

KSB SCHOOL LAW

6000 Series M E M O R A N D U M

The 6000 series of policies address curricular and academic issues. We provide a description of the policies in the paragraphs below. Many of the policies in this series will apply without modification, but each one should be reviewed carefully to make sure that it conforms to your school district's practices.

Policy 6001. School Organization. We have two separate versions of Policy 6001 contained in this document. They define the school as organized in either K-6 and 7-12 or K-5, 6-8, and 9-12 schools. **You must select the version of this policy to describe how your board has organized your school district and delete the other option.**

Policy 6002. School Calendar. This is a standard policy about the school calendar. We believe it is best practice for the administrative team to propose the calendar. Some schools involve the teachers and/or parent organizations in creating the calendar. If that is your practice, we will be happy to help you revise this policy, although we believe that is not best practice.

Policy 6003. Instructional Program. This is a standard policy about the instructional program. You must fill in the number of instructional hours in the first paragraph.: The hours shown above are the minimum number of instructional hours for each corresponding grade as required by Nebraska law and NDE regulation. They may be, but are not required to be, adjusted upward at the board's discretion.

Policy 6004. Curriculum Development. This is a standard policy about curriculum development. Please note that this policy expressly places on principals the responsibility to ensure that teachers are teaching the curriculum and likewise places responsibility on the superintendent to hold principals accountable for implementation of the curriculum.

Policy 6005. Academic Credits and Graduation. This policy is the placeholder where the board should insert its standards for academic credits and graduation.

Policy 6006. Commencement Ceremony. This policy contains two options regarding the commencement ceremony. One permits a student who is within a specified number of credits to participate in the ceremony without receiving a diploma. The second permits all seniors to participate in the ceremony. **You must select one option and delete the other.**

Policy 6007. Senior Recognition. This policy addresses recognition of academic achievement by graduating seniors. The board should fill in the standards that the district uses. Note that you are not required to follow any particular process for recognizing academic achievement of graduating students.

Policy 6008. Class Rank. This policy addresses class rank. It is not required by state law, but this is always a politically charged issue. We have highlighted areas where the board should exercise its discretion to set standards. This is another area where school districts vary widely in their past practice. Please let us know if you would like our assistance in creating a policy which describes your board's decisions in this area.

Policy 6009. Grade Placement and Academic Credits of Transfer Students. This policy sets forth the criteria for determining the grade placement of transfer students, and addresses what credits the district will accept from both accredited and from exempt (home) schools.

Policy 6010. Special Education Identification, Evaluation and Verification. This policy guarantees the district will comply with the rules and protocols of the Nebraska Department of Education and the United States Department of Education identifying, evaluating, verifying and serving students who may be entitled to rehabilitation or special education services.

Policy 6011. Fire Instruction and Prevention. This policy states that the district will provide regular periods of fire instruction and will observe State Fire Day as required by statute.

Policy 6012. Flag Display and Patriotic Observances. This policy confirms the state statute requiring that the district display the U.S. and state flags. It also implements the requirements of Rule 10 related to the recitation of the pledge of allegiance.

Policy 6013. Teaching Controversial Issues. This policy addresses the teaching of controversial issues and sets forth criteria for teachers to follow when teaching or leading discussions.

Policy 6014. School Attendance on Days of Scheduled Activities. This policy requires students to attend regularly scheduled classes on days when they participate in any student activity. Be sure to check with your secondary administrators to determine what their current practice is related to student absences and school activities. If your district has a different practice let us know and we can help you update this policy.

Policy 6015. Summer School. This policy authorizes the school district to conduct a summer school program for students who need remedial help and for enrichment purposes. Your board will need to decide if it will allow a student who retakes a course in the summer to replace a lower grade earned during the regular school year for purposes of class rank. These can become sensitive political issues, so your board should also consult with your secondary administrative team to receive their input on this issue.

Policy 6016. Homebound and Off-Campus Instruction. This policy addresses homebound and other forms of off-campus instruction. Although the majority of students who are served in these settings are students with some sort of disability, there are times when a general education student is not able to attend school for a prolonged period but is not legally disabled. When special education students are placed in a homebound or off-campus setting, the board should be mindful that it is the student's IEP team and not the administration or board of education that determines the details of that placement.

Policy 6017. Homework. Although not legally required, many boards of education would like to have a broad policy statement on the value of homework. Some boards also want to place restrictions on the amount of work assigned by teachers overall or on Wednesday nights. We are aware that with the advent of flipped classrooms and 1:1 programs, the entire concept of homework is in flux. Again, your board should discuss its unique approach to this issue and let us know if you would like our assistance in crafting a customized policy.

Policy 6018. Grades. This is a standard policy on issuing grades. For special education law purposes, it is important that the board have a standard interval during which the school will communicate grades and academic progress to general education students.

Policy 6019. [Intentionally Left Blank]

Policy 6020. Multicultural Education. This is a standard policy on fostering and developing an appreciation and understanding of the racial, ethnic and cultural heritage of all students. Rule 10 requires that the board

receive an annual report on the multicultural education program. This policy places the responsibility for delivering that report on the superintendent.

Policy 6021. District Criteria for Selecting Evaluators to be Used for Special Education. This policy is required by Rule 51 of the Nebraska Department of Education. This policy can be no more restrictive than the criteria you would apply when seeking your own evaluations. Please review and update the highlighted paragraph in consultation with your special education staff and providers to ensure that it accurately reflects the boundaries you would recognize for the school district's own evaluations, noting where certain specialized assessments or evaluations will require travel outside the generally applicable geographical area.

Policy 6022. [Intentionally Left Blank]

Policy 6023. [Intentionally Left Blank]

Policy 6024. [Intentionally Left Blank]

Policy 6025. Student Cell Phone and Other Electronic Devices. The pendulum of school policy on banning or allowing students to possess and use cell phones at school continues to swing. This policy attempts to capture what we believe most schools do related to this issue by providing several options. They range from a fairly flexible version that permits students to use phones outside of class time, to options that require students to use devices like Yondr bags or an outright ban on having cell phones at school. Please review the options and the paragraphs within the option you choose to ensure it aligns with your school's preference. We are more than happy to help you tweak any of the options or create a new one that aligns with your practices.

Policy 6026. Emergency Dismissal. This policy gives the superintendent or his/her designee the responsibility for determining whether and when to cancel or dismiss extracurricular activities because of inclement weather or emergency conditions.

Policy 6027. Field Trips. This is a standard policy on field trips. Note that this policy requires principal approval for in-state field trips and board approval for out-of-state field trips. If your district follows a different protocol be sure to review this policy or reach out to one of the KSB attorneys to revise it for you. Also be sure to share this policy with all staff and volunteers who supervise student trips.

Policy 6028. The Extracurricular Activities Program. This is a standard policy about the purposes and governance of extracurricular programs. Please note the highlighted sentence which states that the superintendent assigns extracurricular sponsorship. We strongly believe that this is best practice. A few school boards persist in appointing coaches and other activity sponsors at the board level. If that is your practice, you should modify this sentence accordingly.

Policy 6029. Activity Trips. This policy governs transportation and conduct on activity trips.

Policy 6030. Public Appearances of School Groups. This policy addresses school groups making public appearances. We have had a few issues over the years in which students have performed at political rallies or similar events that could create the public perception that a district officially supports a candidate or ballot issue. There is also the possibility that a school group is asked to perform at an event that could create political headaches for the board. Like singing the national anthem at a lingerie football league game. In order to avoid these problems, this policy requires that building principals approve the public performance of any student group.

Policy 6031. Emergency Exclusion Procedure. This policy governs the procedure for extending an emergency exclusion under the Student Discipline Act. It is required if a school district ever wishes to extend a student's emergency exclusion beyond an initial 5-day period. This has become an increasingly important policy, so administrators should be familiar with the procedures in this policy.

The law requires the process for an extended emergency exclusion to be substantially similar to the process for long-term discipline, including notice and an opportunity for a hearing. However, the statutes also permit the school to modify its emergency exclusion process to account for the tight timelines involved in providing due process during emergency exclusion extensions. Our policy takes advantage of that necessary flexibility, but administrators will still need to be on top of these shortened timelines any time they propose to extend an emergency exclusion beyond 5 days.

Policy 6032. Constitution Day Education. This policy meets the statutory requirement for observing Constitution Day on September 17th.

Policy 6033. Seclusion and Restraint. The restraint and seclusion of students has been the subject of national attention and lawsuits. This policy provides definitions, guidelines, procedures, and staff requirements. You

should review this policy carefully with your staff and ensure it is wholly consistent with your present practices.

Policy 6034. Concussion Awareness. This policy meets the requirements of Nebraska law and outlines each school's obligations for compliance with those requirements for student concussions. It requires training for all coaches, notifications to families, and "return to learn" protocols as adopted by NDE. We have included applicable forms, and if you have forms you use already we would be happy to review them. You should review these requirements in detail even if you make no changes to this policy.

Policy 6035. Athletic Contest Participation by Sixth Graders. Section 004.02C of Rule 10 allows schools to include sixth grades students in interscholastic athletic competitions involving seventh and eighth grade students when (1) combined enrollment for seventh and eighth grade becomes fewer than 12 boys or 12 girls and (2) if the school board or local governing body has a policy regulating participation for sixth graders. This is the recommended policy.

Policy 6036. Reading Instruction and Intervention Services. The Nebraska Reading Improvement Act expresses the Unicameral's intent that all students in public schools be able to read at or above grade level by third grades. In order to meet this goal, school boards are required to develop policies to facilitate reading instruction and intervention services to address student reading needs, including, but not limited to, dyslexia. Beginning with the 2019-20 school year, schools will be required to administer reading assessments approved by NDE three times per school year to all students in kindergarten through third grade. Schools will also be required to provide supplemental reading intervention programs to students identified with reading deficiencies to ensure that they are reading at or above grade level by the end of third grade. This policy addresses all of the requirements of the Act.

Policy 6037. Selection and Review of Library Materials. We want to be clear that this policy is optional. Many districts have functioned for decades without a policy covering the procurement and review/challenges to library materials. However, we also know that in times of political pressure, it may help to have a process laid out for how materials are selected and then later challenged by concerned individuals. Within the policy, we have laid out 3 options for the selection of library materials and 2 options for review of those materials when someone has a concern. We also place limits on who can make such a request, how many items can be challenged at once, and how often items can be challenged. You should review the policy

and its options carefully before deciding if you want to adopt it at all, and if you do, which option best suits the preferences of your board and administration. You can also elect to eliminate either the selection section or the review section and use only the other portion of the policy. For example, many schools are satisfied with their current library material selection practices utilized by their librarians/media specialists, but they like having a clear policy to use when an individual wants a library material removed or restricted. If that makes sense to you, you can simply delete the selection section and keep the review section—or vice-versa. We have also included forms for individuals who wish to challenge a library material and a draft response letter you can use to create a response after the challenged material is reviewed. Those are in the 5000 series forms.

Most importantly, we want to make clear that this policy applies only to library materials. Core curricular materials and curriculum-related supplements are not intended to be covered by this policy. Those are covered elsewhere, such as in your parent involvement policy, and parent and patron rights to access those materials are governed by state and federal law. We also do not want patrons or parents to believe they can challenge actual curriculum materials--in most cases, they can review but cannot opt-out or ask for those to be removed. That is generally true regardless of the reason for their objection--religious, political, or otherwise.

Policy 6038. Artificial Intelligence. This is an optional policy. We have received questions from several clients about a board policy on the extent to which students may permissibly use artificial intelligence tools “AI Tools” (such as ChaptGPT and other chatbots) in connection with school assignments. This policy lays out (1) the board’s approval of using AI Tools in connection with academic assignments, and (2) details the minimum requirements and expectations for such use.

Under this policy, teachers are responsible for determining the extent to which a student may permissibly use AI Tools in connection with any specific assignment and the policy imposes certain minimum requirements that students using such tools must meet (including disclosure and proper attribution). Please note that the criteria laid out in this policy are not in response to legal requirements. Rather, this policy provides a practical framework for your teaching staff to consider whether and how AI Tools can and should be used in connection with school assignments. The policy also clarifies that student use of AI Tools should be consistent with expectations of academic honesty when using other sources of information. If the board is inclined to adopt this policy (or a version of it), we strongly encourage the board to consult with the administration (who may work with the teaching

staff) to ensure that the framework and expectations are consistent with the teaching practices.

Policy 6039. Repeat of Grade at Parent-Guardian Request. This policy implements the state law requirements that permits parents to request their child repeat grades K-4 based on academic needs, absenteeism, or illness, and repeat a grade in 5-12 based on absenteeism. The policy places certain timelines on parents to make the requests at the end of the school year they would like to repeat. This is because the 3 reasons for K-4 and 1 reason for 5-12 repetitions are tied to a school year. We also require the initial request to be submitted to the building principal so that the principal can provide the superintendent with all of the information on things like attendance that will be needed to respond to the request. Please note that many of the headlines implied parents get sole discretion on grade repetition, but that is just not true. For a K-4 or 5-12 student to repeat a grade, they must meet the applicable criteria. The process also includes NDE reporting requirements and use of a form created by NDE.

Policy 6040. Prekindergarten (Preschool or Early Childhood) Program. Schools are not required to have Pre-K programs. If you do have one, state law permits school-operated Pre-K programs some flexibility in determining how many years students may attend preschool and flexibility for prioritizing which students schools want to attend. It also allows capacity limitations. This policy is designed to set up the framework for you to use if your school has a Pre-K program. It highlights those areas you'll need to fill in to account for how you run your program, which ages of students you prioritize, and capacity limitations. If you don't have a Pre-k program run by your school, don't adopt this policy and just leave 6040 as "Intentionally Left Blank."

Policy 6041. Malcolm X Day Education. May 19th is Malcolm X Day in Nebraska, and state law requires schools to hold suitable exercises and learning opportunities in recognition of Malcolm X on that date (similar to Veterans Day). This policy addresses this requirement and explains how schools must celebrate the day if May 19 happens to fall on a weekend. Interestingly, the implementing legislation was silent on what schools must do if some or all students are already done with the school year by May 19, which is a real possibility in years where there are few snow days. Our policy is also silent, because we interpret the Unicameral's silence to mean you only need to have a Malcolm X Day service if school is in session.

Policy 6042. Projection Maps. Whether it was a nod of deference to the hit 2000s TV show "The West Wing" or the effectiveness of map makers

lobbyists, state law now limits the use of Mercator projection maps in schools. This policy (required by law) lays out the limited circumstances in which you can still use a Mercator projection map standing alone or within a textbook, and it generally requires you to use a Gall-Peters projection map or AuthaGraph projection map at the same time. Thank goodness for “local” control.

Policy 6043. Mapping Data. State law provides for grant funding and authority for schools to create and share school building/property mapping data with public safety agencies like law enforcement. From a public safety perspective, this allows more efficient response in the event of a crisis situation. However, in order to take advantage of the grant funding and ability to share this data with safety officials, you must have a policy that meets the requirements of the implementing legislation. This policy lays those out.

Policy 6044. Participation and Assignment of Athletic Teams. State law requires schools to designate all athletic teams as male, female, or coed. It further restricts participation on those teams to a student’s “sex,” which is defined by the student’s reproductive anatomy. The law requires a student’s sex to be confirmed on a document signed by a doctor or under the supervision of a doctor.

Policy 6045. Behavioral Intervention. State law requires school districts to develop and adopt a policy regarding use of behavioral interventions. The policy must be consistent with or comparable to the model policy developed by the State Department of Education. We went with “comparable to” and tried to draft a policy that won’t be too onerous compared to common and best practices we’ve seen prevalent across the state.