

April Meeting  
Monday, April 10, 2023 7:00 PM

Media Center, Amherst School  
100 North Sycamore  
Amherst, NE 68812-0008

## **Agenda**

1. Call meeting to order
  - 1.1. Pledge of Allegiance
2. Notice of adherence to the Open Meeting Law
3. Roll Call
  - 3.1. Excuse absent Board members
4. Approval of Minutes, Claims and Reports
  - 4.1. Review previous meeting minutes
  - 4.2. Review financial reports and monthly claims
  - 4.3. Board Action on consolidated motion for approving Minutes, Claims and Financial Reports
5. Public Comment
  
6. Reports and communications from board members.
7. Principal's Report
8. Superintendent's Report
9. Old Business
10. New Business
  - 10.1. Approve contract with ESU 10 for Title services for the 2023/24 school year.
  - 10.2. Approve Transfer from Liquid Asset fund to Sampson Construction.
  - 10.3. Accept Teacher Resignation
  - 10.4. Approve Teaching Contracts
  - 10.5. Purchase of Floor scrubber
  - 10.6. Reading Policy 312
  - 10.7. Reading Policy 710
  - 10.8. Approve review of 300 Policy
11. Miscellaneous or non-action items
  - 11.1. Assess construction progress
  
12. Executive Session
13. Adjourn

# Open Meetings Act

## § 84-1407. Act, how cited.

Sections 84-1407 to 84-1414 shall be known and may be cited as the Open Meetings Act.

Source: Laws 2004, LB 821, § 34.

## 84-1408. Declaration of intent; meetings open to public.

It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.

Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

Source: Laws 1975, LB 325, § 1; Laws 1996, LB 900, § 1071; Laws 2004, LB 821, § 35.

## § 84-1409. Terms, defined.

For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Videoconferencing means conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

Source: Laws 1975, LB 325, § 2; Laws 1983, LB 43, § 1; Laws 1989, LB 429, § 42; Laws 1989, LB 311, § 14; Laws 1992, LB 1019, § 124; Laws  
Open Meetings Act

1993, LB 635, § 1; Laws 1996, LB 1044, § 978; Laws 1997, LB 798, § 37; Laws 2004, LB, § 36; Laws 2007, LB296, § 810; Laws 2011, LB366, § 2.

## § 84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct;

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting;

(e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or

(f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

**Source:** Laws 1975, LB 325, § 3; Laws 1983, LB 43, § 2; Laws 1985, LB 117, § 1; Laws 1992, LB 1019, § 125; Laws 1994, LB 621, § 1; Laws 1996, LB 900, § 1072; Laws 2004, LB 821, § 37; Laws 2004, LB 1179, § 1; Laws 2006, LB 898, § 1; Laws 2011, LB390, § 29; Laws 2012, LB995, § 17.

**§ 84-1411. Meetings of public body; notice; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body.**

(1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting or (b) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than one county in this state, of the governing body of a public power and irrigation district having a chartered territory of more

than one county in this state, of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, or of a community college board of governors may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

(a) Reasonable advance publicized notice is given;

(b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;

(c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;

(d) At least one member of the state entity, advisory committee, board, council, or governing body is present at each site of the videoconference or telephone conference, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site; and

(e)(i) Except as provided in subdivision (2)(c)(ii) of this section, no more than one-half of the state entity's, advisory committee's, board's, council's, or governing body's meetings in a calendar year are held by videoconference or telephone conference; or

(ii) In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, such organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conferencing.

Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(3) A meeting of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, of a community college board of governors, of the governing body of a public power district, of the governing body of a public power and irrigation district, or of the Nebraska Brand Committee may be held by telephone conference call if:

(a) The territory represented by the educational service unit, member educational service units, community college board of governors, public power district, public power and irrigation district, Nebraska Brand Committee, or member public agencies of the entity or pool covers more than one county;

(b) Reasonable advance publicized notice is given which identifies each telephone conference location at which there will be present: (i) A member of the educational service unit board, council, community college board of governors, governing body of a public power district, governing body of a public power and irrigation district, Nebraska Brand Committee, or entity's or pool's governing body; or (ii) A nonvoting designee designated under subdivision (3)(f) of this section;

(c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or entity or pool or at a place which will accommodate the anticipated audience;

(d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;

(f) At least one member of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site;

(g) The telephone conference call lasts no more than five hours; and

(h) No more than one-half of the board's, council's, governing body's, committee's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that:

(i) The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing; and

(ii) An organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act may hold more than one-half of its meetings by telephone conference call if the organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conference call.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to

Open Meetings Act

circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

**Source:** Laws 1975, LB 325, § 4; Laws 1983, LB 43, § 3; Laws 1987, LB 663, § 25; Laws 1993, LB 635, § 2; Laws 1996, LB 469, § 6; Laws 1996, LB 1161, § 1; Laws 1999, LB 47, § 2; Laws 1999, LB 87, § 100; Laws 1999, LB 461, § 1; Laws 2000, LB 968, § 85; Laws 2004, LB 821, § 38; Laws 2004, LB 1179, § 2; Laws 2006, LB 898, § 2; Laws 2007, LB 199, § 9; Laws 2009, LB 361, § 2; Laws 2012, LB 735, § 1; Laws 2013, LB 510, § 1; Laws 2017, LB 318, § 1; Laws 2019, LB 212, § 5.

**Effective Date: September 1, 2019**

#### § 84-1412. Meetings of public body; rights of public; public body; powers and duties.

(1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making a telephone conference call available at an in-state location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act;

(f) Reasonable arrangements are made to provide viewing at other in-state locations for a videoconference meeting if requested fourteen days in advance and if economically and reasonably available in the area; and

(g) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

(8) Public bodies shall make available at the meeting or the in-state location for a telephone conference call or videoconference, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

**Source:** Laws 1975, LB 325, § 5; Laws 1983, LB 43, § 4; Laws 1985, LB 117, § 2; Laws 1987, LB 324, § 5; Laws 1996, LB 900, § 1073; Laws 2001, LB 250, § 2; Laws 2004, LB 821, § 39; Laws 2006, LB 898, § 3; Laws 2008, LB 962, § 1.

**§ 84-1413. Meetings; minutes; roll call vote; secret ballot; when.**

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

Open Meetings Act

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written, except as provided in subsection (6) of this section, and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

(6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record.

**Source:** Laws 1975, LB 325, § 6; Laws 1978, LB 609, § 3; Laws 1979, LB 86, § 9; Laws 1987, LB 663, § 26; Laws 2005, LB 501, § 1; Laws 2009, LB 361, § 3; Laws 2015, LB 365, § 2; Laws 2016, LB 876, § 1.

**§ 84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.**

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

**Source:** Laws 1975, LB 325, § 9; Laws 1977, LB 39, § 318; Laws 1983, LB 43, § 5; Laws 1992, LB 1019, § 126; Laws 1994, LB 621, § 2; Laws 1996, LB 900, § 1074; Laws 2004, LB 821, § 40; Laws 2006, LB 898, § 4.

**March Meeting**  
Media Center, Amherst School  
Monday, March 13, 2023 7:00 PM

Terry Abbott: Present  
Les Adelung: Present  
Jess Day: Present  
Ryan Fisher: Absent  
Karen Harmony: Present  
Casey Mitchell: Present

Visitors present: Mr. Matt Gordon, Mr. Roger Thomsen, Nathan Dietz, Malissa Kissinger, Matt & Bev Anderson, Julie Rose, Marci Day, Kristen Prickett, Trevor Adelung, Carlene Abbott,

**Motion to** excuse absent Board Member, Ryan Fisher. This motion, made by Terry Abbott and seconded by Casey Mitchell, Passed.

Terry Abbott: Yea, Les Adelung: Yea, Jess Day: Yea, Karen Harmony: Yea, Casey Mitchell: Yea

**Motion to** approve on consolidated motion to approve Minutes, Claims and financial Reports. This motion, made by Jess Day and seconded by Terry Abbott, Passed.

Terry Abbott: Yea, Les Adelung: Yea, Jess Day: Yea, Karen Harmony: Yea, Casey Mitchell: Yea

**Motion to** approve the November payment from the Nebraska Liquid Asset Fund to Sampson Construction for \$399,640. This motion, made by Terry Abbott and seconded by Les Adelung, Passed.

Terry Abbott: Yea, Les Adelung: Yea, Jess Day: Yea, Karen Harmony: Yea, Casey Mitchell: Yea

**Motion to** transfer \$15,000 from the general to the athletic fund. This motion, made by Casey Mitchell and seconded by Jess Day, Passed.

Terry Abbott: Yea, Les Adelung: Yea, Jess Day: Yea, Karen Harmony: Yea, Casey Mitchell: Yea

**Motion to** approve Sampson Construction purchasing bleachers with released contractor contingency from Mid-States School Equipment. This motion, made by Casey Mitchell and seconded by Les Adelung, Passed.

Terry Abbott: Yea, Les Adelung: Yea, Jess Day: Yea, Karen Harmony: Yea, Casey Mitchell: Yea

**Motion to** enter into executive session to discuss Evaluation of Administration Performance. This motion, made by Terry Abbott and seconded by Jess Day, Passed.

Terry Abbott: Yea, Les Adelung: Yea, Jess Day: Yea, Karen Harmony: Yea, Casey Mitchell: Yea

**Motion to** exit executive session at 9:04. This motion, made by Casey Mitchell and seconded by Terry Abbott, Passed.

Terry Abbott: Yea, Les Adelung: Yea, Jess Day: Yea, Karen Harmony: Yea, Casey Mitchell: Yea

**Motion to** adjourn at 9:07 PM. This motion, made by Casey Mitchell and seconded by Karen Harmony, Passed.

Terry Abbott: Yea, Les Adelung: Yea, Jess Day: Yea, Karen Harmony: Yea, Casey Mitchell: Yea

President Adelung began the Regular Board Meeting in the Media Center at 7:00 PM. President Adelung made known the location of the “Open Meetings Law” poster, which is hanging on the Media Center’s wall. Our COVID plan was reviewed. Option enrollment and policy was discussed. Mr. Thomsen discussed parking lot improvements. The Board congratulated our girls and boys basketball teams on outstanding seasons and recognized our wrestling state medalists and our state speech qualifier.

**FINANCIAL REPORT For March 31, 2023**

Fund	Bank	Interest	Co. Treas	NSDLAF	Int.	TOTAL	Mo. Intr.	Balances
	03/31/23		02/28/23	03/31/23		03/31/23		03/31/22
<b>General</b>	1,242,104.96	775.25	66,305.30	509,039.37	1,897.59	1,751,144.33	2,672.84	2,378,900.04
<b>Lunch</b>	27,257.98	1.48				27,257.98	1.48	65,314.61
<b>Petty Cash</b>	2,443.00					2,443.00		3,331.50
<b>Activity</b>	223,163.16	37.09				223,163.16	37.09	204,441.89
<b>Retirement</b>	44,547.39					44,547.39		42,357.71
<b>Spe. Bld.</b>	55,016.55	25.42	1,278.27	240.61	0.90	55,257.16	26.32	1,729,418.59
<b>Handicp</b>	1,110.81	0.48		514.99	1.92	1,625.80	2.40	1,107.21
<b>Deprec.</b>	556,927.84	236.50		449.05	1.67	557,376.89	238.17	599,483.11
<b>Unemployment</b>	9,049.48			2,274.92	8.48	11,324.40	8.48	9,052.48
<b>Caf. Plan</b>	9,112.81					9,112.81		7,525.22
<b>Bond</b>	142,912.74	35.42	8,841.98			142,912.74	35.42	109,549.70
<b>Construction</b>	-	-		5,600,168.03	20,919.71	5,600,168.03	20,919.71	9,107,838.37
<b>TOTAL</b>	\$ 2,313,646.72	\$ 1,111.64	\$ 76,425.55	\$ 6,112,686.97	\$ 22,830.27	\$ 8,426,333.69	\$ 23,941.91	\$ 14,258,320.43

\*Constrution balance after pay app 9 & 10 paid 4/2/23 5,200,528.03

interest.7% General fund, Bond Fund, Special Building, and Depreciation Funds  
 interest .1% on all other accounts Liquid Asset Fund 4.5%

	Budgeted	Spent to Date	Budget percentage
General Fund	\$ 5,435,500.00	\$ 2,895,063	5.07%
Lunch Fund	\$ 270,500.00	\$ 180,387	-8.35%

Construction Project Account Spending			
Construction			\$ 4,646,615.35
Depreciation			\$ 43,231.60
General Fund			\$ 1,586,258.66
Special Building			\$ 2,003,124.80
<b>Total Project Spending</b>			<b>\$ 8,279,230.41</b>

Construction Spending					
DATE	CK#	ACCOUNT (special/ag/gen/constr)	VENDOR	DESCRIPTION	Disbursed
1/11/21	33060	general		Buffalo County Election Commissioner	100.00
8/9/21	33554	general		Wilkins Architecture Design Planning LLC	4,100.00
9/11/21	33627	general		Wilkins Architecture Design Planning LLC	1,300.00
10/10/21	33703	general		Wilkins Architecture Design Planning LLC	1,333.92
11/7/21	33778	general		Wilkins Architecture Design Planning LLC	1,300.00
12/11/21	33844	general		Wilkins Architecture Design Planning LLC	163,185.18
12/11/21	33801	general		Buffalo County Election Commissioner	3,746.91
2/14/22	33981	general		Wilkins Architecture Design Planning LLC	195,992.92
3/13/22	34037	general		Wilkins Architecture Design Planning LLC	183,690.11
4/10/22	34105	general		Wilkins Architecture Design Planning LLC	62,267.50
5/8/22	34179	general		Wilkins Architecture Design Planning LLC	41,614.87
5/11/22	34183	general		Dawson Public Power	\$ 28,655.13
6/12/22	34209	general		Dawson Public Power	\$ 3,935.00
6/12/22	34246	general		Black Hills Energy	\$ 17,353.62
7/8/22	34315	general		Wilkins Architecture Design Planning LLC	\$ 10,241.33
7/8/22	34294	general		Nickman Brothers LLC	\$ 1,125.00
7/8/22	34260	general		B2 Environmental	\$ 750.00
8/6/22	34383	general		Wilkins Architecture Design Planning LLC	\$ 10,218.71
8/6/22	34373	general		Sampson Construction Co Inc	\$ 141,945.00
8/6/22		special building		Sampson Construction Co Inc	\$ 149,645.00
8/6/22		Depreciation		Sampson Construction Co Inc	\$ 2,638.00
9/11/22		general		Wilkins Architecture Design Planning LLC	\$ 10,214.84
9/11/22		general		Sampson Construction Co Inc	\$ 54,173.70
9/11/22		special building		Sampson Construction Co Inc	\$ 537,898.50
9/11/22		Depreciation		Sampson Construction Co Inc	\$ 12,600.00
9/11/22		general - esserIII		Trane	\$ 9,728.74
10/9/22		general - esserIII		Trane	\$ 71,471.02
10/9/22		Depreciation		Sampson Construction Co Inc	\$ 8,194.00
10/9/22		special building		Sampson Construction Co Inc	\$ 610,163.00
10/9/22		special building		Sampson Construction Co Inc	\$ 705,418.00
10/9/22		general		Sampson Construction Co Inc	\$ 17,925.00
10/9/22		general		Wilkins Architecture Design Planning LLC	\$ 10,198.10
10/9/22		general		Wilkins Architecture Design Planning LLC	\$ 10,218.71
10/31/22		NLAF		Sampson Construction Co Inc	\$ 1,467,945.00
11/10/22		general - esserIII		Trane	\$ 1,681.64
11/10/22		general		Sampson Construction Co Inc	\$ 62,739.00

In tabulations below, amounts are stated to the nearest dollar.  
Use Column I on Contracts where variable retainage for line items may apply.

PERIOD TO: 3/31/2023  
ARCHITECT'S PROJECT NO: 21072

**AMHERST PUBLIC SCHOOLS ADDITION/RENOVATION**

ITEM NO.	Description of Work	Scheduled Value	WORK COMPLETED		MATERIAL PRESENTLY STORED (NOT IN DORE)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G+C)	BALANCE TO FINISH (C-G)	RETAINAGE (IF VARIABLE RATE)	TOTAL TO BE PAID	ACCOUNT (GEN, CONST, DEP, SPE)
			From Previous Application D+E	This Period							
1	EXCAVATION & GRADING	226,637	112,213	0	0	112,213	50%	114,424	11,332	0	
2	TERMITE PROTECTION	4,500	4,500	0	0	4,500	100%		225	0	
3	SELECTIVE DEMOLITION	184,086	48,035	0	0	48,035	26%	136,051	9,204	0	
4	FENCE	2,500	0	0	0	0		2,500	125	0	
5	RESTEEL	148,616	128,472	0	0	128,472	86%	20,144	7,431	0	
6	CONCRETE	880,002	655,206	8,280	0	663,486	75%	216,516	44,000	8280	CONSTRUCTION
7	PRECAST HOLLOW CORE	39,600	39,600	0	0	39,600	100%		1,980	0	
8	MASONRY	391,150	335,746	0	0	335,746	86%	55,404	19,558	0	
9	STEEL MATERIAL	471,351	385,605	0	0	385,605	82%	85,746	23,568	0	
10	STEEL & PRECAST ERECTION	482,210	361,657	15,000	0	376,657	78%	105,553	24,111	15000	CONSTRUCTION
11	ROUGH CARPENTRY	108,829	24,233	5,460	0	29,693	27%	79,136	5,441	5460	CONSTRUCTION
12	CASEWORK	128,218	33,359	0	0	33,359	26%	94,859	6,411	0	
13	FINISH CARPENTRY	93,280	10,965	0	0	10,965	12%	82,315	4,664	0	
14	EXPANSION JOINTS	14,932	14,932	0	0	14,932	100%		747	0	
15	METAL WALL PANELS/SOFFIT	6,240	0	0	0	0		6,240	312	0	
16	ROOFING	258,874	232,841	0	0	232,841	90%	26,033	12,944	0	
17	TRANSLUCENT PANELS	31,345	31,345	0	0	31,345	100%		1,567	0	
18	JOINT SEALANTS	23,313	0	0	0	0		23,313	1,166	0	
19	DOORS/FRAMES/HARDWARE	205,938	205,480	0	0	205,480	100%	458	10,297	0	
20	OVERHEAD DOORS	62,016	0	0	0	0		62,016	3,101	0	
21	ALUMINUM GLASS/GLAZING/CURTAINWALL	126,594	21,691	34,709	0	56,400	45%	70,194	6,330	34709	CONSTRUCTION
22	DRYWALL	1,450,182	840,500	0	0	840,500	58%	609,682	72,509	0	
23	ACOUSTICAL CEILINGS	137,514	27,600	3,000	0	30,600	22%	106,914	6,876	3000	CONSTRUCTION
24	CARPET/CERAMIC TILE	163,191	103,695	0	0	103,695	64%	59,496	8,160	0	
25	GYM WOOD FLOOR	158,180	0	0	0	0		158,180	7,909	0	
26	PAINTING/POLISHED FLOORS	234,476	125,000	50,000	0	175,000	75%	59,476	11,724	50000	CONSTRUCTION
27	SPECIALITIES	69,407	32,438	26,219	0	58,657	85%	10,750	3,470	26219	CONSTRUCTION
28	SIGNAGE	15,361	0	0	0	0		15,361	768	0	
29	FLAGPOLE	3,095	0	0	0	0		3,095	155	0	
30	LOCKERS	84,468	0	0	0	0		84,468	4,223	0	
31	ACCESS DOORS	720	0	0	0	0		720	36	0	
32	ATHLETIC EQUIPMENT	64,240	0	0	0	0		64,240	3,212	0	
33	BLINDS	11,800	2,460	0	0	2,460	21%	9,340	590	0	
34	PRE-ENGINEERED METAL BUILDING	630,814	615,555	0	0	615,555	98%	15,259	31,541	0	
35	PRE-ENGINEERED METAL BUILDING INSULATION	62,450	62,450	0	0	62,450	100%		3,123	0	
36	FIRE PROTECTION SYSTEMS	150,040	92,290	8,895	0	101,185	67%	48,855	7,502	8895	CONSTRUCTION
37	SITE UTILITIES/MECHANICAL	2,327,962	1,216,692	398,109	0	1,614,801	69%	713,161	116,398	398109	CONSTRUCTION
38	ELECTRICAL	1,033,244	652,148	26,848	0	678,996	66%	354,248	51,662	26848	CONSTRUCTION
39	GENERAL CONDITIONS/SITE SUPPORT	1,028,453	580,642	0	0	580,642	56%	447,811	51,423	0	
40	PRECONSTRUCTION SERVICES	10,000	10,000	0	0	10,000	100%		500	0	
41	BUILDING PERMIT	25	25	0	0	25	100%		1	0	
42	MATERIAL TESTING & INSPECTION ALLOWANCE	45,000	22,896	0	0	22,896	51%	22,104	2,250	0	
43	SURVEYING ALLOWANCE	35,000	9,084	0	0	9,084	26%	25,916	1,750	0	
44	BUILDERS RISK	23,325	23,192	0	0	23,192	99%	133	1,166	0	
45	GENERAL LIABILITY INSURANCE	35,078	20,838	1,754	0	22,592	64%	12,486	1,754	1754	CONSTRUCTION
46	CM CONTINGENCY	311,649	0	0	0	0		311,649	15,582	0	
47	FEE@ 1.85%	219,246	131,043	10,698	0	141,741	65%	77,505	10,962	10698	CONSTRUCTION
48	BOND	57,420	57,054	0	0	57,054	99%	366	2,871	0	
	<b>GRAND TOTALS</b>	<b>12,252,571</b>	<b>7,271,482</b>	<b>588,972</b>	<b>0</b>	<b>7,860,454</b>	<b>64%</b>	<b>4,392,117</b>	<b>612,629</b>	<b>588,972</b>	

ACCOUNT TOTALS 12/31/2022	
TOTALS CONSTRUCTION	\$ 588,972.00
TOTALS DEPRECIATION	\$ -
TOTALS GENERAL	\$ -
TOTALS SPECIAL	\$ -
CERTIFIED AMMOUNT	\$ 588,972

# Consolidated Check Listing

Direct Dep.	Check	Check Date	Payable To	Amount
<b>01 - GENERAL FUND</b>				
	00034879	04/07/2023	Am. Family Life Assurance Co	1,793.03
	00034880	04/07/2023	AFLAC	226.04
	00034881	04/07/2023	Country Partners Cooperative	5,362.28
	00034882	04/07/2023	Apple, Inc.	29,400.00
	00034883	04/07/2023	DAS State Accounting - Central Finance	238.13
	00034884	04/07/2023	Awards Unlimited Inc	589.97
	00034885	04/07/2023	Axmann Heating & Air Conditioning	853.13
	00034886	04/07/2023	Heartland Bank	15.00
	00034887	04/07/2023	Blue Cross-Blue Shield	52,786.36
	00034888	04/07/2023	Buffalo County Sheriff's Office	300.00
	00034889	04/07/2023	Cash Drawer-amherst School	138.49
	00034890	04/07/2023	Coachmaster's Inc	2,763.48
	00034891	04/07/2023	Construction Rental Inc	44.73
	00034892	04/07/2023	Culligan of Kearney	142.00
	00034893	04/07/2023	Dawson Co Pub Power	4,842.14
	00034894	04/07/2023	Eakes Office Plus	1,857.57
	00034895	04/07/2023	Ecolab Pest Elimination	73.42
	00034896	04/07/2023	Erin M. McCartney, Chapter 13 Trustee	425.00
	00034897	04/07/2023	ESU 10	21,599.94
	00034898	04/07/2023	First Bankcard	851.31
	00034899	04/07/2023	Heartland Bank	49,243.95
	00034900	04/07/2023	Heartland Refrigeration LLC	255.00
	00034901	04/07/2023	Hometown Leasing	492.30
	00034902	04/07/2023	Horace Mann	24.66
	00034903	04/07/2023	Island Supply Welding Co	18.88
	00034904	04/07/2023	KSB School Law	35.00
	00034905	04/07/2023	Kully Pipe & Steel Supply	112.19
	00034906	04/07/2023	Matheson-Linweld Tri-Gas Inc	34,032.69
	00034907	04/07/2023	Menards - Kearney	325.44
	00034908	04/07/2023	Miscellaneous Cash Account	1,593.96
	00034909	04/07/2023	T&T Mobile Washing	813.00
	00034910	04/07/2023	NCS Pearson, Inc	45.00
	00034911	04/07/2023	J.W. Pepper & Son, Inc.	484.53
	00034912	04/07/2023	Principal Life	754.46
	00034913	04/07/2023	Ravenna Sanitation	445.00
	00034914	04/07/2023	Retirement	44,823.35
	00034915	04/07/2023	Heartland Bank	6,818.54
	00034916	04/07/2023	Black Hills Energy	6,256.85
	00034917	04/07/2023	Heartland Bank	4,323.36
	00034918	04/07/2023	Todd's Auto Repair	1,696.97
	00034919	04/07/2023	Trane U.S. Inc	1,512.71

# Consolidated Check Listing

Arranged by:  
Check Number

Direct Dep.	Check	Check Date	Payable To	Amount
	00034920	04/07/2023	Verizon Wireless	143.72
	00034921	04/07/2023	Village Of Amherst Water Dept	417.10
	00034922	04/07/2023	Wilkins Architecture Design Planning LLC	10,216.18
	00034923	04/07/2023	Yandas Music	129.00
			<b>01 - GENERAL FUND Totals:</b>	<b>289,315.86</b>
<b>06 - LUNCH FUND</b>				
	00004542	04/07/2023	Cash-wa Dist Co	18,898.24
	00004543	04/07/2023	Domino's Pizza	434.00
	00004544	04/07/2023	Heartland Bank	2,469.23
	00004545	04/07/2023	Miscellaneous Cash Account	650.76
	00004546	04/07/2023	Retirement	1,898.39
	00004547	04/07/2023	Heartland Bank	303.74
			<b>06 - LUNCH FUND Totals:</b>	<b>24,654.36</b>
			<b>Report Total:</b>	<b>313,970.22</b>



## Clarke Focus® II MicroRider™ Rider Autoscrubber®

- **BOOST® Technology** with chemical-free floor finish removal makes the rider a dual-function scrubber
- **SafetyGlide™ Scrub Deck** ensures quality cleaning results with 100% water pick-up
- **Easy Operation with Safe-T-Steering™** increases operator safety
- **Quiet Operation** makes daytime cleaning and cleaning of noise-sensitive areas viable
- **Optional Chemical Mixing System** automatically delivers the correct mixing solution to the brush deck
- **Comfortable Driver Compartment** with customizable features can be optimized for virtually every operator

*The Clarke Focus® II MicroRider™ is everything you need in a compact rider, available in a unique 26 inch disc deck or 28 inch BOOST® scrub deck for all of your scrubbing needs!*

**Trusted. Reliable. Efficient.**

**Clarke®**

# Compact design and superior scrub system with chemical-free floor finish removal capabilities maximize cleaning performance.



## Compact Size

The Clarke Focus® II MicroRider™ is a small, easily maneuverable machine that is designed to clean the areas that are inaccessible with larger riders—including those with limited access or tight corners. Yet, with a 26 or 28 inch deck, the Focus II MicroRider offers a wide cleaning path for maximum productivity in your larger cleaning areas.

## Innovative Deck

The low-profile SafetyGlide™ deck eliminates wasted time and money spent on side skirts, and irritating watermarks. Simply turn the steering wheel; as the machine turns, the deck automatically moves in line with the path of the rear squeegee, resulting in 100% water pick-up. With a spring-loaded safety design, you no longer have to worry about accuracy or accidental contact for edge cleaning. The deck ensures precise, straight edge cleaning without additional labor-intensive detail edge mopping.

## Chemical-free Floor Finish Removal

Enhanced with BOOST® Technology, the Focus II MicroRider is available with a 28 inch BOOST deck, delivering high levels of cleaning with the ultimate in green benefits. Say goodbye to costly chemicals, slippery floors and undesirable odors. BOOST allows for easy floor finish removal without the use of chemicals. Plus, this efficient technology uses up to 70% less solution, extends equipment pad life by 40%, provides longer battery runtimes and cuts labor time in half.

## Cleaner, more efficient scrubbing with user-friendly operation!



### Recovery Tank

A large opening to the recovery tank allows for easy cleaning and access to the debris catch cage.



### Control System

Universal One-Touch™ controls and digital solution level indicator ensure easy operation.



### SafetyGlide™ Deck

Unique deck automatically moves in line with the path of the rear squeegee when the steering wheel turns, eliminating the need for side skirts.

# Focus® II MicroRider™

- 1** *Safe-T-Steering™ reduces machine speed on turns, providing effective operator safety*
- 2** *Optional Chemical Mixing System ensures that detergent and water are automatically mixed in the exact proportions needed to ensure optimal cleaning results*
- 3** *Angled floor provides comfortable use*
- 4** *Durable, comfortable driving seat and position allow excellent field of vision*
- 5** *26 inch disc with durable brushes provide superior, long-lasting scrubbing performance*
- 6** *SafetyGlide™ Deck As the steering wheel turns, the unique scrub deck automatically moves in the same direction*
- 7** *High traction, non-marking urethane tires*
- 8** *Unique squeegee design with standard, heavy-duty polyurethane blades ensures excellent water pick-up and drier floors*



## Battery Compartment

Easily-accessible battery compartment is located directly under the operator's seat, allowing for quick battery maintenance and installation.



## Chemical Mixing System

Optional, onboard chemical mixing system automatically mixes concentrated chemicals stored in an onboard container with clean water stored in the solution tank.



## Angled Floorboard

Angled floorboard with low step height allows for easy access and maximizes rider comfort.

Specifications	Focus® II Disc MicroRider™	Focus® II BOOST® MicroRider™
Model Numbers	Multiple model numbers. See price catalog.	
Scrub Head Type	Dual Disc	BOOST®
Scrub Path	26 in (660 mm)	28 in (717 mm)
Capacity	21 gal (80 L)	
Maximum Speed	3.7 mph (6 km/hr)	
Maximum Productivity @ 3.7 mph	42,328 ft <sup>2</sup> /hr (3,932 m <sup>2</sup> /hr)	45,484 ft <sup>2</sup> /hr (4,226 m <sup>2</sup> /hr)
Brush Pressure	Setting 1 = 65 lb (30 kg) Setting 2 = 105 lb (48 kg)	
Brush Speed	230 RPM	2,250 RPM
Brush Motor	0.54 hp (400 W)	0.75 hp (560 W)
Vacuum Motor	0.56 hp (420 W)	
Vacuum Airflow	55.3 CFM (26.1 L/Sec)	
Vacuum Waterlift	57 in (14.2 KPA)	
Sound Pressure Level EN ISO 11201: 1995	High Setting = 65 dB A Low Setting=61 dB A	
Water Flow	0 - 0.8 gpm (0 - 3.0 L/min)	
Minimum Turn-Around Aisle Width	59 in (150 cm)	
Maximum Ramp Climbing	16 degrees	
Squeegee Width	35 in (89 cm)	
Machine Voltage	24 VDC	
Power Source	(4) 6 Volt batteries (wet acid and AGM maintenance-free)	
Battery Charger	24 VDC onboard	
Maximum Run Time	3.5 hours	
Dimensions (W/O Squeegee)	L = 53.5 (136 cm) W = 26.4 in (67 cm) H = 48.4 (123 cm)	L = 53.5 (136 cm) W = 28.7 in (73 cm) H = 48.4 (123 cm)
Weight W/O Batteries, Empty Tanks	385.8 lb (175 kg)	401 lb (182 kg)
Maximum Weight with Batteries, Full Tanks and Operator (GVW)	983.2 lb (446 kg)	1,005 lb (456 kg)
PSI Front Tire with Operator and Full Tank	72.5 psi (0.5 N/mm <sup>2</sup> )	
PSI Rear Tires with Operator and Full Tank	130.5 psi (0.9 N/mm <sup>2</sup> )	
Approvals	ETL, CSA	
IP Protection Class	IPX3	

Specifications are subject to change without notice.



Watch the  
BOOST® Video

## Applications

- Hospitals and Healthcare Facilities
- Schools and Universities
- Hotels and Hospitality Facilities
- Government Buildings and Installations
- Automotive Dealerships
- Entertainment and Sport Arenas
- Supermarkets

## “Green” Benefits

- Deep scrub and floor finish removal without chemicals
- Reduced chemical consumption
- Low water usage
- Reduction in pad usage by 40%
- Earn LEEDS certification credits when using BOOST® Technology

## Safety Features

- Safe-T-Steering™ feature
- Thermal overload protection
- Superior line of sight
- Security key switch
- Quiet mode
- SafetyGlide™ Deck

## Accessories

- Safety warning beacon
- CBMS
- Battery watering kit

# Clarke®

9435 Winnetka Avenue North  
Brooklyn Park, MN 55445  
Phone: 800.253.0367  
Fax: 800.825.2753  
www.clarkeus.com

240 Superior Boulevard  
Mississauga, Ontario, Canada L5T 2L2  
Phone: 800.668.8400  
Fax: 800.263.5111  
www.nilfisk-advance.ca

## **Policy: 312**

### **SUPERINTENDENT EVALUATION**

Each year the Board will conduct an evaluation of the Superintendent of Schools to identify strengths and weaknesses and provide feedback as appropriate.

In November, the Board President will seek input from all board members regarding the performance of the Superintendent. The president will compile responses and schedule a board/superintendent conference, which shall occur in executive session during the December meeting. A written evaluation will be the basis for a contract extension with formal board action taken at a December meeting.

In the first year of a new superintendent's employment, the Board is required by state statute to evaluate the Superintendent twice during that employment year. The December review will constitute the first evaluation with a second review to follow in June.

Legal Reference: 79-824, 79-828

Policy adopted: April 10, 2023

Amherst Public School  
Amherst, Nebraska

## **Policy: 710**

### **ADMISSION REQUIREMENTS**

#### Minimum Age:

A child shall be eligible for admission into kindergarten at the beginning of the school year if the child is five years of age on or before July 31 of the calendar year in which the school year for which the child is seeking admission begins). The School Board may admit a child who will reach the age of age of five years on or after August 1 and on or before October 15 of such school year) if the parent or guardian requests such entrance and provides an affidavit stating that (i) the child attended kindergarten in another jurisdiction in the current school year; (ii) the family anticipates a relocation to another jurisdiction that would allow admission within the current year; or (iii) the child has demonstrated through the Developmental Assessment of Young Children (DAYC) examination that the child is capable of handling the work of kindergarten.

The school psychologist, speech pathologist, and a kindergarten teacher will use the DAYC to assess the child's cognitive, communication, social-emotional, physical and adaptive behavior development. The school psychologist, speech pathologist and kindergarten teacher will evaluate DAYC results to determine the child's readiness for kindergarten.

#### Kindergarten Admission Process

Class size is set by the Board annually. All resident students and children of staff members are accepted. Option families that are new to the district must fill out an application. Priority shall be accorded in the following order: (1) Group I, students who attended preschool in Amherst (2) Group II, options students who are new to the District.

A computer generated lottery will be held on the 1st Wednesday of March for each group until the class reaches capacity.

Parents of potential Kindergarten students may pick up an Kindergarten application at the office the 1<sup>st</sup> Monday after the start of the school year.

#### Graduates:

A student who has received a high school diploma or received a General Equivalency Diploma shall not be eligible for admission or continued enrollment.

#### Age 21:

A student shall not be admitted or continued in enrollment after the end of the school year in which the student reaches the age of 21. The school year for this purpose ends at the last day of instruction for graduating seniors.

#### Birth Certificate, Physical, Visual Evaluation and Immunization:

The parents or legal guardian shall furnish:

(1) A certified copy of the student's birth certificate issued by the state in which the child was born, upon admission of a child for the first time, shall be provided within 30 days of enrollment. Other reliable proof of the child's identify and age, accompanied by an affidavit explaining the inability to produce a copy of the birth certificate, may be used in lieu of a birth certificate. An affidavit is defined as a notarized statement by an individual who can verify the reason a copy of the birth certificate cannot be produced. (Failure to provide the birth certificate does not result in non-enrollment or disenrollment, but does result in a referral to local law enforcement for investigation).

(2) Evidence of a physical examination by a physician, physician assistant, or nurse practitioner, within six months prior to the entrance of the child into the beginner grade

and the seventh grade or, in the case of a transfer from out of state, to any other grade, unless the parent or legal guardian submits a written statement objecting to a physical examination.

(3) Evidence of a visual evaluation by a physician, a physician assistant, an advanced practice registered nurse, or an optometrist, within six months prior to the entrance of the child into the beginner grade or, in the case of a transfer from out of state, to any other grade, unless the parent or legal guardian submits a written statement objecting to a visual evaluation. The visual evaluation is to consist of testing for amblyopia, strabismus, and internal and external eye health, with testing sufficient to determine visual acuity.

(4) Evidence of protection against diphtheria, tetanus, pertussis, polio, measles, mumps, and rubella, Hepatitis B, Varicella (chicken pox) and Haemophilus Influenza type b (Hib) and other diseases as required by applicable law, by immunization, prior to enrollment, unless the parent or legal guardian submits a written statement refusing immunization or meets other exceptions established by law.

(5) On and after July 1, 2010, every student entering the seventh grade shall have a booster immunization containing diphtheria and tetanus toxoids and an acellular pertussis vaccine which meets the standards approved by the United States Public Health Service for such biological products, as such standards existed on January 1, 2009.

The Superintendent or Superintendent's designee shall notify the parent or guardian in writing of the foregoing requirements and of the right to submit affidavits or statements to object to the requirements, as applicable. The Superintendent or Superintendent's designee shall also provide a telephone number or other contact information to assist the parent or guardian in receiving information regarding free or reduced-cost visual evaluations for low-income families who qualify.

A student who fails to meet the foregoing requirements shall not be permitted to enroll or to enter school, or if provisionally enrolled or enrolled without compliance, shall not be permitted to continue in school until evidence of compliance or an exemption from compliance is given.

#### Enrollment of Expelled Students

If a student has been expelled from any public school district in any state, or from a private, denominational, or parochial school in any state, and the student has not completed the terms or time period of the expulsion, the student shall not be permitted to enroll in this school district until the expulsion period from such other school has expired, unless the School Board of this school district in its sole and absolute discretion upon a proper application approves by a majority vote the enrollment of such student prior to expiration of the expulsion period. As a condition of enrollment, the School Board may require attendance in an alternative school, class or educational program pursuant to Nebraska law until the terms or time period of the original underlying expulsion are completed. A student expelled from a private, denominational, or parochial school or from any public school in another state, will not be prohibited from enrolling in the public school district in which the student resides or in which the student has been accepted pursuant to the enrollment option program for any period of time beyond the time limits placed on expulsion, pursuant to the Student Discipline Act, or for any expulsion for an offense for which expulsion is not authorized for a public school student under such Act. For purposes of this policy, the term expulsion or expelled includes any removal from any school for a period in excess of twenty (20) school days.

#### Military Families

If a parent presents evidence to the District of military orders that military family will be stationed in the State of Nebraska during the current or following school year, the District will enroll preliminarily the parent's students.

#### **Option Enrollment Admission Process**

A. Process and Time Lines to Option In

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

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

Provisions for Waiver of Application Deadline

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

B. Rejection of Applications; Reasons

1. Capacity: An option enrollment application shall be rejected in the event the capacity of a program, class, grade level, or school building or the availability of appropriate special education programs operated by the School District would be exceeded by acceptance of the application, and an option enrollment application shall be rejected in the event the application is for enrollment in a program, class, grade level, or school building which has been declared unavailable to option students due to lack of capacity.

2. Timeliness: An option enrollment application shall be rejected in the event the application is not filed on a timely basis and the filing deadline has not been waived.

3. Previous Option Enrollment: An option enrollment application shall be rejected in the event the student has previously filed an option enrollment application for enrollment in any School District and has had such application accepted, unless a statutory exception to the "one-time" rule is applicable to the student's circumstance.

4. Other Reasons: 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.

- VI. An option enrollment application may be rejected in the event the Superintendent, the Superintendent's designee, or the School Board determines: The application is not submitted on a form prescribed by the State Department of Education, is not completely and accurately filled in, is not received within the time required by law, or any additional information requested to be supplied is not supplied to the School District within the time lines indicated; or in the event acceptance of the application is not required by law.
- VII. The school district shall accept an option student 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. 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, or previous disciplinary proceedings.

B. Priority of Acceptance

Priority shall be accorded to those applications required to be given priority by law.

Filing date determinations are made by the Superintendent, or the Superintendent's designee. In the event applications within a group are received at the same or substantially the same time, priority as between such same-date applications shall be determined on the basis of random drawing.

C. Determination of Capacity

The School Board will determine and set, on an annual basis, the maximum number of option enrollment applications the School District will accept 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, and may declare a program, class or school unavailable to option students due to lack of capacity. The determination and declaration made for any school year shall continue in effect for the next and subsequent school years unless otherwise determined and/or declared. Capacity for grade level and special education programs are set at:

Kindergarten through 5 <sup>th</sup> grade	23 students
6 <sup>th</sup> through 12 grade	28 students
K-12 special education programs	20 students
K-12 speech language program	30 students

Current employees' children are exempt from education capacity requirements. A family may not circumvent the purpose of this policy by enrolling a child in a class that has not reached capacity one year and then optioning a sibling into a class that is at capacity the next.

D. Releases for Options Out

A request for release of a resident student of the Amherst Public School District who submits an enrollment option application after March 15 or any other statutory deadline will be granted unless the release shall not be granted if the administration is considering or has recommended expulsion of the student at the time the application is filed, and the administration determines it is appropriate to complete the expulsion process.

The Superintendent or the Superintendent's designee is hereby authorized to execute such releases on behalf of the School Board and the School District, subject to subsequent ratification by the School Board.

E. Notification of Acceptance or Rejection

In the case of an application to option enroll into the Amherst Public School District, the Superintendent or the Superintendent's designee shall notify, in writing, the parent or legal guardian of the student, the resident school district, and the State Department of Education whether the application is accepted or rejected on or before April 1 or, in the case of an application submitted after March 15, within sixty days after submission.

If an option enrollment application or a request for release is rejected by the Amherst Public School District, the Superintendent or the Superintendent's designee shall provide written notification to the parent or guardian stating the reasons for the rejection and the process for appealing such rejection to the State Board of Education. Such notification shall be sent by certified mail.

F. Status of Option Student

A student who is admitted under the enrollment option program shall be treated as a resident student, and in such regard shall be required to provide such enrollment information and documentation as is required for enrollment of other students (e.g., certified birth certificate and evidence of physical examination, visual evaluation and immunization), shall be required to be enrolled on a full-time basis, and shall be required to adhere to student conduct rules. The building assignment for an option student, as well as classroom and grade level assignments, shall be determined by the administration.

An option student shall not be entitled to transportation except as required by law.

G. Information Regarding Schools, Programs, Policies and Procedures.

As part of the option enrollment program, the administration shall make information about the Amherst Public Schools and its school, programs, policies and procedures available to all interested persons and shall have a copy of the option enrollment policy and regulations available at each school building.

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

Students shall be admitted to the School District, upon request and without charge, who are:

I. A resident of the School District for purposes of school enrollment. A student is a resident of the School District if the student resides in the School District or at least one of the student's parents resides in the School District.

II. A homeless student. The following definition shall be used to determine which students fit this category:

A homeless individual is one who (1) lacks a fixed, regular, and adequate nighttime residence and (2) has a primary nighttime residence in a supervised publicly or privately

operated shelter designed to provide for temporary accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings. The term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained by an Act of Congress or State law.

III. Approved for option enrollment into the School District.

Students may be admitted to the School District, or continue in enrollment, where:

1. The student is not a resident of the School District and is a resident of Nebraska. Such enrollment shall be pursuant to a contract between the Boards of Education of the School District and the school district in which the student is a resident and upon the collection of tuition pursuant to such contract. The amount of tuition shall be no less than the average cost per pupil as determined by the previous year's financial report.

2. The student is not a resident of the School District and is a resident of another State. Such enrollment shall be subject to collection of tuition in advance at a rate determined by the School Board. The amount of tuition shall be no less than the average cost per pupil as determined by the previous year's financial report.

3. The student is participating in an approved Foreign Exchange Program.

4. The student is a child of a member of the military on active duty and residing on certain property ceded to the United States and stationed in, near or adjacent to the School District, and children of employees of the federal government residing in Nebraska on national parks or national monuments within the State in, near or adjacent to the School District. Such discretionary admission shall be without charge for tuition.

5. The student's residency in the School District ceases during the school year. In such case, the student may be allowed to continue attending the School District for the remainder of that school year.

A child who is a ward of the state or court and (1) has been placed in the School District but had resided in a different school district at the time the child became a ward and does not reside in a foster family home, or (2) has been placed in an institution which maintains a State-approved special education program, may be enrolled in the School District to the extent required by law. In such event, costs of education and transportation are to be paid by the State, but not in advance. The child remains a resident of the school district in which the child resided at the time the child became a ward.

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

A child who is not a ward of the state or court and who is residing in a residential setting in the School District for reasons other than to receive an education is subject to the following: First, if the residential setting does not maintain an interim-program school, the School District will provide the educational services to the child pursuant to a contract with the school district in which the child resided immediately prior to such placement, as and to the extent required by law.

This is subject to the parent or guardian and such other school district agreeing to have such other school district provide the educational services. Second, if the residential setting does maintain an interim-program school, the child's educational services will be provided by the interim-program school without the School District's involvement. However, the School District may provide educational services to the child pursuant to a contract with the school district in which the child resided immediately prior to such placement.

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

Legal Reference: Neb. Rev. Stat. ' 79-215 (residency and admission)

Neb. Rev. Stat. ' 79-215 (children of military or federal employee parent)

Neb. Rev. Stat. ' ' 79-232 to 79-246 (option enrollment)

42 U.S.C. § 11431 et. seq. (McKinney-Vento Homeless Assistance Act)

NDE Rule 9

Date of Adoption: June 8, 2020

## **710 Attachments**

### **FORMS FOR HEALTH RELATED ADMISSION REQUIREMENTS**

- 1. Notice of Requirements for Student Admission—Birth Certificate, Immunization, Physical Examination and Visual Evaluation**
- 2. Immunization—Affidavit of Refusal—For Reason of Religious Conflict**
- 3. Immunization—Affidavit of Refusal—For Reason of Religious Conflict (Alternative: HHS Form)**
- 4. Immunization—Affidavit of Refusal—For Medical Reason (HHS Form)**
- 5. Immunization—Medical Documentation of Varicella (Chickenpox) Disease (HHS Form)**
- 6. Physical Examination or Visual Evaluation---Parent Objection Form**
- 7. Waiver of Physical Examination/Visual Evaluation Requirement (HHS Form)**
- 8. HHS Summary of the School Immunization Rules and Regulations 2009-2010**
- 9. Request for Non-Disclosure of High School Personal Information to Institutions of Higher Education and Military Recruiters**
- 10. Section 9528. Armed Forces Recruiter Access to Students and Student Recruiting Information**
- 11. Affidavit (For Child to Enroll Early in Kindergarten)**

**NOTICE OF REQUIREMENTS FOR STUDENT ADMISSION—  
BIRTH CERTIFICATE, IMMUNIZATION, PHYSICAL EXAMINATION  
AND VISUAL EVALUATION**

Nebraska law requires that the parents or legal guardian furnish the following documents as a condition of admission to school:

1. A certified copy of the student's birth certificate issued by the state in which the child was born, prior to admission of a child for the first time. Other reliable proof of the child's identify and age, accompanied by an affidavit explaining the inability to produce a copy of the birth certificate, may be used in lieu of a birth certificate. An affidavit is defined as a notarized statement by an individual who can verify the reason a copy of the birth certificate cannot be produced. (Failure to provide the birth certificate does not result in non-enrollment or disenrollment, but does result in a referral to local law enforcement for investigation).
2. Evidence of a physical examination by a physician, physician assistant, or nurse practitioner, within six months prior to the entrance of the child into the beginner grade and the seventh grade or, in the case of a transfer from out of state, to any other grade, unless the parent or legal guardian submits a written statement objecting to a physical examination.
3. Evidence of a visual evaluation (for school year 2008-2009 and each school year thereafter) by a physician, a physician assistant, an advanced practice registered nurse, or an optometrist, within six months prior to the entrance of the child into the beginner grade and the seventh grade or, in the case of a transfer from out of state, to any other grade, unless the parent or legal guardian submits a written statement objecting to a visual evaluation. The visual evaluation is to consist of testing for amblyopia, strabismus, and internal and external eye health, with testing sufficient to determine visual acuity.
4. Evidence of protection against diphtheria, tetanus, pertussis, polio, measles, mumps, and rubella, Hepatitis B, Varicella (chicken pox) and Haemophilus Influenza type b (Hib) and other diseases as required by applicable law, by immunization, prior to enrollment, unless the parent or legal guardian submits a written statement refusing immunization or meets other exceptions established by law (refer to Health and Human Services regulations, 173 NAC 3).
5. On and after July 1, 2010, 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.

**AFFIDAVIT OF REFUSAL OF IMMUNIZATION--  
FOR REASON OF RELIGIOUS CONFLICT  
(For School Admission)**

The undersigned, being first duly sworn, states upon oath as follows

This affidavit is submitted for the following child:\_\_\_\_\_.

I state that I am submitting this affidavit in the position of (*initial* as appropriate):

\_\_\_\_\_ Self, as I am the child and I am of the age of majority

\_\_\_\_\_ As a legally authorized representative of the child based on (insert description of legal authority; e.g., parent or legal guardian):

\_\_\_\_\_

I understand that state law requires that the child be protected by immunization against certain contagious diseases prior to enrollment in school. I hereby swear and affirm that such immunization requirements (*initial* as applicable):

\_\_\_\_\_ Conflict with the tenets and practice of a recognized religious denomination of which the child is an adherent or member; or

\_\_\_\_\_ Conflict with the personal and sincerely followed religious beliefs of the child.

I will not hold [Name] Public Schools responsible for any injury or harm caused by or relating to such refusal to obtain immunization for the child.

**IN WITNESS WHEREOF**, this affidavit is signed and acknowledged this\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Affiant

STATE OF NEBRASKA )

)

ss.

COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**AFFIDAVIT**

**Refusal of Immunization of Student for Religious Reasons**

State of Nebraska

ss.

County of

**This Affidavit is being submitted on behalf of**

\_\_\_\_\_ (Name of Student)

\_\_\_\_\_ (Birthdate of Student)

**If the student is of the age of majority:**

I, \_\_\_\_\_, of lawful age and being first duly sworn,  
(Name of Affiant/Student)  
depose and state as follows:

Immunization conflicts with the tenets and practice of a recognized religious denomination of which I am an adherent or member or immunization conflicts with my personal and sincerely followed religious beliefs.

**If the student is a minor:**

I, \_\_\_\_\_, as legally authorized representative of  
(Name of Affiant)

\_\_\_\_\_, of lawful age and being first duly sworn,  
(Name of Student)  
depose, and state as follows:

Immunization conflicts with the religious tenets and practice of a recognized religious denomination of which the student is an adherent or member or immunization conflicts with the student's personal and sincerely followed religious beliefs.

(Signature of Affiant)

**SUBSCRIBED AND SWORN** to before me this \_\_\_\_\_ day of \_\_\_\_\_

Notary Public



**Documentation of Varicella (Chickenpox) Disease**

(To be filled out by the parent, guardian, or medical provider of the child/student)

This document is being submitted on behalf of:

\_\_\_\_\_

\_\_\_\_\_

I \_\_\_\_\_ verify that the above listed child/student  
Parent/Guardian/Medical Provider

had the varicella disease in \_\_\_\_\_ (year).

\_\_\_\_\_  
(Signature of parent/guardian/medical provider)

**PARENT OBJECTION TO  
PHYSICAL EXAMINATION OR VISUAL EVALUATION  
(For School Admission)**

I am the parent or guardian of the following children who are enrolling in the beginner grade or seventh grade in [Name] Public Schools, or who are transferring from out of state into any grade in [Name] Public Schools:

Child No. 1: \_\_\_\_\_

Child No. 2: \_\_\_\_\_

I understand that state law requires that the school be provided with: (1) evidence of a physical examination by a physician, physician's assistant, or nurse practitioner and (2) a visual evaluation by a physician, a physician assistant, an advanced practice registered nurse, or an optometrist. The physical examination and visual evaluation is required to be completed within six months prior to the entrance of the child into the beginner grade and the seventh grade or, in the case of a transfer from out of state, to any other grade. The visual evaluation is to consist of testing for amblyopia, strabismus, and internal and external eye health, with testing sufficient to determine visual acuity. No such physical examination or visual evaluation shall be required of any child whose parent or guardian objects in writing.

I hereby object in writing to the:

\_\_\_ physical examination

\_\_\_ visual evaluation

(check one or both)

for the above named child(ren). I will not hold Amherst Public Schools responsible for any injury or harm caused by or relating to such refusal to obtain a physical examination or visual evaluation for the above named child(ren).

Dated this \_\_\_ day of \_\_\_\_\_, 20\_.

Parent or Guardian \_\_\_\_\_

*[Legal Reference: Neb. Rev. Stat. sections 79-214(3) and 79-220]*

**Summary of the School Immunization Rules and Regulations  
2009-2010**

Student Age Group	Required Vaccines
2-5 year olds enrolled in a school based program not licensed as a child care provider	4 doses of DTaP, DTP, or DT vaccine, 3 doses of Polio vaccine, 3 doses of Hib vaccine or 1 dose of Hib given at or after 15 months of age, 3 doses of pediatric Hepatitis B vaccine, 1 dose of MMR or MMRV given on or after 12 months of age, 1 dose of varicella (chickenpox) or MMRV given on or after 12 months of age. Written documentation (including year) of varicella disease from parent, guardian, or health care provider will be accepted.
Students entering school for the first time (K or 1 <sup>st</sup> Grade)	3 doses of DTaP, DTP, DT, or Td vaccine, one given on or after the 4 <sup>th</sup> birthday, 3 doses of Polio vaccine, 3 doses of pediatric Hepatitis B vaccine or 2 doses of adolescent vaccine if student is 11-15 years of age. 2 doses of MMR or MMRV vaccine, given on or after 12 months of age and separated by at least one month, 1 dose of varicella (chickenpox) or MMRV if given on or after 12 months of age and prior to 13 years of age. If given at over 13 years of age, 2 doses of varicella (no MMRV), separated by at least one month. Written documentation (including year) of varicella disease from parent, guardian, or health care provider will be accepted. (For the 2009-2010 school year this includes students in grades kindergarten, 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 9 <sup>th</sup> , 10 <sup>th</sup> , 11 <sup>th</sup> and 12 <sup>th</sup> graders, plus all out of state transfer students).
Students entering 7 <sup>th</sup> Grade	
Transfer students from outside the State of Nebraska, regardless of grade (includes any foreign students)	
All students not listed above (grades 1 through 6 and 8 through 12)	3 doses of DTaP, DTP, DT, or Td vaccine, one given on or after the 4 <sup>th</sup> birthday, 3 doses of polio vaccine 3 doses of pediatric Hepatitis B vaccine or 2 doses of adolescent vaccine if student is 11-15 years of age 2 doses of MMR or MMRV vaccine, given on or after 12 months of age and separated by at least one month, For the 2009-2010 school year Varicella is required for kindergartners, 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 9 <sup>th</sup> , 10 <sup>th</sup> , 11 <sup>th</sup> and 12 <sup>th</sup> graders, plus all out of state transfers.

**Request For Non Disclosure  
Of High School Student Personal Information  
To Institutions of Higher Education or Military Recruiters**

I hereby request that the name, address, and telephone listing of \_\_\_\_\_ (name of student), a high school student at [Name] Public Schools, not be released without prior parental consent to:

\_\_\_\_\_ institutions of higher education  
\_\_\_\_\_ military recruiters  
(check one, both, or none)

Signed by: \_\_\_\_\_ Student    \_\_\_\_\_ Parent    (Check One)

\_\_\_\_\_ Signature/Date

\_\_\_\_\_ Print Name

\_\_\_\_\_ Address

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

*Note to students/parents: This certificate can be signed by either student or a parent. The provision of this form does not reflect the position of [Name] Public Schools that the request for non-disclosure should or should not be made.*

“SEC. 9528. ARMED FORCES RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION.

“(a) POLICY.—

“(1) ACCESS TO STUDENT RECRUITING INFORMATION.—Notwithstanding section 444(a)(5)(B) of the General Education Provisions Act and except as provided in paragraph (2), each local educational agency receiving assistance under this Act shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students names, addresses, and telephone listings.

“(2) CONSENT.—A secondary school student or the parent of the student may request that the student’s name, address, and telephone listing described in paragraph (1) not be released without prior written parental consent, and the local educational agency or private school shall notify parents of the option to make a request and shall comply with any request.

“(3) SAME ACCESS TO STUDENTS.—Each local educational agency receiving assistance under this Act shall provide military recruiters the same access to secondary school students as is provided generally to post secondary educational institutions or to prospective employers of those students.

20 USC 7908.

