3, Student Grievance Procedures, for forms associated with grievance procedures, hearings, and hearing examiners.

Legal Reference: Neb. Rev. Stat. §§ 79-254 to 79-292
 92 NAC 17 001.01 to 005.01

Policy Adopted: December 10, 2014
Revised: June 14, 2018

ADMISSION AND ATTENDANCE

Admission to School

5105

Minimum Age

Any child may enter kindergarten if he or she has reached the age of five years on or before July 31 of the calendar year in which the school year for which the child is seeking admission begins. A child who will reach the age of five years on or after August 1 and on or before October 15 of such school year shall be admitted if such child's parent or legal guardian requests such admittance and provides an affidavit stating that (a) the child attended kindergarten in another jurisdiction in the current school year, (b) the family anticipates relocation to another jurisdiction that would allow admission within the current year, or (c) the child is capable of carrying the work of kindergarten as demonstrated through assessment procedures approved by the board of education.

The board of education may admit a kindergarten student transferring from outside the State of Nebraska regardless of age.

Birth Certificate, Physical Examination, Visual Examination, and Immunization

The parent or legal guardian of any student seeking admission in the school district at the kindergarten level or transferring into the school district for the first time shall be required to present either (a) a certified copy of the student's birth certificate or (b) other reliable proof of the student's identity and age accompanied by an affidavit explaining the inability to produce a copy of the birth certificate.

Evidence of a physical examination by a qualified physician, physician assistant, or advanced practice registered nurse is required within six months prior to the entrance of a child into kindergarten and the seventh grade or, in the case of a transfer from out of state, to any other grade, except that no such physical examination shall be required of any child whose parent or legal guardian objects in writing. The cost of such physical examination shall be borne by the parent or legal guardian.

Evidence of a visual examination by a physician, physician assistant, advanced practice registered nurse, or optometrist is required within six months prior to the entrance of a child into kindergarten or, in the case of a transfer from out of state, to any other grade, which consists of testing for amblyopia, strabismus, internal and external eye health, and visual acuity. No such visual examination shall be required of any child whose parent or legal guardian objects in writing. The cost of such visual examination shall be borne by the parent or legal guardian.

The school shall require each student to comply with Nebraska law, outlined in AR-5105, Immunization Regulations. The parent or legal guardian shall provide evidence of protection against diphtheria, tetanus, pertussis, polio, measles, mumps, rubella, Hepatitis B, Varicella (chicken pox), Haemophilus Influenza type b (Hib), and other diseases as required by applicable law, by immunization, prior to enrollment. Every student entering the seventh grade shall have a booster immunization containing diphtheria and tetanus toxoids and an acellular pertussis vaccine which meets the standards approved by the United States Public Health Service for such biological products, as such standards existed on January 1, 2009.

Any student who does not comply with the immunization requirements shall not be permitted to continue school until he or she is in compliance, except those who may

meet provisional enrollment conditions. A student may be provisionally enrolled if he or she meets either of the following qualifications:

- (a) The student has begun the required immunizations and is receiving the necessary immunizations as rapidly as is medically feasible; or
- (b) The student is the child or legal ward of an officer or enlisted person on active duty in any branch of the military services of the United States or of his or her spouse, enrolling in a Nebraska school following residence in another state or in a foreign country.

Immunization shall not be required for enrollment if the student submits either of the following:

- (a) A statement signed by a physician, physician assistant, or advanced practice registered nurse stating that, in his or her opinion, the immunizations required would be injurious to the health and well-being of the student or any member of the student's family or household; or
- (b) An affidavit signed by the student or, if he or she is a minor, by a legally authorized representative of the student, stating that the immunization conflicts with the tenets and practice of a recognized religious denomination of which the student is an adherent or member or that immunization conflicts with the personal and sincerely followed religious beliefs of the student.

At the time the parent or legal guardian of any child is notified that a physical examination, visual examination, or immunizations are required, he or she shall also be notified in writing of (a) the right to submit a written statement refusing a physical examination, visual examination, or immunization for the child, and (b) a telephone number or other contact information to assist the parent or legal guardian in receiving information regarding free or reduced-cost visual evaluations for low-income families who qualify.

Refer to AR-5105, Immunization Guidelines, for additional Nebraska Department of Health and Human Services immunization information.

Legal Reference: Neb. Rev. Stat. §§ 79-214 to 79-222
 Neb. Rev. Stat. § 79-266.01

Policy Adopted: December 10, 2014

**Admission of Students from Schools Which Choose
Not to Meet Accreditation or Approval Requirements**

5105.1

McPherson County Schools recognizes that parents or legal guardians of students, or individual students themselves, may legally choose to receive education at home or in a private, denominational, or parochial school of the State of Nebraska, or in another state, which has elected not to meet state accreditation or approval requirements as set forth in Neb. Rev. Stat. §§ 79-1601 to 79-1607, or of similar statutes in other states.

The administration of the school district shall report to the appropriate agencies any student in the school district known not to be attending school in an accredited or approved public, private, denominational, or parochial school.

When a student who has been attending a home school or any private, denominational, or parochial school which has elected not to meet state accreditation or approval requirements, or has been attending a school in another state which has not met that state's accreditation or approval requirements, enrolls in the school district as either a full-time or part-time student, the board of education reserves the right to make the most appropriate grade level placement which best fulfills the needs of the student and the school district.

The appropriate level of placement for elementary students may be determined by, but not limited to, consideration of the following information:

- (a) The chronological age of the child;
- (b) Any previous school experience as determined by information presented to school district officials;
- (c) Any diagnostic test data presented to school district officials or any diagnostic test data that school district officials may receive from tests administered to the student by school district employees;
- (d) Any standardized achievement test data presented to school district officials or any achievement test data that school district officials may receive from tests administered to the student by school district employees;
- (e) Any criterion referenced test data presented to school district officials or any criterion referenced test data that school district officials may receive from tests administered to the student by school district employees; and
- (f) A personal interview of the student and recommendations made by school district employees as determined by the superintendent of schools.

The appropriate level of placement for secondary students may be determined by, but not limited to, consideration of items (a) through (f) above, plus the following:

- (g) Any final subject matter examination data presented to school district officials or any final subject matter examination data that school district officials may receive from tests administered to the student by school district employees.

The superintendent shall make the final decision as to what grade level a student enrolling in the school district from a home school or unapproved private, denominational, or parochial school shall be assigned.

A student who enrolls in the school district after having been educated in a home school or in a private, denominational, or parochial school which has elected not to meet accreditation or approval requirements of this state or any other state will not be granted

credits for work done in the unapproved school and credits for those courses shall not be entered on the student's cumulative scholarship record.

In order for a student that has been educated in a home school or in a private, denominational, or parochial school which has elected not to meet accreditation or approval requirements of this state or any other state to receive a diploma from the school district, the student may be required to earn a minimum of two years' credit in an approved or accredited senior high school, grades 9-12, with the final semester's credit being earned in the school district.

Legal Reference: Neb. Rev. Stat. §§ 79-1601 to 79-1607

Policy Adopted: December 10, 2014

The board of education supports the concept embodied in the Enrollment Option Program that parents and legal guardians have the primary responsibility for insuring that their children receive the best education possible. Accordingly, the school district will participate in the option enrollment program and receive option students as provided herein.

Definitions

- a. **Option Student Defined.** Option student shall mean a nonresident student who has chosen to attend the school district under the provisions of the option enrollment program.
 - b. **Resident School District Defined.** Resident school district shall mean the school district in which a student resides or in which the student is admitted as a resident of the school district pursuant to state law.
 - c. **Option School District Defined.** Option school district shall mean the school district that a student chooses to attend other than his or her resident school district.
2. **Persons Entitled to Apply for Option Enrollment of Students.** Only parents and legal guardians may apply for option enrollment of students. Applications filed by foster parents and adults acting *in loco parentis* are not authorized and will be automatically denied.
 3. **Duties, Entitlements and Rights of Option Students.** Except as otherwise provided herein, once an option student's option enrollment application has been accepted he/she shall be treated as a resident student of the school district.
 4. **Standards for Acceptance or Rejection of Option Students.**
 - a. **Numeric Capacity.** The board of education may set the numeric capacity of programs, classes, grade levels, or school buildings by operation of this policy or through freestanding action by the board. Numeric Capacity will be determined based upon available staff, facilities, projected enrollment of resident students, projected number of students with which the option school district will contract based on existing contractual arrangements, and availability of appropriate special education programs. Individuals seeking information about the numeric capacity set by the board may contact the superintendent for a copy of that resolution.
 - b. **Programmatic Capacity.** In addition to the numeric capacity standards referred to above, the board may, by resolution, declare a program, a class, or a school unavailable to option students due to lack of capacity. Individuals seeking information about the programs that have been declared to be unavailable due to lack of capacity may contact the superintendent for a copy of the board's resolution.
 - c. **Other Standards for Acceptance or Rejection of Option Enrollment Applications.** In addition to the numeric and programmatic capacity

standards outlined above, the school district shall not accept an option student when acceptance of the student:

- i. Would increase the operating costs of the school district, such as by requiring the hiring of new staff or contracting with outside entities to provide services to the student;
 - ii. Would require the procurement of new equipment, technology, or furnishings;
 - iii. Would cause or require the rearrangement of caseloads for staff and contracted professionals;
 - iv. Is reasonably deemed by appropriate school staff to pose a potential risk to the health or safety of students or staff;
 - v. May pose a risk of adversely affecting the quality of educational services being provided to resident students, as determined by appropriate school staff.
 - d. The school district shall accept an option student with a disability only to the extent that the school district's then current staff and facilities are sufficient to accommodate the student's needs without significantly increasing the operating costs of the school district, such as by requiring the hiring of new staff.
 - e. The school district shall not base the decision to accept or reject an option student on the student's previous academic achievement, athletic or other extracurricular ability, disabling condition(s), proficiency in the English language.
 - f. If there are more option student applicants for any program, class, grade level or school building than can be accepted into such program, class, grade level or school building, applicants shall be accepted in the following order:
 - i. students with brothers or sisters attending the school district, either as resident students or as option students, shall be granted first priority;
 - ii. thereafter, option students shall be accepted into such program, class, grade level or school building in the order in which written applications were received by the school district.
5. **False or Misleading Option Applications.** If, prior to the student's attendance as an option student, the school district discovers that a previously accepted option application contained false or substantively misleading information, the option application will be rejected.
6. **Academic Credits and Graduation.** The school district shall accept credits toward graduation that were awarded by another school district, and shall award a diploma to an option student if the student meets the graduation requirements of the school district.
7. **Information Regarding Schools, Programs, Policies and Procedures.** The school district, its officers and employees, shall make information about the

school district and its schools, programs, policies and procedures available to all interested people.

8. Procedure for Students Optioning Into or Out of the School District.

- a.** The parent or legal guardian of any student desiring to option into or out of the school district shall submit a proper and timely application to the board of education and the other affected school district for enrollment during the following and subsequent school years. Any application requiring the approval of the school district shall be deemed submitted when the application is actually received in the school district's business office.
- b.** On or before April 1st, the school district shall notify the parent or legal guardian of any student who has submitted an application to option into the school district and the resident school district, in writing, whether the application is accepted or rejected. If an application is rejected, the reason for such rejection shall be stated in the notification. This written notice shall be sent via certified mail to the address listed on the option application.

9. Late Applications and Requests for Release

- a.** The board of education may refuse a request of a student seeking to option out of the school district when the option application is submitted after March 15th under the following conditions:
 - i.** When the district has already entered into contracts with teaching staff for the following school year;
 - ii.** When the district has already contracted for the performance of specific services for the student;
 - iii.** When the release of the student would have a negative financial impact or loss of revenue for the district.
- b.** The board of education will approve late applications to option into the district under the following conditions:
 - i.** When the resident district has released the student;

When the student's late enrollment into the district meets the standards for acceptance or rejection of option students contained elsewhere in this policy;

- c.** The superintendent will notify parents or guardians who have submitted properly completed option applications after March 15th no later than 60 days following submission of the application of the board's acceptance or rejection of the application.

10. Students Who Do Not Need a Release from the Resident District

- a.** A student does not need to be released from his/her resident district under the following circumstances:

- i. When the student has relocated to a different resident school district after February 1
 - ii. When a student's option school district merges with another district effective after February 1
- b.** The school district shall accept or reject an application from a student under this paragraph using the criteria set forth in this policy and will accept or reject the application within forty-five days.

11. Cancellation of Option.

Students who option either into or out of the school district shall:

- a.** Attend the option school district until graduation or relocation/re-option in a different resident school district unless the student chooses to return to the resident school district, in which case the student's parent or legal guardian shall timely submit a cancellation form to the school board or board of education of the option school district and the resident school district for approval for the following year.
- b.** Attend an option school district for not less than one school year unless the student relocates to a different resident school district, completes requirements for graduation prior to the end the school year, transfers to a parochial or private school, or upon mutual agreement of the resident and option school districts cancels the enrollment option and returns to the resident school district.

12. Authority of Superintendent.

The board of education authorizes the superintendent of schools to make decisions on its behalf pursuant to and to apply the criteria articulated by this policy in determining whether to grant or deny option enrollment applications.

RESOLUTION

WHEREAS, the School Board is required by law to adopt by resolution policies and specific standards for acceptance or rejection of option enrollment applications; and,

WHEREAS, the School Board has received and reviewed evidence and information submitted by the administration and other sources and made determinations thereon with respect to standards for acceptance or rejection and with respect to the capacity of this school district to accept option enrollment students based upon available staff, available facilities, projected enrollment, and availability of special education programs; and,

WHEREAS, the School Board has determined that the educational interests of this school district would be best served by adoption of the resolutions, and the policies and specific standards herein contained.

NOW, THEREFORE, BE IT RESOLVED that the Option Enrollment Policy presented to the School Board as Policy 5105.3, and Appendix "1" to such Policy, should be and the same are hereby adopted, and any previous policy or interpretation or application of the option enrollment program which is or has been inconsistent with the Policy 5105.3, and Appendix "1" to such Policy, are repealed effective on the date of the passage of this resolution,

BE IT FURTHER RESOLVED that all paragraphs, subparagraphs, and portions of words of this Resolution, of Policy 5105.3, and Appendix "1" to such Policy are severable and that in the event any of the same are determined to be invalid for any reason, such determination shall not affect the validity of any of the remainder of the same.

BE IT FURTHER RESOLVED that policies and specific standards for acceptance or rejection of option enrollment applications should be and are hereby adopted, for applications filed after adoption of this resolution, and are hereinafter set forth: The above Resolution, having been read in its entirety, member Toni Powers moved for its passage and adoption, member Chris Schultis seconded the same. After discussion and on roll call vote, the following members voted in favor of passage and adoption of the above Resolution: Powers, Schultis, Coffman, Watson, Connell, Neal. The following members voted against the same: none. The following members were absent or not voting: none. The Resolution having been consented to and approved by more than a majority of the members of the School Board, was declared as passed and adopted by the President at a duly held and lawfully convened meeting in full compliance with the Nebraska open meetings law.

DATED this 13th day of August, 2019.

MCPHERSON COUNTY SCHOOLS

Attest: _____
Secretary

By: _____(Trent Neal)_____
President

Resolution Adopted: March 13, 2014
Resolution Reviewed: December 10, 2014
Resolution Revised: February 11, 2015
Resolution Reviewed: August 13, 2019

Appendix “1” to Option Enrollment Policy

The following is Appendix “1” to Policy 5105.3 for the 2019-2020 School Year. The Board of Education hereby sets forth the maximum number of option students for the 2019-2020 school year in 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. Any program, class, grade level, or school building which has “0” as the No. of Option Students is hereby declared unavailable to option students due to lack of capacity.

PROGRAM	PROGRAM CAPACITY	PROJECTED ENROLLMENT	NO. OF OPTION STUDENTS
Kindergarten	15	3	12
First & Second	20	12	8
Third & Fourth	20	7	13
Fifth & Sixth	20	11	9
Seventh	20	6	14
Building Capacity, Elementary	95	39	56
Level I Elementary SPED	6	6	0
Level II & III Elementary SPED	2	2	0
Eighth	18	8	10
Ninth	18	9	9
Tenth	18	3	15
Eleventh	18	14	4
Twelfth	18	7	11
Building Capacity, Secondary	90	41	49
Level I Secondary SPED	6	4	2
Level II and III Secondary SPED	2	2	0
	SPED	14	
K-12 Totals	185	80	105

Part-time Enrollment of Exempt Status Students

5105.5

McPherson County Schools recognizes that parents or legal guardians of students, or individual students themselves, may legally choose to receive education at home or in a private, denominational, or parochial school of the State of Nebraska which has elected not to meet state accreditation or approval requirements as set forth in Neb. Rev. Stat. §§ 79-1601 to 79-1607. Refer to Policy 5105.1, Admission of Students from Schools Which Choose Not to Meet Accreditation or Approval Requirements.

Any student who (a) is a resident of the school district pursuant to Neb. Rev. Stat. § 79-215, (b) is enrolled in a home, private, denominational, or parochial school or in a school which elects pursuant to Neb. Rev. Stat. § 79-1601 not to meet accreditation or approval standards, and (c) seeks to enroll as a part-time student in the school district must make written application for enrollment. If accepted, such student shall be allowed to enroll as a part-time student to take academic classes in any semester which may be offered to full-time students during the academic school year and which are not offered or provided by the student's private, denominational, parochial, or home school. Each part-time student must meet normal school enrollment and admission requirements for school attendance age and provide copies of the student's birth certificate, immunization records, physical examinations, and visual examinations as required of all students.

Application Process

The written application on school district admission forms shall be submitted to the superintendent of schools on or before August 1 preceding the school year in which the student seeks admission. If the student is seeking part-time status for second semester course(s), the application deadline shall be on or before December 1 of that school year. The application for part-time enrollment shall be made for each year the part-time student seeks to attend school in the school district, and acceptance in one school year will not assure acceptance for the following school year.

In the event the application is denied by the superintendent, the parent or legal guardian of the student may appeal the decision to the board of education. Any such appeal must be submitted in writing within fourteen (14) calendar days of the superintendent's action and should provide further information or explanation as necessary. The board of education shall decide the appeal within ten (10) days from the date it is received, or within a timely manner should further information or explanation be requested of the parent or legal guardian.

Course Selection

A home-schooled student seeking to enroll as a part-time student in the school district shall be allowed to enroll only in courses which are a part of the school district's curriculum offering. Enrollment will be subject to capacity limits of the classroom, and full-time students of the school district will have priority rights of enrollment. Part-time students shall enroll in courses appropriate for their age and academic ability level.

Part-time students will not be eligible to receive academic honors accorded by the school district nor to graduate or receive a diploma.

Student Conduct and Extra-curricular Activities

Part-time students who are accepted by the school district shall follow school policies and regulations that apply to all students at any time the part-time student is present on school district premises, in school buildings, or while attending any school-sponsored activities or athletic events. Part-time students shall follow the school district's attendance policies, and those students having excessive absences are to be reported under truancy laws.

Part-time students, at the discretion of the superintendent and Activities Director, will be allowed to participate in school-sponsored activities or athletic events or programs, to include those activities which may be a part of the classroom or specific course requirement in which the part-time student has been allowed enrollment. Part-time students seeking to participate or compete in any event which is governed by the rules and regulations of the Nebraska State Activities Association (NSAA) will be required to comply with the bylaws and eligibility requirements of the NSAA.

School Transportation

Part-time students shall not be entitled to transportation or transportation reimbursements.

Legal Reference: Neb. Rev. Stat. § 79-2,136
 Neb. Rev. Stat. § 79-526
 Neb. Rev. Stat. §§ 79-1601 to 79-1607

Compulsory Attendance

5110

Except for those students exempted by law, the school district expects all children living within the boundaries of the school district and who (a) will reach six years of age prior to January 1 of the then-current school year; and (b) have not reached eighteen years of age, to be in attendance every day that school is in session, except when excused by school authorities or when illness or severe weather conditions make attendance impossible or impracticable.

Exceptions for Younger Students

Compulsory attendance is not required for a student who has reached the age of six years prior to January 1 of the then-current school year, but will not reach age seven prior to January 1 of such school year, if the student's parent or legal guardian has signed and filed with the school district an affidavit stating either (a) that the student is participating in an education program that the parent or legal guardian believes will prepare the student to enter grade 1 for the following school year; or (b) that the parent or legal guardian intends for the student to participate in a school which has elected or will elect not to meet accreditation or approval requirements and the parent or legal guardian intends to provide the Commissioner of Education with a statement pursuant to Neb. Rev. Stat. § 79-1601(3) on or before the student's seventh birthday. Compulsory attendance is also not required for a student who will not reach six years of age prior to January 1 of the then-current school year and such student was enrolled in a public school and has discontinued the enrollment pursuant to school board policy.

Exceptions for Older Students

Compulsory attendance is not required for a student who (a) has obtained a high school diploma by meeting statutory graduation requirements; (b) has completed the program of instruction offered by a school which elects not to meet accreditation or approval requirements; or (c) has reached the age of sixteen years and has been withdrawn from school in the manner prescribed by law.

Early Withdrawal for Students

A person who has legal or actual charge or control of a student who is at least sixteen but less than eighteen year of age may withdraw such student from school before graduation and be exempt from compulsory attendance requirements if a withdrawal form is signed and an exit interview is conducted.

The process is initiated by the submission of a withdrawal form by the person who has legal or actual charge or control of the student. The form is to be as prescribed by the Commissioner of Education. Any withdrawal form signed by the person making the request for withdrawal shall be valid only if (a) the student also signs the form, unless the withdrawal is being requested due to an illness of the student making attendance at the exit interview impossible or impracticable; and (b) the superintendent, or his or her designee, signs the form acknowledging that the exit interview was held, the required information was provided and discussed at the exit interview, and, in his or her opinion, the person making the request for withdrawal does in fact have legal or actual charge or

control of the student and the student is experiencing either financial hardship or an illness making attendance impossible or impracticable.

Upon submission of the withdrawal form, the superintendent of schools shall set a time and place for an exit interview if the student is enrolled in 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 following:

- (a) The student, unless the withdrawal is being requested due to an illness of the student making attendance at the exit interview impossible or impracticable;
- (b) The person who has legal or actual charge or control of the student who requested the exit interview;
- (c) The superintendent, or his or her designee;
- (d) The student's principal, or his or her designee, if the student is enrolled in a school operated by the school district at the time of the exit interview; 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, for example, other school district employees of the student's principal if the student is enrolled in a private, denominational, or parochial school.

At the exit interview, the person making the request for withdrawal must present evidence that (a) the person has legal or actual charge or control of the student and (b) the student would be withdrawing due to either financial hardships requiring the student to be employed to support the student's family or one or more dependents of the student, or an illness of the student making attendance impossible or impracticable. The superintendent shall identify all known alternative educational opportunities, including vocational courses of study, that are available to the student in the school district and how withdrawing from school is likely to reduce potential future earnings for the student and increase the likelihood of the student 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 request for withdrawal may (a) sign a withdrawal form provided by the school district agreeing to the withdrawal of the student, or (b) rescind the request for the withdrawal.

Legal Reference: Neb. Rev. Stat. §§ 79-201 to 79-202

Homeless Students

5110.1

This School District will comply with the federal and state law related to homeless students.

A “homeless child” for purposes of this Policy is a child who lacks a fixed, regular, and adequate nighttime residence, as defined by applicable federal and state law related to homeless students. An “unaccompanied youth” is a child who is not in the physical custody of a parent or guardian.

1. Homeless Coordinator: The District’s designated Homeless Coordinator is the Superintendent. The Homeless Coordinator may delegate the specified duties as the Homeless Coordinator determines to be appropriate. The Homeless Coordinator shall serve as the school liaison for homeless children and youth.
 - a. Responsibilities. The responsibilities of the Homeless Coordinator are to assist with identification, enrollment, and placement of homeless children and to provide staff development activities to all school personnel regarding the educational rights and needs of homeless children and youth. The Homeless Coordinator shall ensure that:
 - i. homeless children are identified by school personnel;
 - ii. homeless children enroll in, and have a full and equal opportunity to succeed in school;
 - iii. homeless children and their families receive educational service for which they are eligible and referrals to health, dental, and mental health services and other appropriate services;
 - iv. the parents or guardians of homeless children are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
 - v. public notice of the educational rights of homeless children is disseminated where such children receive services under the federal homeless children laws, such as schools, family shelters, and soup kitchens;
 - vi. enrollment disputes are mediated in accordance with law; and
 - vii. the parents or guardians of homeless children, and any unaccompanied youth, are fully informed of transportation services available under law.
 - b. Coordination. The Homeless Coordinator shall coordinate with State coordinators and community and school personnel responsible for the provisions of education and related services to homeless children. Coordination activities with area shelters and other homeless service providers are to be established by the Homeless Coordinator.

- c. Financial. The Homeless Coordinator shall ensure that financial records are maintained to show expenditures are for authorized activities. Title I, Part A homeless set-aside funds are also to be used for services for homeless children. Materials and equipment purchased with grant funds are properly identified and inventoried.
 - d. Program Activities. The Homeless Coordinator shall design program activities to meet the greatest need as determined by the District and homeless service providers.
 - e. Documentation. The Homeless Coordinator shall document the number of homeless children and youth receiving services.
 - f. Student Records. The Homeless Coordinator shall ensure that any record ordinarily kept related to students, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, are to be maintained so that the records of a homeless child are available, in a timely fashion, when the child enters a new school or school district and in a manner consistent with the Federal Education Rights and Privacy Act.
2. Enrollment and Placement of Homeless Children: The enrollment and placement of homeless children shall be in compliance with federal and state law.
- a. Enrollment. A homeless child shall be immediately enrolled even if the child is unable to produce records normally required for enrollment. Lack of previous school records, immunization and medical records, birth certificate, or other documentation from the previous school will not delay the enrollment of a homeless child or youth. Guardianship issues, uniform or dress code requirements, and residency requirements will not be obstacles to delay or deny enrollment. The District may nonetheless require the parent or guardian of the homeless child to submit contact information.
 - b. Obtaining Records. The District shall immediately contact the school last attended by the homeless child to obtain relevant academic and other records. If the homeless child needs to obtain immunizations or medical records, the District shall immediately refer the parent or guardian of the homeless child to the Homeless Coordinator, who shall assist in obtaining necessary immunizations or medical records.
 - c. Placement. Placement decisions for a homeless child shall be made according to the District's determination of the child's best interests.

- i. The placement shall be at either:
 1. The child's "school of origin," which is the school that the child attended when permanently housed or the school in which the child was last enrolled; or
 2. The school of the attendance area in which the child is actually living.
 - ii. If placed in the school of origin, the placement shall continue for the duration of the child's homelessness. If the child becomes permanently housed (no longer homeless) during the school year, the placement in the school of origin will be continued for the remainder of that school year.
 - iii. To the extent feasible the placement shall be in the school of origin except when such is contrary to the wishes of the homeless child's parent or legal guardian. If the placement is not in the school of origin or a school requested by the homeless child's parent or legal guardian, the District shall provide a written explanation of the placement decision and a statement of appeal rights to the parent or guardian.
 - iv. If the homeless child is an unaccompanied youth, the Homeless Coordinator shall assist in the placement decision, consider the views of the unaccompanied youth, and provide the unaccompanied youth with notice of the right to appeal.
 - v. The grade placement for the homeless child will be the appropriate grade level as determined by the building principal or designee using the same procedures that are used for placing non-homeless children attending that school.
3. Educational Services and Stigmatization or Segregation: It is the District's policy that homeless children not be stigmatized or segregated on the basis of their status as homeless. Homeless children will be provided the same free, appropriate public education as other students. Homeless students will be provided services comparable to services offered to other students in the school in which the homeless child has been placed, including the following: transportation services, educational services for which the student meets the eligibility criteria, such as services provided under Title I, educational programs for children with disabilities, and educational programs for students with limited English proficiency, programs in vocational and technical education, programs for gifted and talented students, and school nutrition programs.
4. Transportation: Transportation will be provided to homeless students to the extent required by law.
- a. Comparable Service. Transportation will be provided to a homeless student comparable to that provided to students who are not homeless.

- b. School of Origin. When the homeless student attends the school of origin, transportation will be provided to and from the school of origin upon request of the parent or guardian of the homeless child, or upon request of the Homeless Coordinator in the case of an unaccompanied youth. If the homeless child relocates out of the District but continues to be enrolled in this School District based on it being the school of origin, this School District will negotiate with the school district in which the child is residing to develop a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If agreement is not reached, the responsibility and cost for transportation shall be shared equally.
 - c. Eliminate Barriers. Transportation will be provided when necessary to eliminate barriers to school enrollment and the retention of students experiencing homelessness.
5. Dispute Resolution Process. The process to resolve disputes concerning the enrollment or placement of a child or youth experiencing homelessness is as follows:
- a. The child and the parent, guardian or other person having legal or actual charge or control of the child shall be referred to the Homeless Coordinator. The Homeless Coordinator shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute within not less than thirty (30) calendar days. The dispute resolution process is as follows:
 - i. The child or parent/guardian will notify the Homeless Coordinator. The District's Dispute Resolution Form shall be used if such is available.
 - ii. When it is determined that additional information would be helpful, the Homeless Coordinator will schedule a meeting within 10 days, or such time as practicable, at which the child and parent/guardian will be given the opportunity to provide information in support of their position.
 - iii. The Homeless Coordinator will contact school officials and others as determined appropriate to obtain information to corroborate the information provided in support of the positions of the child and parent/guardian and the District.
 - iv. The Homeless Coordinator will provide a written response and explanation of a decision regarding the dispute within 30 calendar days after receiving the dispute statement.
 - v. The written response and explanation of the decision will include a notice of the right to appeal using the appeal process provided for in the Nebraska Department of Education Rule 19.
 - vi. In the case of an unaccompanied youth, the District liaison will ensure that the youth is enrolled immediately in the school in which enrollment is sought pending resolution of the dispute;

- b. The District will ensure the immediate enrollment of the child in the school in which enrollment is sought pending resolution of the dispute; and
- c. The District's written response will include a notice of the right to appeal as provided in Nebraska Department of Education Rule 19, Section 005.03.

6. Right to Appeal.

- a. Any parent, guardian or other person having legal or actual charge or control of a homeless child or youth or an unaccompanied youth that is dissatisfied with the decision of the District after the dispute resolution process may file a written appeal with the Nebraska Commissioner of Education within thirty (30) calendar days of receipt of the decision. Refer to NDE, Rule 19, Section 005.03 for further details.
- b. A party may appeal the decision of the Commissioner or designee by filing a Petition with the State Board of Education within thirty (30) calendar days of the receipt of the decision. Refer to NDE, Rule 19, Section 005.03C for further details.

Legal Reference: Neb. Rev. Stat. § 79-215
Nebraska Department of Education Rule 19
McKinney-Vento Homeless Assistance Act, 42 USC §§11431, et
seq.

Policy Adopted: December 10, 2014
Policy Revised: February 8, 2017

Student Residence and Admission, Tuition, and Contracting for Educational Services

5115

A student shall be admitted to the school district, upon request and without charge, where:

- (a) The student is a resident of the school district for purposes of school enrollment. A student is a resident of the school district if the student resides in the school district or at least one of the student's parents reside in the school district;
- (b) The student is a homeless student pursuant to Policy 5110.1, Homeless Students; and/or
- (c) The student is approved for option enrollment into the school district pursuant to Policy 5105.3, Enrollment Option Students.

A student may be admitted to the school district, or continue in enrollment, where:

- (a) The student is not a resident of the school district and is a resident of the State of Nebraska. Such enrollment shall be pursuant to a contract between the boards of education of the school district and the student's resident school district and upon the collection of tuition pursuant to such contract. The amount of tuition shall be no less than the average cost per pupil as determined by the previous year's financial report;
- (b) The student is not a resident of the school district and is a resident of another state. Such enrollment shall be subject to collection of tuition in advance at a rate determined by the board of education. The amount of tuition shall be no less than the average cost per pupil as determined by the previous year's financial report;
- (c) The student is participating in an approved foreign exchange program pursuant to Policy 5125.1, International Exchange Students;
- (d) The student is a child of a member of the military on active duty and residing on certain property ceded to the United States and stationed in, near, or adjacent to the school district, or the student is a child of an employee of the federal government residing in Nebraska on national parks or national monument within the state in, near, or adjacent to the school district. Such discretionary admission shall be without charge for tuition; or
- (e) The student's residency in the school district ceases during the school year. In such case, the student may be allowed to continue attending the school district for the remainder of that school year.

A student who is a ward of the state or court and (a) has been placed in the school district but had resided in a different school district at the time the student became a ward and does not reside in a foster family home, or (b) has been placed in an institution which maintains a state-approved special education program, may be enrolled in the school district to the extent required by law. In such event, costs of education and transportation are to be paid by the State of Nebraska, but not in

advance. The student remains a resident of the school district in which the student resided at the time the student became a ward.

A student who is a ward of the state or court who resides in the school district in a foster family home licensed or approved by the Nebraska Department of Health and Human Services (DHHS) or a foster home maintained or used by DHHS remains a resident of the school district in which the student resided at the time the student became a foster child. This is subject to a determination being made under state law that the student will not attend such school district. If such a determination is made, the student is deemed to be a resident of this school district and will be admitted as a resident student.

A student who is not a ward of the state or court and who is residing in a residential setting in the school district for reasons other than to receive an education remains a resident of the school district in which the student resided immediately prior to residing in such residential setting and is subject to the following:

- (a) If the residential setting does not maintain an interim-program school, the school district shall provide educational services to the student pursuant to a contract with the student's resident school district, as and to the extent required by law, unless the student's parent or legal guardian and the resident school district agree to have the resident school district provide the educational services.
- (b) If the residential setting does maintain an interim-program school, the student's educational services shall be provided by the interim-program school without the school district's involvement. However, the school district may provide educational services to the student pursuant to a contract with the student's resident school district.

All admissions are subject to the condition that admission requirements other than residency be satisfied to the extent required by law and that the school district is legally responsible for or authorized to admit the student or provide educational services to the student.

The board of education reserves its right, within statutory guidelines, to determine if a student is a resident of the school district, when that residency begins, or when it ceases to exist.

Legal Reference: Neb. Rev. Stat. §§ 79-215 to 79-216
 Neb. Rev. Stat. § 79-598

Guardianship

5120

Any student whose legal guardianship has been transferred to a resident of the school district, or any resident of the school district who has been given a power of attorney for a student attending the school district, shall reside at the domicile of the legal guardian or with the resident who has been given power of attorney for the student. The legal guardian or person who has been given power of attorney for a student may be requested to file a copy of the court order for legal guardianship, or present papers providing the individual power of attorney, with the office of the superintendent of schools. The school district shall conduct all business on behalf of the student with the legal guardian or person who has been given power of attorney for the student. Failure of the student to live in the school district, with the appointed legal guardian or person who has been given power of attorney for the student, may be cause for either dismissal from the school district or the payment of tuition.

International Exchange Students

5125.1

The school district will accept international exchange students under the following guidelines.

Sponsoring organizations and host families must obtain written acceptance of any international exchange student from the superintendent of schools. The school district will accept international exchange students for any year from sponsoring organizations or agencies approved by the superintendent if applications are submitted during April or May of any school year for such international exchange students to attend classes the following fall semester. The student application form submitted to the superintendent shall include the international exchange student's name, nationality, age, prior school-related and/or exchange program information, evidence of competency in the English language, and other necessary personal information that the sponsoring organization can provide. Proper and necessary personal health records shall be required to complete the admission process.

The international exchange student must be:

- (a) At least fourteen years of age on or before September 1 of any school year in which he or she will be enrolled in the school district;
- (b) Less than nineteen years of age as of September 1; and
- (c) A secondary school student in his or her home county who has not completed more than twelve years of primary and secondary education exclusive of kindergarten.

International exchange students must meet birth certificate and physical examination requirements set forth in Policy 5105, Admission to School.

The names of the international exchange students, host families, and sponsoring organizations shall be presented to the board of education for approval at its June meeting. International exchange students who live with a resident of the school district and who are sponsored by a bona fide sponsoring organization may attend the school district with no tuition charge.

A maximum of two (2) international exchange students from any one country may be accepted per school year. A waiver of such maximum number and entry date may be granted for any school year in which a host family establishes residence in the school district during the school year and requests that the school district accept its hosted international exchange student.

International exchange students accepted for admittance in the school district shall abide by the policies and regulations of the school district and of McPherson County High School. International exchange students shall be entitled to the same benefits and privileges as other resident students in the school district and will be held responsible to the same standards of conduct and discipline.

The transcript of each international exchange student shall be evaluated by the superintendent or guidance counselor. After consultation with the international exchange student and his or her host parents, the student will be placed in classes that will benefit both the international exchange student and the students of the school district. International exchange students will not be considered for major long-term honors such as valedictorian or salutatorian.

Regular and punctual 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.

It shall be the responsibility of the parent to notify the attendance secretary as soon as the parent knows the student will not be attending school on that day. If a student is absent without notification from the parent/guardian, the secretary will telephone the family to inquire about the absence. The principal may request evidence or written verification of the student's reason for the absence.

There are two categories of absences ---"school-excused" and "not-school-excused." School-excused absences are those outside the control of the parent or child and are documented, such as illness, doctor and medical appointments, court, death of a family member, or suspension. Not-school-excused absences, in excess of 20 days, involve those that may lead to reporting to the county attorney and are divided into parent acknowledged absences (where the absences were the parent's responsibility to oversee or monitor but were at least communicated to the school) and other absences (those not communicated to the school or for which there was no apparent reason).

Examples are:

NOT-SCHOOL-EXCUSED

Absent without Parent Acknowledgement

Absent with Parent Acknowledgement but no Apparent Reason

Vacation

SCHOOL-EXCUSED

Medical, Documented by Parent or Medical Professional

Weather-related Transportation Problems

Attendance at School Activity where Sibling Participates

Absent for Purposes of Assisting with Family Business (Needs Parent Signature)

College Visits

Job Shadow (up to 2 per year)

Legal Activity (such as Court Appearance)

Vaccination/physical Exam Needed for Attendance

In-School Suspension

Out-of-School Suspension

Expulsion

The school district will send parents/guardians written notice when a student has accumulated 5, 10, and 15 days of not-school-excused absences. After 15 days of not-school-excused absences, a conference including the administration, teachers, the parents/guardians, and the student will be held to address barriers to attendance, and an attendance plan will be written. After 20 days of not-school-excused absences in the

school year, the school district will report the student's absences to the student's county attorney for truancy. Illness that makes attendance impossible or impracticable shall not be the basis for referral to the county attorney.

After 15 days of school-excused absences, a conference including the administration, teachers, the parents/guardians, and the student will be held to address barriers to attendance, and an attendance plan will be written.

For consecutive absences (school-excused and not-school-excused), two school days will be allowed to make up work for the first day missed, and one additional day will be granted to make up work for each subsequent day missed.

Students who wish to participate in school sponsored activities must attend school for one-half day on the day of the activity, unless permission has been given by the principal for the student to be absent.

Legal Reference: Neb. Statute 79-209
 NDE Rule 10.012.01B

Policy Adopted: December 10, 2014
Policy Revised: December 8, 2016
Policy Reviewed: June 8, 2017

Addressing the Barriers to Attendance

5130.1

This policy, developed and reviewed annually in collaboration with the county attorney for the school district's office location, is an attempt to address the barriers to student attendance.

Any school district administrator, teacher, or member of the board of education who knows of any violation of the state school attendance laws (79-201) shall report that violation to the school attendance officer within three days.

The superintendent shall designate an attendance officer. The attendance officer will immediately investigate the report of any child who may be in violation of the state's compulsory attendance statutes.

If any student has exceeded the number of absences as defined in the student handbook and in policy 5130, the school shall render all services to address the barriers to attendance. These services shall include the following:

- (a) Verbal or written communication by school district officials with the person or persons who have legal or actual control of any child; and
- (b) One or more meetings between the school attendance officer, a 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:
 - (1) Illness related to physical or behavioral health of the child;
 - (2) Educational counseling;
 - (3) Educational evaluation;
 - (4) Referral to community agencies for economic services;
 - (5) Family or individual counseling; and
 - (6) Assisting the family in working with other community services.

The school district may report to the county attorney of the county in which the person resides when the school district has documented the efforts it has made as required by statutes, that the collaborative plan to reduce barriers identified to improve regular attendance has not been successful, and that the child has been absent more than twenty days per year. The school district shall notify the child's family in writing prior to referring the child to the county attorney. Illness that makes attendance impossible or impracticable shall not be the basis for referral to the county attorney.

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 the 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. Rev. Stat. § 79-201
 Neb. Rev. Stat. § 79-209
 Neb. Rev. Stat. § 79-527

Policy Adopted: December 10, 2014
Policy Revised: December 8, 2016
Policy Reviewed: June 8, 2017

Noon Lunch Open Campus Policy

5135

Students may choose to eat lunch on campus or off campus as set forth in this policy.

Elementary students shall eat at school in their classrooms, unless a parent or legal guardian has given written permission for a student to eat lunch off campus as set out below. Secondary students who eat lunch on campus shall eat in the commons area or in the courtyard just outside the commons area. Students are expected to provide all of their utensils needed for lunch, although the school district provides microwaves for student use.

Students who eat lunch off campus may go to their homes for lunch with written permission from their parents or legal guardians. It is only necessary that such written permission be given once to be effective the entire school year. Students may also purchase food at local proprietors and stay there to eat or return to school to eat. Students must return to school at the conclusion of the lunch period, unless a parent or legal guardian has informed the school district office or elementary teacher that a student will not return to school at such time.

Food and drinks (other than water) shall not be consumed in any other rooms or at any times other than the designated lunch period, except by prior teacher arrangement with approval from the school district administration.

Students are not permitted to go to the student parking area during the lunch period without specific permission of the school district administration.

PROGRESS AND RECORDS

Confidentiality of Records

5205

All materials placed in the student's file and originating with the school district shall be available to the student and his or her parent or legal guardian upon request for inspection in the presence of the school district official responsible for maintaining the files. Standardized test results and records prepared by any office of the school district shall be made available to teachers, counselors, and any school district administrators in a confidential manner. No other person shall have access thereto, nor shall the contents thereof be divulged in any manner to any unauthorized person.

All files or records shall be so maintained as to separate academic and disciplinary records, and all disciplinary materials shall be removed and destroyed upon the student's graduation or after his or her continuous absence from the school district for a period of three years.

A student's academic file shall include the following information:

- (a) Personal identification information;
- (b) Cumulative scholastic record;
- (c) Activities record;
- (d) Attendance record; and
- (e) Standardized, achievement, and interest test scores.

A transcript of courses taken and grades received will be sent to persons, agencies, or institutions only upon written request of a parent, legal guardian, or the student, except if a student has not completed the education program at McPherson County Schools and moves into another school district, and that school district requests the student's transcript. Transcripts will not ordinarily be given or sent to individual students or families, but will be mailed directly to the person, agency, or institution requesting the information. If the number of requests for transcripts becomes excessive, a charge of \$1.00 may be assessed for additional copies.

Any teacher or school district administrator shall have the right to attach written statements to a student's file. A student shall have the right to respond to any material in his or her file. All responses made by the student or his or her parent or legal guardian shall be submitted to the school district official responsible for maintaining the file. Such school district official shall attach the responses to the student's file.

Student directory information shall be compiled and will be released at the discretion of the school district administration, but will at no time be released to any agency or individual if personal profit is the object of the receiver. Directory information shall consist of: (a) student's name, (b) address, (c) grade in school, (d) name of parents or legal guardian, and (e) date of birth. Parents or legal guardians who do not wish to have their children's names included in the directory to be released may request that

they be deleted, and it shall be the responsibility of the superintendent of schools to delete such names.

The superintendent shall see that proper records are kept of all mailing and receiving dates of all cumulative and other student records.

Legal Reference: Neb. Rev. Stat. § 79-2,104
 Neb. Rev. Stat. § 79-526
 Neb. Rev. Stat. § 79-539
 Neb. Rev. Stat. §§ 84-1201 to 84-1227

Student Progress, Promotion and Retention

5210

It shall be the responsibility of the superintendent of schools and the professional staff to provide for the annual classification, reporting of progress, and maintenance of records of all students.

Report forms on course performance and attendance shall be given or sent to parents or legal guardians at nine-week (quarterly) intervals. Additional reports may be sent at unscheduled intervals if it is determined that additional information would be beneficial to the student, parent, or legal guardian. School district administrators shall be responsible for scheduling parent-teacher conferences.

The superintendent and professional staff shall review all situations which involve student failures. Consideration shall be given to the following:

- (a) The student's ability;
- (b) The student's actual achievement level and the reason for failure;
- (c) If the student is in high school, the opportunity to repeat courses at the next grade level;
- (d) The provision of a sound educational program if the student is to repeat a given grade; and
- (e) The pros and cons of repeating the grade.

In those instances when a student's educational needs demand that he or she be retained, the student's parent or legal guardian shall be notified and conferences shall be held at an early date and, in all instances, before the end of the school year. The outcome of the discussion of items (a) through (e) above shall be discussed with the student's parent or legal guardian. The final decision to retain a student in elementary grades shall be made by the parent or legal guardian of the student.

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

Students shall be placed at the grade level to which they are best adjusted academically, socially, and emotionally, by the superintendent of schools and professional staff, in cooperation with parents or legal guardians and in accordance with the policies of the board of education.

High School Promotion Requirements

Students who have satisfactorily completed the eighth grade shall be classified as freshmen. Students must have received passing grades and accumulated the credit hours below to be classified in high school as follows:

Freshman	less than 65 Credit Hours
Sophomore	65 to 129 Credit Hours
Junior	130 to 194 Credit Hours
Senior	195 to 260 Credit Hours

High school students shall not be retained at any grade level. However, any student who does not receive a passing grade in any subject will be given the opportunity to retake that subject (or an equivalent subject) the following year. High school students shall not be considered seniors until they have accumulated 195 credit hours or enough credit hours to meet the 260 credit hours required for graduation.

Senior students shall carry at least 30 academic credit hours each semester. Other high school students shall carry at least 35 academic credit hours each semester. No high school student may carry more than a total of 40 academic credit hours during any one semester. Exceptions to these provisions may be approved by the superintendent on an individual basis.

Students who have an Individualized Education Program must meet the standards established by that program for classification and graduation.

Graduation Requirements

Graduation will be permitted upon the recommendation of the superintendent. Students shall have completed 260 credit hours with a minimum grade of D. Of these hours, the following minimum number of hours for each listed subject must be met:

- (a) 40 credit hours in English;
- (b) 30 credit hours in Math;
- (c) 40 credit hours in Social Studies, including 10 credit hours in American History and 10 credit hours in American Government;
- (d) 30 credit hours in Science;
- (e) 10 credit hours in Physical Education;
- (f) 10 credit hours in Technology/Business;
- (g) 5 credit hours in Speech; and
- (h) 20 credit hours in Foreign Language.
- (i) Completion of CPR Course

A maximum of 10 extra-curricular credit hours may be applied. The remaining required number of credit hours shall be accumulated through elective courses.

To be eligible to participate in the senior graduation ceremony, graduating seniors must have completed all course requirements, have 260 or more total credit hours, and have a completed senior checkout sheet (e.g., all make-up work completed, bills paid, books returned, uniforms handed in, etc.). Any senior student not meeting the above criteria shall not be allowed to participate in the graduation ceremony.

Any senior or fourth-year high school student who will not meet the requirements for graduation, but is within 20 credit hours of meeting such requirements, may elect to participate in graduation ceremonies and receive a certificate of attendance with the option of receiving a diploma upon completion of the deficiency.

Request for Early Graduation

Whenever a student desires to adjust his or her four-year course of study in such a manner as to qualify for early graduation, such student shall complete a Request for Early Graduation form provided by the school district to be presented to the board of education for approval. The form must be completed prior to enrollment in the first semester of the student's senior year and must include the following:

- (a) The student's reason(s) for wanting to graduate early;
- (b) The student's plan immediately following his or her final semester in high school;
- (c) Evidence to verify the student's plans following his or her final semester in high school (e.g., acceptance to post-secondary institution, letter from a military service recruiter, etc.); and
- (d) Whether the student's parent or legal guardian supports the request for early graduation.

If such request for early graduation is approved by the board of education, the high school principal shall be authorized to schedule the student into the appropriate courses.

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

Policy Adopted: December 10, 2014
Policy Revised: November 10, 2016
Policy Revised: February 15, 2020

High School Credit for Courses Taken by Seventh or Eighth Graders

5215.1

School district students in either the seventh or eighth grades may be allowed to enroll in courses offered to high school students (grades nine through twelve), and high school credit shall be awarded to such seventh and eighth grade students who successfully complete such courses. The content and requirements of such courses shall be equivalent to those offered in the high school.

While credits for such courses taken by seventh and eighth grade students shall appear on their high school transcripts, such credits shall not reduce the overall number of semester credit hours required for specific content areas or for graduation during high school (grades nine through twelve). Refer to Policy 5215, Assignment, Classification of Students, and Graduation Requirements.

Legal Reference: 92 NAC 10 003.05B

Policy Adopted: April 10, 2014
Policy Reviewed: December 10, 2014

Grading System and Progress Reports

5220

McPherson County Schools shall be organized on a two-semester school calendar format, with an interim student grade report required midway through each semester. Semester grades shall be recorded on the permanent student records. Special education students shall have their performance assessed in accordance with the objectives identified in each student's individualized education program (IEP).

The superintendent of schools shall be responsible for establishing the student performance grading procedure which clearly and accurately reports the degree of student success in meeting instructional objectives.

Elementary School

The following scale shall be used to record student performance on report cards and permanent records for elementary school students:

<u>Kindergarten</u>	<u>1st – 6th Grade</u>
A = Always	A = 90-100%
M=Most	B = 80-89%
S=Sometimes	C = 70-79%
R=Rarely	D = 60-69%
N=Never	F = 59% and Below
C=Chooses Not To	

The grading procedure for elementary school students shall be explained to faculty, students, and parents at the beginning of each school year and shall be included in the student-parent handbook. The grading procedure shall be annually submitted to the superintendent and the board of education for approval via the student-parent handbook.

Secondary School

The student performance grading procedure for secondary school students shall utilize the following guidelines:

- (a) Various assessment methods may be used to measure student performance. The assessment method selected shall be explained to the faculty, students, and parents at the beginning of each school year or upon a student's initial enrollment in each class. The same assessment method shall be utilized in classes in which there may be multiple sections of the same course.
- (b) The principal shall approve the student assessment methods to be used in each class of their respective buildings.
- (c) The principal shall ensure that students are properly informed of the assessment methods to be used in each class.
- (d) A copy of the assessment methods used, and a list of classes identifying the method used, shall be maintained in the principal's office.

The following scale shall be used to record student performance on report cards and permanent records for secondary school students:

Grade	Percent	GPA	Grade	Percent	GPA
A+	98-100	4.0	C+	78-79	2.0
A	94-97	3.7	C	74-77	1.7
A-	90-93	3.3	C-	70-73	1.3
B+	88-89	3.0	D+	68-69	1.0
B	84-87	2.7	D	64-67	0.7
B-	80-83	2.3	D-	60-63	0.3
			F	59 AND BELOW	0.0
				I= INCOMPLETE	

The parent or legal guardian of a student failing a class, or whose performance is determined to be less than the student's capabilities, shall be notified whenever such condition exists. In addition, progress reports shall be given to all students at the quarter or mid-point of each semester.

The principal shall establish procedures for the issuance of an "incomplete" grade (I) and the timelines to remove such grade. An incomplete grade should be changed to the proper letter grade within five (5) school days following the end of the quarter or semester.

Semester grades for all courses offered in the high school shall be used to calculate a student's grade point average. The following point system shall be used for the calculation of the grade point averages and for the selection of the valedictorian and salutatorian.

The student grade point average as calculated above shall be recorded on permanent student records. Grades in all subjects earning credit recorded on the transcript are used to determine class rank.

The valedictorian of the graduating senior class shall be the student with the highest grade point average (GPA) in courses from the Academic Honors List (See Course Description Book.) accomplished in grades nine through twelve. The salutatorian of the graduating senior class shall be the student with the second highest GPA in courses from the Academic Honors List (See Course Description Book.) accomplished in grades nine through twelve. To be eligible for either the valedictorian or salutatorian award, the student must have attended McPherson County High School for a minimum of four (4) full semesters to include the senior year (twelfth grade).

Selection of valedictorian and salutatorian shall be based on the following criteria in the order listed below, with each subsequent criteria only being used in the event of a tie based on the previous criteria:

- (a) Highest cumulative GPA in courses from the Academic Honors List from grades nine through twelve;
 - (b) Highest ACT test score;
- Most number of credit hours earned.

Policy Adopted: December 10, 2014
Policy Revised: July 14, 2016
Policy Revised: May 9, 2019

The following eligibility requirements have been established by McPherson County High School for participation in athletic/activities competition

Eligibility

Participation in extra-curricular school activities is encouraged and desirable for all students. At the same time, the principle mission and responsibility for each student is to establish a firm academic foundation. During the period of ineligibility, the student must meet with his/her teacher(s) to discuss those areas in which he/she needs improvement. Each teacher shall inform the respective student(s) of the area(s) in need of improvement and direct them on how to address the deficiencies in those areas beyond the regular school day.

A. The following eligibility requirements have been established by both participating schools for participation in activity practices and competitions:

All 9-12 grade students must be passing all classes each week to be eligible to participate in competition. If student is failing more than one class, he/she may not participate in competition of that week of eligibility.

All 7-8 grade students must be passing all classes with the exception of ONE in order to be eligible to participate in competition. If a student is failing 2 or more classes, he/she is not eligible to travel/participate in competition.

1. Weekly eligibility is determined each **Monday at 10:00 AM** through PowerSchool reporting provided by the administration teams for the week of participation beginning on Tuesday of that week and concluding on Tuesday of the following week.
2. The Coach and/or Activities director will notify each student of his/her ineligibility. The Administration team will be responsible of notifying parent/guardian of the ineligible student.
3. Given any student 7-12 is ineligible, he/she may NOT travel or participate that week of eligibility.

B. Attendance- Students must be in attendance the **entire school day** of practice and competition. If competition falls on a day without school, the student must be in attendance of the entire school day prior to the event scheduled. Failure to attend will result in student being withheld from participation within the activity. The Administration team of school in which the student resides retains the right to grant participation should exceptional circumstances prevail based upon individual school attendance policy. These excused absences must be medically excused or excused by the Principal/Superintendent.

We are the Mavericks with Stapleton: because the administration at Stapleton does not have access to the McPherson County Schools, Power School, Teachers and students will adhere to these rules:

1. On Thursday of every week, teachers will submit to the principal a list of students by 10:00 am who for the past five (5) days have not met academic standards.
2. The teacher, counselor and administration will discuss the list and the teacher will be responsible for telling the student of the academic standing. It then becomes the student's responsibility to fulfill this obligation.
3. If a student is failing any subject (9-12) and failing one subject (7-8), they will have from Thursday to Monday morning at 7:30 or if the student rides the bus, as soon as the bus arrives to present all materials to their teacher. The teacher will then enter the grades and inform the student and the principal of the outcome.
4. The principal will then send the ineligibility list to the administration at Stapleton.

Help sessions will be held each day before or after school. Teachers who have extra duty assignments such as coaching will not be available immediately after school.

Policy Adopted: December 10, 2014

Policy Revised: July 14, 2016

Poicy Revised: March 11, 2020

Honor Roll

5230

The school district encourages students to work to the maximum of their learning capacity. To recognize those students in grades eight through twelve who consistently receive outstanding grades, an honor roll will be published at the end of each nine weeks and each semester. To be recognized for his or her outstanding scholastic achievement, a student must meet the following criteria:

- (a) “A” Honor Roll. To be eligible for the “A” Honor Roll, a student must have attained A’s in all classes enrolled in.
- (b) Honor Roll. To be eligible for the Honor Roll, a student must have earned either A’s or B’s in all classes enrolled in. No C grades are permitted.
- (c) Academic Letter. An Academic Pin will be awarded to those students in grades 9-12 who achieve a 90% grade point average or higher during the entire school year.

Student Withdrawal from School

5235

If any student withdraws from school prior to meeting graduation requirements, absent a transfer to another school district, the school district shall make all efforts possible and explore all alternatives in an attempt to retain such student in school and assist him or her in completing the educational program. School district administration shall make an effort to conduct an exit interview with the student and/or his or her parent or legal guardian to gain insight into the student's reason for an early withdrawal from school.

STUDENT ACTIVITIES

Activities Program

5300

In order to maintain a diversified and balanced program of student activities designed to contribute to the educational development of students attending McPherson County Schools, the activities program shall be conducted with the following five basic principles. The activities program shall:

- (a) Be an integral part of the total educational program;
- (b) Foster an appropriate intellectual, cultural, and social climate; promote growth in student leadership and social skills; and be responsive to special student interests;
- (c) Be conducted by personnel with adequate training in their assigned responsibility;
- (d) Be conducted so that the physical welfare and safety of participants are protected; and
- (e) Be conducted in accordance with the goals and objectives set forth by the policies of the board of education.

All school-sponsored activities must be approved by the board of education. No activity shall be considered to be under the sponsorship of the school district unless it has been recommended by the superintendent of schools and approved by the board of education. Upon recommendation of the superintendent, the board of education shall:

- (a) Employ instructional personnel who are capable directors, coaches, and sponsors. Non-certificated community personnel may be used as aides in accordance with Nebraska School Activities Association (NSAA) guidelines;
- (b) Provide financial support within the financial constraints of the school district, for a program designed for maximum participation;
- (c) Provide appropriate and properly maintained facilities;
- (d) Encourage a good communication system among the public; and
- (e) Provide necessary support to school district administration to establish a positive activities program.

Participation in student activities shall be open to all students. However, the number of students for some activities may be determined by competitive tryouts and limited to students who display special talent for a specific activity or any part of the activity. Since these activities are conducted wholly or partly outside the regular school day, credit toward graduation will be allowed as per Policy 5215, Assignment, Classification of Students, and Graduation Requirements, and participation in such activities shall be noted in the student's permanent records.

Elementary School

The activities program for elementary school students shall consist of school-sponsored groups, teams, clubs, and organizations. Enrichment opportunities which are an extension of the classroom, such as classroom field trips and band/music concerts or

programs, are defined as functions of the classroom curriculum and are not a part of the activities program.

Middle School

The activities program for middle school students shall consist of a limited program of interscholastic athletic contests, which shall be controlled to ensure that primary emphasis is placed on providing educational experience, basic fundamental training, and maximum participation possible while protecting the physical and emotional welfare of students. Participation in such interscholastic athletic contests shall be limited to students in seventh and eighth grade only. The activities program for middle school students shall also consist of school-sponsored groups, teams, clubs, and organizations. Enrichment opportunities which are an extension of the classroom, such as classroom field trips and band/music concerts or programs, are defined as functions of the classroom curriculum and are not a part of the activities program. Middle school students may not participate in high school organizations, but may, with the approval of the principal, be invited as guests to a high school organization function.

High School

The activities program for high school students shall consist of school-sponsored groups, clubs, and organizations for the ninth, tenth, eleventh, and twelfth grade classes, as well as interscholastic activities that are sanctioned by the NSAA. The activities program shall be compatible with school enrollment, equipment, facilities, finances, and the availability of competent coaching staffs. The activities program is intended to provide opportunities for all interested students to participate.

Enrichment opportunities which are an extension of the classroom, such as classroom field trips and band/music concerts or programs, are defined as functions of the classroom curriculum and are not a part of the activities program. Vocational student organizations shall be considered extensions of classroom instruction and part of the classroom curriculum program in order to be consistent with the Nebraska Department of Education's recognition of such vocational student organizations.

The graduation ceremonies shall be considered a special function of the board of education.

Refer to AR-5300, Activities Program.

Legal Reference: 92 NAC 10 004.02

Policy Adopted: August 14, 2014
Policy Reviewed: December 10, 2014
Policy Revised: February 15, 2020

Activity Funds

5305

All funds derived from the student activities program shall be managed under the authority of the board of education, including class funds, organization funds, athletic funds, and all other funds into which students have paid money or admission charges have been paid.

All funds from the student activities program shall be maintained in one general account, the Activities Fund, and shall be deposited in the bank. A separate account in the Activities Fund shall be maintained for each organization. The superintendent of schools, or his or her designee, shall supervise any receipt to and/or payment from the Activities Fund. A complete record of receipts and disbursements for all funds shall be kept current. The Activities Fund shall be audited once a year by a person or persons selected by the board of education. The superintendent shall submit to the board of education a monthly report of receipts, disbursements, and the balance of the Activities Fund and of the accounts comprising the Activities Fund. After a period of one year, the funds of any inactive student organization shall revert to the general Activities Fund account, unless otherwise designated.

Any monies of the graduating class shall be expended towards graduation expenses, i.e., flowers, caps, gowns, and senior trip. The graduating class may designate class funds remaining after graduation expenses towards the school district for an addition to the school or its programs in the class' name. Any monies left in the graduating class account not designated for specific school use shall become part of the general Activities Fund account to be used as the discretion of the school district.

Legal Reference: Neb. Rev. Stat. § 79-1089

School and Social Activities

5310

All school and social activities must be placed on a master calendar maintained in the office of the Activities Director and/or school secretary and approved by the superintendent of schools. The superintendent shall approve the facility to be used. All non-school functions using school facilities must be approved by the superintendent.

All local school activities shall be confined to six days a week. No school activities may be held on Wednesday nights or Sundays without special permission from the superintendent. All activities shall end before 10:00 p.m. on school nights and before 12:00 a.m. on non-school nights. All K-6 school activities must be completed by 4:00 p.m. on Wednesdays. All 7-12 school activities must be completed by 6:00 p.m. on Wednesday nights.

Middle school activities shall be limited to students in the school district currently enrolled in grades 7 and 8 and resident home-schooled students. Middle school students shall not be permitted to leave a middle school activity unless authorized by the activity sponsor.

High school social activities shall be limited to students of the school district in grades nine through twelve, except for formal events such as the Homecoming Dance and the Junior-Senior Prom. Students may invite outside guests to these events with approval from the school district administration. Such guest must be above the 8th grade and not more than 20 years old. School district students are responsible for the conduct and actions of their guests.

The conduct and appearance of students attending any school or social activity shall be the responsibility of the assigned activity sponsor. If a student departs from the activity without the sponsor's approval, his or her participation in that activity shall be terminated and such student shall not be allowed to return.

Activity Tickets

5315

The board of education authorizes the sale of student activity tickets to any elementary and secondary school student enrolled in the school district, which provide for the student's admission to all regularly scheduled home games and/or events hosted by the school district, excluding dances and tournaments.

All school district employees and members of the board of education and their spouses shall receive activity tickets.

Season passes shall be available for the general public to purchase and shall provide admission to all regularly scheduled home games for an individual sport season or for all sports seasons.

Prices for activity tickets, season passes for individual sports and all sports (with individual rates for adults and seniors), and individual game admission tickets shall be set from year to year by the Activities Director and submitted to the board of education for approval. Such prices shall be published in a school notice in advance of the school year.

Participation In and Use of Student Organizations

5325

The board of education supports and encourages student participation in organizations associated with leadership, vocational education, science, mathematics, language, drama, and the arts. Student organizations should serve as an integral part of the overall instructional program and can benefit in the total development of students in the school district. The board of education encourages participation in organizations and activities approved by the Nebraska School Activities Association (NSAA) or the National Association of Secondary School Principals, or those recommended by school district administration.

All students participating in school district approved organizations and activities must meet the requirements set forth by the school district and the NSAA to be eligible to participate in any interschool competition. Refer to Policy 5225, Eligibility Reports and Participation in Interscholastic Activities, for eligibility requirements. Each organization and activity sponsor shall be responsible for informing students of NSAA, Nebraska Department of Education, and school district eligibility and participation requirements.

Initiations. Initiations by classes, clubs or athletic teams are prohibited except with the approval of the administration. Any student who engages in or encourages initiations that have not been approved by the administration is subject to disciplinary action, up to and including denial of any or all school privileges and expulsion.

The administration may only give consent to initiation activities that are consistent with student conduct expectations and that do not present a risk of physical or mental injury or belittlement.

Hazing. Hazing by classes, clubs, athletic teams or other student organizations are prohibited. Hazing means any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with any school organization. Such prohibited hazing activity includes whipping, beating, branding, an act of sexual penetration, an exposure of the genitals of the body done with intent to affront or alarm any person, a lewd fondling or caressing of the body of another person, forced and prolonged calisthenics, prolonged exposure to the elements, forced consumption of any food, liquor, beverage, drug, or harmful substance not generally intended for human consumption, prolonged sleep deprivation, sexual conduct, nudity, or any brutal treatment or the performance of any act which endangers the physical or mental health or safety of any person or the coercing of any such activity. Hazing is prohibited even though the person who has been the subject of the hazing consents to the activity. Any student who engages in or encourages hazing is subject to disciplinary action, up to and including denial of any or all school privileges and expulsion.

Secret Organizations. It is unlawful for students to participate in or be members of any secret fraternity or secret organization that is in any degree a school organization. Any student who violates this restriction is subject to disciplinary action, up to and including denial of any or all school privileges and expulsion.

Outside Organizations. It is unlawful for any person, whether a student of the District or not, to enter upon the school grounds or any school building for the purpose of rushing or soliciting, while there, any student to join any fraternity, society, or association organized outside of the schools. Any person who violates this restriction is subject to criminal prosecution and removal and exclusion from school grounds.

Legal Reference: Neb. Rev. Stat. §§ 79-2,101 to 79-2,103
Student Discipline Act, Neb. Rev. Stat. §§ 79-254 to
79-296
Reference Neb. Rev. Stat. §§ 28-311.06 to 28-311.07

The school district prohibits acts of harassment or bullying. Harassment or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and the school district's ability to educate its students in a safe environment.

"Harassment or bullying" is any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts via internet, cell phone, personal digital assistant, or wireless handheld device) that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race; color; religion; ancestry; national origin; gender; sexual orientation; gender identity and expression; a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic. Such behavior is considered harassment or bullying whether it takes place on or off school district property, at any school-sponsored function, or in a school district vehicle.

Harassment is conduct that meets all of the following criteria:

- (a) Is directed at one or more students;
- (b) Substantially interferes with educational opportunities, benefits, or programs of one or more students;
- (c) Adversely affects the ability of a student to participate in or benefit from the school district's educational programs or activities because the conduct, as reasonably perceived by the student, is so severe, pervasive, and objectively offensive as to have this effect; and
- (d) Is based on a student's actual or perceived distinguishing characteristic as set out above, or is based on an association with another person who has or is perceived to have any such distinguishing characteristic.

Bullying is conduct that meets all of the following criteria:

- (a) Is directed at one or more students;
- (b) Substantially interferes with educational opportunities, benefits, or programs of one or more students;
- (c) Adversely affects the ability of a student to participate in or benefit from the school district's educational programs or activities by placing the student in reasonable fear of physical harm or by causing emotional distress; and
- (d) Is based on a student's actual or perceived distinguishing characteristic as set out above, or is based on an association with another person who has or is perceived to have any such distinguishing characteristic.

Students are expected to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students, school district employees, volunteers, and contractors. Standards for student behavior must be set cooperatively through interaction among students, parents and legal guardians, school district employees, and community members, producing an atmosphere that encourages students to grow in self-discipline.

School district administrators, employees, and volunteers are expected to provide positive examples for student behavior by demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying.

Since bystander support of harassment or bullying can support these behaviors, the school district prohibits both active and passive support for acts of harassment and bullying. School district employees should encourage students to support others who walk away from these acts when they see them, constructively attempt to stop them, or report them to designated authorities.

School district administrators shall develop and implement procedures that ensure both appropriate consequences and remedial measures for a student or school district employee who commits one or more acts of harassment or bullying. School district administrators shall give full consideration to the following factors, at a minimum, in the development of procedures for determining the appropriate consequences and remedial measures for each act of harassment or bullying:

- (a) The factors for determining consequences include age, development, and maturity levels of the parties involved; degree of harm; surrounding circumstances; nature and severity of the behavior(s); incidences of past or continuing pattern(s) of behavior; relationship between the parties involved; and context in which the alleged incident(s) occurred.
- (b) The factors for determining remedial measures include (1) personal factors such as life skill competencies, experiential deficiencies, social relationships, strengths, talents, traits, interests, hobbies, extracurricular activities, classroom participation, and academic performance; and (2) environmental factors such as school culture, school climate, social relationships, community activities, neighborhood culture, family situation, student-staff relationships and staff behavior toward the student, general staff management of classrooms or other educational environments, staff ability to prevent and de-escalate difficult or inflammatory situations, and social-emotional and behavioral supports.

Consequences and appropriate remedial measures for a student or school district employee who commits one or more acts of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion, in the case of a student, or suspension or termination in the case of an employee, as set forth in the board of education's approved code of student conduct or employee handbook.

Consequences for a student who commits an act of harassment or bullying shall be unique to the individual incident and shall vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the board of education's approved code of student conduct. Consequences may include, but are not limited to admonishment, temporary removal from the classroom, loss of privileges, classroom or administrative detention, in-school suspension during the school week or weekend, out-of-school suspension, expulsion, or legal action.

Remedial measures for a student who commits an act of harassment or bullying shall be designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the victim of the act. Remedial measures may include, but are not limited to, the following:

- (a) Personal remedial measures, including (1) framing the aggressive behavior as a failed attempt to solve a real problem or reach a goal, and assisting the student to find a better way to solve the problem or meet the goal; (2) restitution and restoration; (3) transformative conferencing or restorative justice; (4) peer support groups; (5) corrective instruction or other relevant learning or service experience; (6) supportive discipline to increase accountability for the offense; (7) supportive interventions, including participation of an Intervention and Referral Services team, peer mediation, etc.; (8) behavioral assessment or evaluation which may include a referral to a Child Study Team as appropriate; (9) behavioral management plan with benchmarks that are closely monitored; (10) parent conferences; (11) student counseling; (12) student treatment; and (13) student therapy.
- (b) Environmental remedial measures for classrooms, school buildings, and the school district, including (1) setting a time, place, and person to help the student reflect on the offending behavior, maintaining an emotionally-neutral and strength-based approach; (2) school and community surveys or other strategies for determining the conditions contributing to the harassment or bullying; (3) school culture change; (4) school climate improvement; (5) adoption of research-based, systemic bullying prevention programs; (6) modifications of schedules; (7) adjustments in hallway traffic; (8) modifications in student routes or patterns traveling to and from school; (9) targeted use of monitors (i.e., hallway, cafeteria, and bus); (10) general professional development programs for certificated and non-certificated employees; (11) professional development plans for involved employees; (12) disciplinary action for school district employees who contributed to the problem; (13) parent conferences; (14) referral to family counseling; (15) involvement of parent-teacher organizations; (16) involvement of community-based organizations; (17) development of a general bullying response plan; (18) peer support groups; and (19) law enforcement involvement.

The superintendent of schools is responsible for receiving reports alleging violations of this policy. All school district employees are required to report alleged violations of this policy to the superintendent. All other members of the school district community, including students, parents and legal guardians, volunteers, and school visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously, but formal disciplinary action may not be based solely on an anonymous report.

The superintendent shall determine whether an allegation constitutes a violation of this policy by conducting a prompt, thorough, and complete investigation of each allegation. The investigation is to be completed within three school days after a report is made.

The school district prohibits reprisal or retaliation against any person who reports an act of harassment or bullying. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the school district administration after consideration of the nature, severity, and circumstances of the act.

No person shall falsely accuse another as a means of harassment or bullying. The consequences and appropriate remedial measures for a student found to have falsely accused another as a means of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion. The consequences and appropriate remedial measures for a school district employee found to have falsely accused another as a means of harassment or bullying shall be in accordance with school district policies, procedures, and agreements.

All school district officials shall annually disseminate this policy to all school district employees, students, and parents, along with a statement explaining that it applies to all applicable acts of harassment and bullying that occur on school district property, at school-sponsored functions, or in school district vehicles. The superintendent shall develop an annual process for discussing this policy with students and school district employees. Information regarding this policy shall be incorporated into each school district employee training program and handbook.

Legal Reference: Neb. Rev. Stat. § 79-2,137

Dating Violence

5332

Dating violence will not be tolerated in the school district. For purposes of this policy, “dating violence” means 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 in the school district shall be addressed as the school district administration determines appropriate, within the scope and subject to the limits of the school district’s authority.

Training on dating violence shall be provided to school district employees as deemed appropriate by the school district administration. Such dating violence training shall include, but need not be limited to, basic awareness of dating violence, warning signs of dating violence, and the school district’s dating violence policy.

Dating violence education that is age-appropriate shall be incorporated into the school program. Such dating violence education shall include, but need not be limited to, defining dating violence, recognizing dating violence warning signs, and identifying characteristics of healthy dating relationships.

The school district administration shall be responsible for ensuring that the dating violence policy is published in the school district’s student-parent handbook or an equivalent publication. Parents and legal guardians shall be informed of the dating violence policy by such other means as the administration determines to be appropriate. If requested, parents or legal guardians shall be provided a copy of the dating violence policy and relevant information.

Legal Reference: Neb. Rev. Stat. §§ 79-2,138 to 79-2,142

Activity Buses, Vehicles Used for Student Transportation

5335

The school district is concerned for the safety of students as they are transported to and from school activities. School-sponsored transportation is an extension of the classroom. Students are required to conduct themselves in a manner consistent with established standards for classroom behavior.

On school activity trips, the pupil transportation vehicle operator shall be responsible for the safe operation of the vehicle and for determining whether the vehicle is in a safe operating condition for the transportation of students during the trip to and from the activity. Once the vehicle leaves the school district premises and is on the road, the operator shall be aware of changing weather conditions and shall determine whether it is safe to continue the trip, interrupt the trip and wait for conditions to improve, or return to the school district premises.

A school activity sponsor shall be assigned to accompany students on all activity trips. The activity sponsor shall be responsible for the overall safety and discipline of the students while the vehicle is in transit to or from an activity and during the time the students are at the activity. The school activity sponsor shall be responsible for the safe storage of equipment while in transit to or from an activity. If either the pupil transportation vehicle operator or the activity sponsor becomes incapacitated, the superintendent of schools should be contacted for directions on how to proceed.

Students directly involved in school-sponsored activities will be required to ride school-sponsored transportation to and from the activity. A student may return home or continue to an alternate destination with a parent or legal guardian only if the coach or activity sponsor has been notified and the checkout list is signed by the parent or legal guardian. The school district shall not approve or be responsible for students driving private cars to or from school-sponsored activities.

Refer to Policy 3515, Student Transportation, Policy 3515.1, Transportation Responsibilities, and AR-3515.1, Use of School-Owned Vehicles.

The board of education adopts the following student fees policy in accordance with the Public Elementary and Secondary Student Fee Authorization Act, Neb. Rev. Stat. §§ 79-2,125 to 79-2,135.

The school district's general policy is to provide for free instruction in school in accordance with the Nebraska Constitution and state and federal law. This generally means that the school district is to provide free instruction for courses which are required by state law or regulation, and to provide the staff, facilities, equipment, and materials necessary for such instruction, without charge or fee to students.

The school district does provide activities, programs, and services to students which extend beyond the minimum level of constitutionally required free instruction. Students and their parents have historically contributed to the school district's efforts to provide such activities, programs, and services. Such contributions have included: basic clothing and personal supplies to be successful in the classroom (i.e., clothing, shoes, pencils, pens, paper, notebooks, calculators, etc.); reasonable costs of specialized equipment or supplies for students' personal preference or personal retained benefit (i.e., band equipment, locker deposit or rental fees, shop class materials, college tuition or fees for advanced placement courses, correspondence courses, etc.); specialized clothing and equipment for extracurricular activities (i.e., sporting apparel, shoes, undergarments, etc.); and assistance with special programs such as field trips, summer school, school dances, and plays. The school district's general policy is to continue to encourage and, to the extent permitted by law, to require such student and parent contributions to enhance the educational program provided by the school district.

Under the Public Elementary and Secondary Student Fee Authorization Act, the school district is required to set forth its guidelines or policies for specific categories of student fees. This policy is subject to further interpretation or guidance by administrative or board of education regulations which may be adopted from time to time. This policy includes "Appendix 1," which provides further specifics of student fees and materials required of students for the school year. Parents, legal guardians, and students are encouraged to contact the building administration or teachers, coaches, and activity sponsors for further specifics.

If any section or part of this policy is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

For purposes of this policy, the following definitions apply:

- (a) "Extracurricular activities" are student activities or organizations which are supervised or administered by the school district, which do not count toward graduation or advancement between grades, and in which participation is not otherwise required by the school district
- (b) "Postsecondary education costs" are tuition and other fees associated with obtaining credit from a postsecondary education institution. For a course

in which students receive high school credit and for which they may also choose to apply for postsecondary education credit, the course shall be offered without charge for tuition, transportation, books, or other fees, except that if the student chooses to apply for postsecondary education credit, he or she may be charged tuition and other fees associated with obtaining credits from a postsecondary educational institution.

Fees Authorized under Nebraska Law:

The board of education recognizes that under the Public Elementary and Secondary Student Fee Authorization Act, the school district may charge students a fee or require students to provide or pay for the following:

- (a) Participation in extracurricular activities, subject to the school district waiver policy;
- (b) Admission fees and transportation charges for spectators attending extracurricular activities, subject to the school district waiver policy;
- (c) Postsecondary education costs;
- (d) Copies of student files or records pursuant to Neb. Rev. Stat. § 79-2,104;
- (e) Reasonable cost of any materials required for a course project if there are reasonable written guidelines and the project becomes the property of the student upon completion, subject to the school district waiver policy;
- (f) Minor personal or consumable items for specified courses and activities, including, but not limited to, pencils, paper, pens, erasers, crayons, scissors, basic clothing, notebooks, and similar personal or consumable items;
- (g) Nonspecialized attire within reasonable written guidelines, as follows:
 - (1) Students have the responsibility to furnish and wear non-specialized attire meeting general school district grooming and attire guidelines, as well as grooming and attire guidelines established for the school building or programs attended by the students or in which the students participate. Students also have the responsibility to furnish and wear non-specialized attire reasonably related to the programs, courses, and activities in which the students participate where the required attire is specified in writing by the administrator or teacher responsible for the program, course, or activity.
 - (2) The school district shall provide or make available to students such safety equipment and attire as may be required by law, specifically including appropriate industrial-quality eye protective devices for courses of instruction in vocational, technical, industrial arts, chemical or chemical-physical courses which involve exposure to hot molten metals or other molten materials; milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials; heat treatment, tempering, or kiln firing of any metal or other material; gas or electric arc welding or other forms of welding processes; repair or servicing of any vehicle; or caustic or explosive materials; and for chemical, physical, or combined chemical-

physical laboratories involving caustic or explosive materials, hot liquids or solid, injurious radiations, or other similar hazards. Building administrators shall assure that such equipment is available in the appropriate classes and areas of the school building. Teachers shall instruct students in the usage of such devices and assure that students use the devices as required. Students have the responsibility to follow such instructions and use the devices as instructed;

- (h) Musical instruments for participation in optional music courses that are not extracurricular activities, subject to the school district waiver policy for use of a musical instrument without charge. The school district is not required to provide for the use of a particular type of musical instrument for any student;
- (i) Specialized equipment or attire for music courses that are extracurricular activities, or pay a reasonable usage cost for such attire or equipment, subject to the school district waiver policy;
- (j) Transportation pursuant to Neb. Rev. Stat. § 79-241, § 79-605, and § 79-611 to the full extent permitted by federal and state laws and regulations;
- (k) Reimbursement to the school district for school district property lost or damaged by the student;
- (l) Before and after school or pre-kindergarten services pursuant to Neb. Rev. Stat. § 79-1104, when offered by the school district;
- (m) Participation in summer school or night school, and
- (n) Students are also responsible for the cost of food, beverages, and personal or consumable items which the students purchase from the school district or at school, whether from a "school store," vending machine, booster club or parent group sale, book order club, or the like. Students may be required to bring money or food for field trip lunches and similar activities.

Public Hearing

On or before August 1, 2002 and annually each year thereafter, the board of education shall hold a public hearing at a regular or special meeting of the board on a proposed student fee policy, following a review of the amount of money collected from students pursuant to, and the use of waivers provided in, the student fee policy for the prior school year. The student fee policy shall be adopted by a majority vote of the members of the board of education and shall be published in the student handbook. The board of education shall provide a copy of the student handbook to every student at no cost.

Fee Waiver Policy

The school district's policy is to provide fee waivers in accordance with the Public Elementary and Secondary Student Fee Authorization Act. Students who qualify for free or reduced-price lunches under the United States Department of Agriculture child nutrition programs shall be provided a fee waiver or be provided the necessary materials or equipment without charge for: (a) participation in extracurricular activities; (b) admission fees and transportation charges for students attending extracurricular activities as spectators; (c) specialized equipment or specialized attire for participation in extracurricular activities; (d) course project materials; and (e) musical instruments both for participation in optional music courses that are not extracurricular activities and for participation in extracurricular activities. Participation in the free or reduced-price lunch program is not required to qualify for free or reduced-price lunches for purposes of this section. Students, or their parents or legal guardians, must request a fee waiver prior to participating in or attending the activity and prior to the purchase of materials.

CERTIFICATION

On May 11, 2017, the board of education held a public hearing at a meeting of the board of education on a proposed student fee policy. Such public hearing followed a review of the amount of money collected from students pursuant to, and the use of waivers provided in, the student fee policy for the prior school year. The foregoing student fee policy was adopted after such public hearing by a majority vote of the members of the board of education at an open public meeting in compliance with the public meeting laws.

Lorrie Miller

Superintendent or Other Authorized School Official

Legal References: Neb. Const. art. VII, § 1
 Neb. Rev. Stat. § 79-241
 Neb. Rev. Stat. § 79-2,104
 Neb. Rev. Stat. §§ 79-2,125 to 79-2,135
 Neb. Rev. Stat. § 79-605
 Neb. Rev. Stat. § 79-611
 Neb. Rev. Stat. § 79-715
 Neb. Rev. Stat. § 79-737
 Neb. Rev. Stat. § 79-1104
 Neb. Rev. Stat. § 79-1106 to 79-1108.03

Policy Adopted: December 10, 2014

Policy Reviewed: July 14, 2015

Policy Reviewed: August 11, 2016

Policy Revised: July 13, 2017

Policy Revised: February 15, 2020

Appendix 1 to Policy 5340 – Student Fees

Elementary Program	General Description of Fee or Material	\$ Amount of Fee (Anticipated or Maximum) <u>or</u> Specific Material Required
Physical Education classes	Appropriate clothing (non-specialized attire)	Tennis shoes and white socks, running shorts, T-shirt
Art classes	Appropriate clothing (non-specialized attire)	Old shirt for painting; other clothing which may get paint on it or otherwise be damaged
Choir classes	Dress/performance attire	Choir teacher will direct students in appropriate attire for concerts.
Band classes	Musical instruments Musical instrument accessories Dress/performance attire	Limited instruments available for use by any student. If repair or replacement is needed, student will pay cost. Reeds, valve oil, drum sticks, slide grease, reed guards, cleaning swabs, mouthpiece brushes, etc. are the responsibility of the student. Band teacher will direct students in appropriate attire for concerts.
Classroom supplies	General supplies, such as writing instruments, note-books, Kleenex, etc.	Students are required to bring items from class supply lists.
Field trips	Transportation, admission costs, and lunch	Superintendent-approved trips include school-provided transportation and covered admission. Lunches are costs to the parents.
Secondary Program	General Description of Fee or Material	\$ Amount of Fee (Anticipated or Maximum) <u>or</u> Specific Material Required
Physical Education classes	Appropriate clothing (non-specialized attire)	Tennis shoes and white socks, running shorts, T-shirt
Art classes and special projects	Appropriate clothing (non-specialized attire) Projects taken home	Old shirt for painting; other clothing which may get paint on it or otherwise be damaged Students will pay for materials for project if project is taken home.
Ag classes and special projects	Appropriate clothing (non-specialized attire)	Protective clothing; School provides welding helmets. Each students pays \$50 into account for projects, and if project

		is more expensive, student pays balance.
Choir class	Dress/performance attire	Choir teacher will direct students in appropriate attire for concerts.
Band class	Musical instruments Musical instrument accessories Dress/performance attire	Limited instruments available for use by any student. If repair or replacement is needed, student will pay cost. Reeds, valve oil, drum sticks, slide grease, reed guards, cleaning swabs, mouthpiece brushes, etc. are the responsibility of the student. Band teacher will direct students in appropriate attire for concerts.
Speech class	Poster boards Professional attire	Students purchase materials of their choice. Professional dress is encouraged.
Classroom supplies	General supplies, such as writing instruments, notebooks, Kleenex, etc.	Students are required to bring items from class supply lists which may be handed out by individual teachers.
Advanced math or science classes	Specialized calculators	Students may check out calculators from teacher, and if repair or replacement is needed, students will pay cost not to exceed \$130.00.
1:1 Chromebook Program	Chromebook	If repair or replacement is needed, student to pay cost not to exceed \$400.00. Seniors may purchase their Chromebook for \$50 after graduation.
Post-secondary education classes	Tuition and fees for college courses taken for credit	Any postsecondary education costs are to be paid directly by students to the college.
Extracurricular Programs	General Description of Fee or Material	\$ Amount of Fee (Anticipated or Maximum) <u>or</u> Specific Material Required
Sports		
Admission to sports events	Spectator fees	Students Free Adults \$4.00 Golden (60 year old) FREE District and Conference events cost set by NSAA but not to exceed \$20.00 per event.

Athletic physical exam to play sports	NSAA required of all athletes	Cost varies; payable directly to student's physician or clinic																		
Equipment and attire for sports	Students are responsible for required equipment and attire appropriate to the sport or activity which are not provided by the school, and are responsible for any optional clothing, equipment, or other items associated with the sport or activity.	<p>Required items include athletic undergarments (supporter, bra, socks and undershirts), practice attire, including shorts, shirts, socks and shoes suitable for the activity, and dress attire suitable for team travel. Optional items for which students are responsible include: personal athletic bags, hair ties, sweat bands, non-required gloves, towels, forearm pads and personal medical devices (braces, orthopedic inserts, etc.). Additional required items for particular sports or activities include:</p> <table border="1" data-bbox="933 924 1416 1669"> <tr> <td data-bbox="933 924 1172 961">Basketball</td> <td data-bbox="1172 924 1416 961">Practice attire</td> </tr> <tr> <td data-bbox="933 961 1172 999">Cross Country</td> <td data-bbox="1172 961 1416 999">Practice attire</td> </tr> <tr> <td data-bbox="933 999 1172 1184">Football</td> <td data-bbox="1172 999 1416 1184">School provides all equipment including mouth guards</td> </tr> <tr> <td data-bbox="933 1184 1172 1257">Golf</td> <td data-bbox="1172 1184 1416 1257">Golf bag & clubs</td> </tr> <tr> <td data-bbox="933 1257 1172 1369">One-Act Play</td> <td data-bbox="1172 1257 1416 1369">Costumes are covered by the district.</td> </tr> <tr> <td data-bbox="933 1369 1172 1554">Speech Contests</td> <td data-bbox="1172 1369 1416 1554">Research materials, poster board, professional dress</td> </tr> <tr> <td data-bbox="933 1554 1172 1591">Track</td> <td data-bbox="1172 1554 1416 1591">Practice attire</td> </tr> <tr> <td data-bbox="933 1591 1172 1629">Volleyball</td> <td data-bbox="1172 1591 1416 1629">Knee pads</td> </tr> <tr> <td data-bbox="933 1629 1172 1669">Wrestling</td> <td data-bbox="1172 1629 1416 1669">Head gear</td> </tr> </table>	Basketball	Practice attire	Cross Country	Practice attire	Football	School provides all equipment including mouth guards	Golf	Golf bag & clubs	One-Act Play	Costumes are covered by the district.	Speech Contests	Research materials, poster board, professional dress	Track	Practice attire	Volleyball	Knee pads	Wrestling	Head gear
Basketball	Practice attire																			
Cross Country	Practice attire																			
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Speech Contests	Research materials, poster board, professional dress																			
Track	Practice attire																			
Volleyball	Knee pads																			
Wrestling	Head gear																			
Travel meals	Meals	Students are responsible for their own meals while traveling unless it is a state or national event which is specified in Policy 3610.																		
Camps and clinics	Registration and other costs	Students are responsible for the cost of all clinics, camps and																		

		conditioning programs including personal items purchased such as t-shirts.
Future Business Leaders (FBLA)	State & national dues Meals	Annual dues \$10.00 per student. Students are responsible for their own meals while traveling unless it is a state or national event which is specified in Policy 3610.
Future Farmers (FFA)	State & national dues Official uniform Meals	Annual dues are \$25.00 per student. First year members pay \$25 for jacket and tie/scarf; FFA pays balance. Dress slacks/skirt, shirt/blouse, shoes are required of students. Students are responsible for their own meals while traveling unless it is a state or national event which is specified in Policy 3610.
Clubs/Organizations	General Description of Fee or Material	\$ Amount of Fee (Anticipated or Maximum) or Specific Material Required
National Honor Society (NHS)	State & national dues	Annual dues are covered by the school.
Student Council	State & national dues	Annual dues are covered by the school.
Social & Recognition Activities	General Description of Fee or Material	\$ Amount of Fee (Anticipated or Maximum) or Specific Material Required
School plays, musicals, social activities, dances	Admission to events	Not to exceed \$10.00 per event
Homecoming court	Flowers Formal dress	Student Council pays for flowers. Candidates' attire is formal wear.
Homecoming parade and pep rally	Float materials and give-aways Pep rally costumes, music, props	Each graduation class provides materials to build a float and to present a skit at the pep rally.
Senior recognition	Graduation ceremony and activities	The school pays for gowns, caps, tassels, diplomas, medals, plaques, and programs. The seniors pay for optional items such as flowers, stoles, class legacy gift, and lunch. These items can be funded by class fund

		raising activities.
Senior trip	Transportation, lodging, meals, admission to events, etc.	Students are responsible for costs of their school sponsored senior trip. This can be funded by class fund raising activities.

STUDENT HEALTH AND WELFARE

Student Anti-Discrimination, Anti-Harassment, Anti-Retaliation Complaint Procedure

5401

Good communication helps to resolve many misunderstandings and disagreements. This complaint procedure applies to board members, patrons, students and school staff, unless the staff member is subject to a different grievance procedure pursuant to policy or contract. Individuals who have a complaint should discuss their concerns with appropriate school personnel in an effort to resolve problems. When such efforts do not resolve matters satisfactorily, including matters involving discrimination or harassment 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, a complainant should follow the procedures set forth below:

1. The first step is for the complainant to speak directly to the person(s) with whom the complainant has a concern. For example, a parent who is unhappy with a classroom teacher should initially discuss the matter with the teacher. However, the complainant should skip the first step if complainant believes speaking directly to the person would subject complainant to discrimination or harassment.
2. The second step is for the complainant to speak to the building principal, Title IX/504 coordinator, superintendent of schools, or president of the board of education, as set forth below.
 - a) Complaints about the operation, decisions, or personnel within a building should be submitted in writing to the principal using the form in Policy AR-5401.
 - b) Complaints about the operations of the school district or a building principal should be submitted in writing to the superintendent of schools using the form in AR-5401.
 - c) Complaints about the superintendent of schools should be submitted in writing to the president of the board of education using the form in AR-5401.
 - d) Complaints involving discrimination or harassment 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, may also be submitted, at any time during the complaint procedure to the School District's Title IX/504 coordinator. Complaints involving discrimination or harassment may also be submitted at any time to the Office for Civil Rights, U.S.

Department of Education: by email at OCR.KansasCity@ed.gov; by telephone at (816) 268-0550; or by fax at (816) 268-0599.

3. When a complainant submits a complaint to an administrator or to the Title IX/504 coordinator, the administrator or Title IX/504 coordinator shall promptly and thoroughly investigate the complaint, and shall:
 - a) Determine whether the complainant has discussed the matter with the staff member involved.
 - 1) If the complainant has not, the administrator or Title IX/504 coordinator will urge the complainant to discuss the matter directly with that staff member, if appropriate.
 - 2) If the complainant refuses to discuss the matter with the staff member, the administrator or Title IX/504 coordinator shall, in his or her sole discretion, determine whether the complaint should be pursued further.
 - b) Strongly encourage the complainant to reduce his or her concerns to writing.
 - c) Interview the complainant to determine:
 - 1) All relevant details of the complaint;
 - 2) All witnesses and documents which the complainant believes support the complaint;
 - 3) The action or solution which the complainant seeks.
 - d) Respond to the complainant. If the complaint involved discrimination or harassment, the response shall be in writing and shall be submitted within 60 days after the administrator or Title IX/504 coordinator received the complaint.
4. A complainant who is not satisfied with the administrator's or the Title IX/504 coordinator's decision regarding a complaint may appeal the decision to the superintendent.
 - a) This appeal must be in writing.
 - b) This appeal must be received by the superintendent no later than ten (10) business days from the date the administrator or Title IX/504 coordinator communicated his/her decision to the complainant.

- c) The superintendent will investigate as he or she deems appropriate. However, all matters involving discrimination or harassment shall be promptly and thoroughly investigated.
 - d) Upon completion of this investigation, the superintendent will inform the complainant in writing of his or her decision. If the complaint involved discrimination or harassment, the superintendent shall submit the decision within 60 days after the superintendent received complainant's written appeal.
5. A complainant who is not satisfied with the superintendent's decision regarding a complaint may appeal the decision to the board.
- a) This appeal must be in writing.
 - b) This appeal must be received by the board president no later than ten (10) business days from the date the superintendent communicated his/her decision to the complainant.
 - c) This policy allows, but does not require the board to receive statements from interested parties and witnesses relevant to the complaint appeal. However, all matters involving discrimination or harassment shall be promptly and thoroughly investigated.
 - d) The board will notify the complainant in writing of its decision. If the complaint involved discrimination or harassment, the board shall submit its decision within 60 days after it received complainant's written appeal.
 - e) There is no appeal from a decision of the board.
6. When a formal complaint about the superintendent of schools has been filed with the president of the board, the president shall promptly and thoroughly investigate the complaint, and shall:
- a) Determine whether the complainant has discussed the matter with the superintendent.
 - 1) If the complainant has not, the board president will urge the complainant to discuss the matter directly with the superintendent, if appropriate.
 - 2) If the complainant refuses to discuss the matter with the superintendent, the board president shall, in his or her sole discretion, determine whether the complaint should be pursued further.

- b) Strongly encourage the complainant to reduce his or her concerns to writing.
- c) Determine, in his or her sole discretion, whether to place the matter on the board agenda for consideration at a regular or special meeting.
- d) Respond to the complainant. If the complaint involved discrimination or harassment, the response shall be in writing and shall be submitted within 60 days after the president received the complaint.

The school district prohibits retaliation against any person for filing a complaint or for participating in the complaint procedure in good faith.

Policy Adopted: December 10, 2014
Policy Revised: May 12, 2016

Health: Illness and Injury

5405

The board of education recognizes the need to promote and protect the general welfare of all students. In cases of illness or injury, the welfare of students must be of primary concern.

If any student develops symptoms of an illness or is injured at school, the school district shall immediately notify the student's parent, legal guardian, or any other person so designated by the parent or legal guardian and so noted on the student's enrollment card. If deemed advisable by school district officials, such parent, legal guardian, or designated person may be requested to pick up the student from school. If that is not possible, a school district employee may take the student to his or her home or to the home of the designated person. In case of dire emergency, the school district may call the physician designated on the student's enrollment card, may contact the school district's physician, or may have the student transported to a hospital for emergency care and aid, unless expressly forbidden by the student's parent or legal guardian.

All athletic injuries shall be handled by members of the coaching staff or a person designated by school district officials.

All illnesses and injuries, regardless of how severe, should be reported to the superintendent of schools. A report of any illness or injury shall be filled out and filed with the student's school record. Such reports are available in each administrative office. First aid supplies shall be made available in each administrative office or from any athletic or activity team sponsor.

Any student suspected of having or being able to transmit a communicable disease may be excluded from school. If a suspected communicable disease is found not to exist by a physician, the superintendent may readmit the student to school. A student may also be readmitted upon presentation of a physician's certificate or upon completion of the period of exclusion required by the Nebraska Department of Health and Human Services.

Refer to AR-5405, General Health Information.

Legal References: Neb. Rev. Stat. § 79-248
 Neb. Rev. Stat. § 79-264

The school district shall cause every child under its jurisdiction to be separately and carefully inspected, except as otherwise provided by law, to ascertain if such child is suffering from (a) defective sight or hearing, (b) dental defects, or (c) other conditions as prescribed by the Nebraska Department of Health and Human Services (“DHHS”). Such inspections shall be conducted before the end of the 1st quarter. This inspection schedule is prescribed by DHHS and shall be based on current medical and public health practice. In lieu of conducting the inspections, the board of education may employ regularly licensed physicians to make such inspections.

If such inspection determines that any child has defective sight or hearing, dental defects, or other condition for which screening is required, the school district shall notify the parent or legal guardian of the child in writing of such condition and explain the necessity of professional attendance for such child.

Whenever a child apparently shows symptoms of any contagious or infectious disease, such child shall be sent home immediately or as soon as safe and proper conveyance can be found and the board of education shall be at once notified. Such child may be excluded from school as provided in Neb. Rev. Stat § 79-264.

A child shall not be required to submit to an inspection required by this policy if his or her parent or legal guardian provides school district officials with a statement signed by a physician, physician assistant, advanced practice registered nurse practicing under and in accordance with his or her respective credentialing act, or other qualified medical provider as identified by DHHS’s applicable rules and regulations, stating that such child has undergone such required inspection within the past six months. A child shall submit to any required inspection for which such statement is not received.

Legal Reference: Neb. Rev. Stat. §§ 79-248 to 79-253
 Neb. Rev. Stat. § 79-264
 Neb. Rev. Stat. § 79-526

Health Examinations

5410

All new students and all seventh grade students are required to have a physical examination and must have all required immunizations, except if school district officials are presented with the following written documentation:

- (a) A statement signed by a physician, physician assistant, or advanced practice registered nurse stating that, in his or her opinion, the immunizations required would be injurious to the health and well-being of the student or any member of the student's family or household; or
- (b) An affidavit signed by the student or, if he or she is a minor, by a legally authorized representative of the student, stating that the immunization conflicts with the tenets and practice of a recognized religious denomination of which the student is an adherent or member or that immunization conflicts with the personal and sincerely followed religious beliefs of the student.

Refer to Policy 5105, Admission to School and AR-5105, Immunization Guidelines.

All students in grades K-12 shall have examinations of their eyes, ears, nose, and throat annually, unless a parent or legal guardian signs a waiver requesting that a student not participate in such examinations. These examinations shall be done by the Educational Service Unit nurse.

Legal Reference: Neb. Rev. Stat. § 79-217
 Neb. Rev. Stat. § 79-248

It is the policy of McPherson County Schools to develop and implement policies which protect the privacy of students in accordance with applicable laws. The District's policies in this regard include the following:

- A. Right of Parents to Inspect Surveys Funded or Administered by the United States Department of Education or Third Parties
Parents shall have the right to inspect, upon the parent's request, a survey created by and administered by either the United States Department of Education or a third party (a group or person other than the District) before the survey is administered or distributed by the school to the parent's child.

- B. Protection of Student Privacy in Regard to Surveys of Matters Deemed to be Sensitive
The District will require, for any survey of students which contain one or more matters deemed to be sensitive (see section headed Definition of Surveys of Matters Deemed to be Sensitive), that suitable arrangements be made to protect student privacy (that is, the name or other identifying information about a particular student). For such surveys, the District will also follow the procedures set forth in the section entitled: Notification of and Right to Opt-Out of Specific Events.

- C. Right of Parents to Inspect Instructional Materials
Parents shall have the right to inspect, upon reasonable request, any instructional material used as part of the educational curriculum for their child. Reasonable requests for inspection of instructional materials shall be granted within a reasonable period of time after the request is received. Parents shall not have the right to access academic tests or academic assessments, as such are not within the meaning of the term instructional materials for purposes of this policy.

The procedures for making and granting a request to inspect instructional materials are as follows: the parent shall make the request, with reasonable specificity, directly to the building principal. The building principal, within five school days, shall consult with the teacher or other educator responsible for the curriculum materials. In the event the request can be accommodated, the building principal shall make the materials available for inspection or review by the parent, at such reasonable times and place as will not interfere with the educator's intended use of the materials. In the event there is a question as to the nature of the curriculum materials requested or as to whether the materials are required to be provided, the building principal shall notify the parent of such concern, and assist the parent with forming a request which can reasonably be accommodated. If the parent does not formulate such a

request, and continues to desire certain curriculum materials, the parent shall be asked to make their request to the Superintendent.

D. Rights of Parents to be Notified of and to Opt-Out of Certain Physical Examinations or Screenings

The general policy and practice of the District is to not administer physical examinations or screenings of students which require advance notice or parent opt-out rights under the applicable federal laws, for the reason that the physical examinations or screenings to be conducted by the District will usually fit into one of the following exceptions: (1) hearing, vision, or scoliosis screenings; (2) physical examinations or screenings that are permitted or required by an applicable State law; and (3) surveys administered to students in accordance with the Individuals with Disabilities Education Act. For physical examinations or screenings which do not fit into the applicable exceptions, the District will follow the procedures set forth in the section entitled: Notification of and Right to Opt-Out of Specific Events.

E. Protection of Student Privacy in Regard to Personal Information Collected from Students

The general policy and practice of the District is to not engage in the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information. The District will make reasonable arrangements to protect student privacy to the extent possible in the event of any such collection, disclosure, or use of personal information.

Personal information for purposes of this policy means individually identifiable information about a student including: (1) a student or parent's first and last name, (2) home address, (3) telephone number, and (4) social security number. The term personal information, for purposes of this policy, does not include information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions. This exception includes the following examples: (i) college or postsecondary education recruitment, or military recruitment; (ii) book clubs, magazines, and programs providing access to low-cost literary products; (iii) curriculum and instructional materials used by elementary schools and secondary schools; (iv) tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about student, or to generate other statistically useful data for the purpose of securing such tests and assessments, and the subsequent analysis and public release of the aggregate data from such tests and assessments; (v) the sale by student of products or services to raise funds for school-related or education-related activities; (vi) student recognition programs.

F. Parent Access to Instruments used in the Collection of Personal Information

While the general practice of the District is to not engage in the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, parents shall have the right to inspect, upon reasonable request, any instrument which may be administered or distributed to a student for such purposes. Reasonable requests for inspection shall be granted within a reasonable period of time after the request is received.

The procedures for making and granting such a request are as follows: the parent shall make the request, with reasonable specificity, directly to the building principal and shall identify the specific act and the school staff member or program responsible for the collection, disclosure, or use of personal information from students for the purpose of marketing that information. The building principal, within five school days, shall consult with the school staff member or person responsible for the program which has been reported by the parent to be responsible for the collection, disclosure, or use of personal information from students. In the event such collection, disclosure, or use of personal information is occurring or there is a plan for such to occur, the building principal shall consult with the Superintendent for determination of whether the action shall be allowed to continue. If not, the instrument for the collection of personal information shall not be given to any students. If it is to be allowed, such instrument shall be provided to the requesting parent as soon as such instrument can be reasonably obtained.

Annual Parental Notification of Student Privacy Protection Policy

The District shall provide parents with reasonable notice of the adoption or continued use of this policy and other policies related to the student privacy. Such notice shall be given to parents of students enrolled in the District at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in such policies.

Notification to Parents of Dates of and Right to Opt-Out of Specific Events

The District shall directly notify the parents of the affected children, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when any of the following activities are scheduled, or are expected to be scheduled:

1. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information. (Note: the general practice of the District is to not engage in the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information);
2. Surveys of students involving one or more matters deemed to be sensitive in accordance with the law and this policy; and

3. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student or of other students. (Note: the general practice of the District is to not engage in physical examinations or screenings which require advance notice, for the reason that the physical examinations or screenings to be conducted by the District will usually fit into one of the following exceptions to the advance notice requirement and parent opt-out right: (1) hearing, vision, or scoliosis screenings; (2) physical examinations or screenings that are permitted or required by an applicable State law, and (3) surveys administered to students in accordance with the Individuals with Disabilities Education Act).

Parents shall be offered an opportunity in advance to opt their child out of participation in any of the above listed activities. In the case of a student of an appropriate age (that is, a student who has reached the age of 18, or a legally emancipated student), the notice and opt-out right shall belong to the student.

Definition of Surveys of Matters Deemed to be Sensitive

Any survey containing one or more of the following matters shall be deemed to be sensitive for purposes of this policy:

1. Political affiliations or beliefs of the student or the student's parent;
2. Mental or psychological problems of the student or the student's parent;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of other individuals with whom the student has close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
7. Religious practices, affiliations, or beliefs of the students or the student's parent;
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Mental Health Assessment or Service

The District shall obtain informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service that is funded under the Every Student Succeeds Act ("ESSA"). Before obtaining the consent, the District shall provide the parent written notice describing in detail such mental health assessment or service, including the purpose for such assessment or service, the provider of such assessment or service, when such assessment or service will begin, and how long such assessment or service may last.

Legal Authorities: Every Student Succeeds Act
Protection of Pupil Privacy Amendment, 20 U.S.C. Sec. 1232h and
34 CFR Part 98;
Family Educational Rights and Privacy Act, 20 U.S.C. Sec.1232g;
Neb. Rev. Stat. Sec. 79-530 to 79-533

Policy Adopted: March 9, 2017

Communicable Disease Control

5420

The school district shall work cooperatively with the Nebraska Department of Health and Human Services to enforce applicable state statutes for the prevention, control, and containment of communicable diseases within the school district.

The superintendent of schools, or his or her designee, shall have the authority to exclude any student or school district employee from school when it is suspected that he or she may possess a health condition which may be considered a potential health risk to the rest of the school population. The superintendent, or his or her designee, may also require a written statement of health from an approved physician in order for the affected person to reenter school.

Refer to Policy 5405, Health: Illness and Injury, and AR-5405, General Health Information.

Legal Reference: Neb. Rev. Stat. § 79-248
 Neb. Rev. Stat. § 79-264

Student Self-Management of Asthma, Anaphylaxis, and/or Diabetes

5430

Students with asthma, anaphylaxis or diabetes will be permitted to self-manage such medical conditions upon:

- (1) written request of the student's parent or guardian;
- (2) authorization of the student's physician or, for asthma and anaphylaxis, a health care professional who prescribed the medication for treatment of the student's condition;
- (3) receipt of a signed no liability statement from the parent or guardian; and
- (4) development of an asthma or anaphylaxis or a diabetes medical management plan for the student.

Students with such a medical management plan may possess the necessary medication to manage their medical condition upon the conditions established in the plan and not be subject to discipline for such possession. Provided that, if the student uses or allows the medication to be used for any reason other than as prescribed or as provided in the plan or possesses the medication other than as provided in the plan the student shall be subject to discipline in accordance with the student conduct and drug-free school policies.

Legal Reference: Neb. Rev. Stat. §§ 79-224 and 79-225

Student Insurance Program

5435

A group plan of student accident insurance *may* be made available on a voluntary basis to every student from kindergarten through grade 12 registered in the school district. The specific plan shall be selected annually *if available* and shall include provisions for coverage on an optional basis for participation in interschool athletics.

The availability and offering of such an insurance policy shall not be interpreted in any way as an acknowledgement or acceptance of liability by the school district for accidents by students when traveling to or from school, while attending school in regular session, or when participating in school activities or athletics.

STUDENT RIGHTS, RESPONSIBILITIES, AND CARE OF PROPERTY

Student Conduct

5505

The rights and limits of students regarding freedom of speech, press, and assembly shall be in accord with the First Amendment of the Constitution of the United States.

Students are expected to act, dress, and conduct themselves, in school district buildings and at school-sponsored events, in such fashion that their behavior and dress reflects favorably on the student and on the school district, shows consideration to fellow students, and helps create a harmonious school atmosphere. School district officials shall have the responsibility to determine appropriate student dress which shall reflect individual or group safety in those situations where attire may be a safety concern. All students shall be required to wear shoes for health purposes. All students must recognize their individual responsibilities and obligations, and discharge them in accordance with school regulations.

All certificated school district employees shall be responsible for overseeing the conduct of students, both during school hours and at school-sponsored events. In each instance in which an employee helps a student conduct himself or herself properly, emphasis shall be placed upon the student's growth and ability to discipline himself or herself accordingly.

A student handbook shall be used to familiarize students and their parents or legal guardians with the school district's practices and procedures. Students shall be given a copy of the handbook, which shall explain general regulations and requirements.

Refer to AR-5505, Graduation Dress and Behavior.

Student Appearance and Dress

5505.1

The board of education endorses the concept that appropriate school attire is conducive to a proper learning atmosphere. Students are expected to dress in a way that is appropriate for the school setting. The responsibility for the appropriate appearance of students rests with parents/legal guardians and the students themselves.

Attire should be clean and inoffensive to others. Students shall not dress in a manner that is dangerous to the health and safety of anyone or interferes with the learning environment or teaching process in the school district. Shoes must be worn by all students. Any kind of attire which causes a disruption of the school program may be grounds for disciplinary action by the school district administration.

The following is a list of attire that is not considered appropriate. Such list is not exclusive and there may be other forms of attire deemed inappropriate by the school district administration:

- (a) Clothing or jewelry that advertises or promotes beer, alcohol, tobacco, or illegal drugs;
- (b) Clothing or jewelry that could be used as a weapon (e.g., chains or spiked apparel), that would encourage "horse-play," or that would damage property (e.g., cleats); and
- (c) Clothing or jewelry that exhibits nudity, makes sexual references, or carries a lewd, indecent, or vulgar double meaning.

Gang apparel shall not be worn on school grounds or at school-sponsored activities. Gang apparel shall include clothing, jewelry, or accessories generally associated with gangs, including the anarchy symbol, sagging or excessively baggy pants that touch the floor, and/or excessively long belts that are worn down either leg. Tattoos of objects that are generally associated with gang symbols must be covered while the student is at school or any school-sponsored activity. This policy shall adapt to be in accordance with what is considered gang apparel.

Students who participate in school-sponsored activities shall conform to the standards set by the sponsors or those activities.

Consideration shall be made for students who wear special clothing as required by religious beliefs, disability, or to convey a particularized message protected by law. Any questions concerning appropriate school appearance or dress shall be handled on an individual basis by a teacher or school building administrator. In the event a student is uncertain as to whether a particular item or method of grooming is consistent with the school district's guidelines, the student should contact the school building principal for approval.

The annual Student Parent Handbook further clarifies the dress code. Also refer to Policy 5505, Student Conduct, and AR-5505, Graduation Dress and Behavior.

Policy Adopted: December 10, 2014

Student Conduct in School Vehicles

5510

School-provided student transportation is an extension of the classroom. Students are required to conduct themselves in a manner consistent with established standards for classroom behavior.

Proper student conduct and the observance of safety regulations are essential for the safety of all persons riding in a pupil transportation vehicle. The pupil transportation vehicle operator and/or the assigned adult sponsor are responsible for seeing that the regulations are observed. Older students can assist in observing safety regulations, both by example and by encouraging younger students to remain quiet and in their seats.

On scheduled routes, the pupil transportation vehicle operator is responsible for notifying the superintendent of schools if the actions of a student place the safety of other people riding in the vehicle in danger. On activity or field trips, the assigned adult sponsor(s) shall be responsible for maintaining student discipline and for reporting infractions to the superintendent. The privilege of riding in such vehicle may be withdrawn if a student does not observe the safety regulations prescribed by school district officials. Refer to Policy 3515.1, Transportation Responsibilities.

The pupil transportation vehicle operator shall provide periodic safety instructions and information relative to safe transportation procedures to students. Students shall be familiarized with the emergency procedures in case of an accident as set forth in AR-3515.3, Bus Accident Procedures. Refer to the Bus Drivers Manual for additional information as to student conduct, evacuation procedures, and general information.

Refer to AR-5510, Sponsors of Student Activities.

Legal Reference: Neb. Rev. Stat. § 79-609

Student Motor Vehicle or Bicycle Driving and Parking

5515

The school district may require students who elect to drive automobiles or other motor vehicles to school to park in school-designated, off-street parking areas, and may prohibit students from parking privately-owned vehicles in other selected areas.

Building administrators shall develop rules and procedures governing the use of motor vehicles driven to school by students. Students who refuse to comply with such rules and procedures shall be subject to appropriate disciplinary action.

Student parking shall not be permitted in bus loading zones. When buses are loading or unloading, all vehicles must stop and wait for the loading or unloading process to be completed.

School Property and Lockers

5520

Students are responsible for all books, lockers, desks, and any other school property that is assigned to them. Loss or damage to school property will result in a fine or other penalties.

School lockers are the property of the school district. These lockers are provided for students to temporarily store personal possessions ordinarily used in their day-to-day school activities.

Students shall not keep money or other items of value in their lockers. If it is necessary for a student to bring items of value to school, such items may be left in the principal's office during the day and picked up by the student at the end of the school day.

The right of inspection of students' lockers is inherent in the authority granted school boards and the school district administration. Locker searches should be exercised so as to assure parents that the school district, in pursuing its in loco parentis relationship with their children, will employ every safeguard to protect the well-being of its students. Two school district employees shall conduct an inspection of a locker if the student is not present or has not given permission. Any illegal items or items of contraband found during such searches will be turned over to the school district administration, who shall contact law enforcement officials and may take whatever action it deems advisable, including suspension or expulsion of the student. If a locker is shared by two or more students, care must be taken so that an innocent locker mate is not wrongly punished.

Legal Reference: Neb. Rev. Stat. § 79-501
 Neb. Rev. Stat. § 79-525

It is the intent of the board of education that students in the school district and their parents or legal guardians feel as safe in school as they would be in their own homes. The principal, or his or her designee, shall notify as soon as possible the appropriate law enforcement authorities of the county or city in which the school district is located, of any act of a student described in Neb. Rev. Stat. § 79-267 which the principal or his or her designee knows or suspects is a violation of the Nebraska Criminal Code. The principal, or his or her designee, or any other school district employee reporting an alleged violation of the Nebraska Criminal Code shall not be civilly or criminally liable as a result of any report authorized by this policy unless:

- (a) Such report was false and the person making such report knew or should have known it was false; or
- (b) The report was made with negligent disregard for the truth or falsity of the report.

To avoid disruption of the educational process, the board of education encourages law enforcement officials to contact students for questioning at times outside of normal school hours. However, if it is determined to be urgent, a student may be questioned privately and confidentially by law enforcement officials at the school, with the approval of the superintendent of schools. Such questioning shall be done in the presence of the superintendent or his or her designee, who shall act in lieu of the student's parent or legal guardian to see that the student's rights are not abrogated. This condition shall apply to all law enforcement officials in pursuit of their duties as members of a recognized law enforcement office.

The parent or legal guardian of a student being questioned must be informed of the questioning and the substance of the questioning as soon as possible by the law enforcement official and/or by school district officials. An exception to this would be if a student is being questioned concerning sexual harassment, abuse, or child abuse which may involve the student's parent or legal guardian.

Removal of a Student from School Premises

When the principal or any other school district official releases a minor student to a peace officer, as defined below, for the purpose of removing the minor from the school district premises, the principal or other school district official shall take immediate steps to notify the parents, legal guardian, or responsible relative of the minor regarding the release of the minor to the peace officer and the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse, in which case the principal or other school district official shall provide the peace officer with the address and telephone number of the minor's parents or legal guardian.

The peace officer shall take immediate steps to notify the parent, legal guardian, or responsible relative of the minor that the minor is in custody and the place where the minor is being held. If the peace officer has a reasonable belief that the minor would be

endangered by disclosure of the place where the minor is being held or that the disclosure would cause the custody of the minor to be disturbed, the peace officer may refuse to disclose the place where the minor is being held for a period not to exceed twenty-four hours. The peace officer shall, however, inform the parent, legal guardian, or responsible relative whether the minor requires and is receiving medical or other treatment. The juvenile court shall review any decision not to disclose the place where the minor is being held at a subsequent detention hearing.

“Peace officer” shall include sheriffs, coroners, jailers, marshals, police officers, state highway patrol officers, members of the National Guard on active service by direction of the governor during periods of emergency, and all other persons with similar authority to make arrests.

Legal Reference: Neb. Rev. Stat. § 79-267
 Neb. Rev. Stat. § 79-293
 Neb. Rev. Stat. § 79-294

Vandalism and Destruction

5530

Students are liable for damage to school property, including textbooks and other books. Teachers, with the approval of the superintendent of schools, are authorized to assess and collect reasonable amounts for any such damages.

In all instances where the superintendent determines that school property has been willfully and maliciously destroyed by a minor, the superintendent is authorized in the name of the school district to formally refer any such minor to the appropriate juvenile authorities.

Legal Reference: Neb. Rev. Stat. § 28-519
 Neb. Rev. Stat. § 28-523
 Neb. Rev. Stat. § 79-737

The school district shall adequately provide and protect the freedom of speech and expression of differences of opinion as provided in the First Amendment to the United States Constitution. The primary liberties in a student's life relate to the process of inquiring and learning, acquiring and imparting knowledge, and exchanging ideas. This process requires that student have the right to express opinions, take stands, and support causes, publicly or privately, except where the practice materially and substantially interferes with school discipline or the school district's legitimate efforts to provide reasonable educational opportunities. School district administrators and teachers shall be responsible for teaching students to be considerate of the rights of others.

Freedom of speech does not given an individual the right to defame, verbally attack, or slander other individuals or organizations. School district employees have the responsibility to see that such violations do not occur and to teach students the responsibilities associated with the freedom of speech.

The school district reserves the right to regulate information displayed as follows:

- (a) School-sponsored student publications. Student publications of the school district provide the educational opportunity for students to learn the appropriate responsibilities of a free and responsible press in a free society. As such, they are subject to approval and/or editing rights as provided by the school district administration.
- (b) Bulletin boards. School district officials may restrict the use of bulletin boards to school district announcements. Bulletin board space may be provided for use by students and student organizations, including a reasonable area for notices relating to out-of-school activities or matters of general interest to students. The following general limitations on posting shall apply:
 - (1) School district officials shall prohibit material which may be obscene; which may be libelous; which may inflame or incite students, other individuals, or organizations; which may create a clear and present danger toward the commission of unlawful acts; or which may cause physical disruption to the orderly operation of the school. Students shall not post material without first discussing the contents of the material to be posted with their organization sponsor, a teacher, or the superintendent of schools.
 - (2) Any posted material shall identify the student or organization posting such material.
 - (3) The school district shall require that material be officially dated before posting and that such material be removed after a reasonable time to assure full access to bulletin boards.
- (c) Distribution of printed material and circulation of petitions. Students may distribute handbills, leaflets, and other printed material and collect signatures on petitions concerning either school or out-of-school issues,

whether such materials are produced within or outside of the school. The following general limitations on the distribution of printed material and circulation of petitions shall apply:

- (1) The time of such activity shall be limited to periods before and after school. Students or student organizations shall get the approval of the organization's sponsor or teacher, who shall then gain the approval of the superintendent prior to the distribution of any materials or prior to collecting petition signatures.
 - (2) The place of such activity shall be reasonably restricted to permit the normal flow of traffic within the school building and at exterior doors.
 - (3) The manner of conducting such activity shall be restricted to prevent undue levels of noise, or to prevent the use of coercion in obtaining petition signatures. The danger of littering is not a sufficient ground for limiting the right of students to distribute printed material; however, students distributing such material shall be responsible for any litter that may result from their activities.
 - (4) The school district shall require that all printed matter and petitions distributed or circulated on school district property bear the name of the sponsoring organization or individual.
 - (5) The school district shall prohibit the distribution of material that falls within the restrictions set forth in provision (b)(1) above.
- (d) Buttons and badges. The school district shall permit the wearing of buttons, badges, or armbands bearing slogans or saying as another form of expression. However, the restrictions set forth in provision (b)(1) above apply to such buttons, badges, or armbands.
- (e) Student demonstrations. The following general limitations on student demonstrations shall apply:
- (1) The superintendent shall be notified immediately of any student demonstrations.
 - (2) The superintendent, or his or her designee, shall attempt to identify those students who are assuming a leadership role in the demonstration and any individuals outside of the school who are also participating in the demonstration.
 - (3) Students assuming a leadership role in the demonstration shall be informed that no negotiations shall take place until such time that all students have returned to their normal school activities. If the leaders are unable to persuade the students to return to their normal school activities, the superintendent is authorized to exclude from school those students participating in the demonstration. Refer to Policy 5560, Student Discipline. Such students shall be informed of their right to appeal, and shall not be allowed back in school until the conditions set forth in Policy 5560 are met. School district officials may request assistance from local law enforcement officials to clear the school premises and to prevent property damage if deemed necessary.

- (4) Once normal school activities are resumed, school district officials are authorized to meet with the student leaders to attempt to resolve the students' concerns.
- (5) School district officials are authorized to take disciplinary actions if deemed appropriate.
- (6) Time lost by students participating in any demonstration shall be made up. Grades or credit shall be withheld until all make-up of time and class work has been satisfied. Refer to Policy 5130, Excessive Absenteeism and Truancy for making up school work.

In imposing limitations on student expression for any reason under any of the above provisions, school district officials must ensure that the provisions are applied in a non-discriminatory basis and that any refusal to allow students to express themselves is not done because of personal biases. In addition, the prohibition of a particular expression of opinion or means of expression shall be based upon something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular point of view.

Any student or student organization deprived of the freedom of speech or expression under any of the above provisions shall have the right to request a hearing before the board of education to determine whether such deprivation is justified under such provision. The hearing shall be held as soon as possible after requested.

Substance Abuse/Activity Suspension

5555

The following provisions shall apply to the unlawful possession, use, or distribution of any form of tobacco, drugs (except a physician's prescription), alcohol, anabolic steroids, or drug paraphernalia by students participating in extracurricular activities during the school year, from the first day of participation in such activity as allowed by the Nebraska School Activities Association until the end of the last day of school.

If the student, or his or her parent or legal guardian, self-reported the possession, use, or distribution no later than the opening of school on the next day following such action, then the following consequences apply:

- (a) First offense: Denial of participation in all extracurricular activities for a period of ten (10) school days, beginning with the first scheduled contest in an activity; practices are not included.
- (b) Second offense: Denial of participation in all extracurricular activities for the remainder of the school year.

If the student is apprehended or cited by law enforcement officials or observed by a school district employee engaging in the possession, use, or distribution, as verified by the school district administration, but the student has not self-reported or been adjudicated in juvenile court, then the following consequences apply:

- (a) First offense: Denial of participation in all extracurricular activities for a period of four weeks (20 school days) beginning with the first scheduled contest in an activity; practices are not included.
- (b) Second offense: Denial of participation in all extracurricular activities for the remainder of the school year. Insight counseling shall be available upon request of the student or his or her parent or legal guardian.

If the student is convicted of a felony or if the matter is adjudicated in juvenile court, then the student shall be denied participation in all extracurricular activities for the remainder of the school year.

If the possession, use, or distribution occurs on school grounds, in a school vehicle, or on at a school-sponsored activity or athletic event, then Policy 5560, Student Discipline, applies.

The student shall be allowed an informal conference with the superintendent, or his or her designee, to tell the student's side of the story.

Legal Reference: Neb. Rev. Stat. § 79-258
 Neb. Rev. Stat. § 79-267
 Neb. Rev. Stat. § 79-296
 Neb. Rev. Stat. § 79-526

Policy Adopted: December 10, 2014